

# **HOW TO FILE A WAGE CLAIM COMPLAINT WITH A MAGISTERIAL DISTRICT COURT**

## **WHO SHOULD FILE A COMPLAINT WITH THE MDJ?**

- ❖ If you believe you have a wage claim against your current or former employer and the amount in dispute is less than \$8,000, you can file a civil complaint with a local magisterial district court.
- ❖ To determine the correct filing location, please keep in mind that you must file with the magisterial district court where:
  1. The individual you are suing can be served with the complaint; OR
  2. The cause of action arose; Or
  3. A transaction or occurrence took place out of which the cause of action arose.

For purposes of filing a wage claim against an employer, you can use the address of your place of employment to find the correct Magisterial District Judge. This website [http://www.alleghenycourts.us/district\\_justices/search.asp](http://www.alleghenycourts.us/district_justices/search.asp) allows you to type in your employer's street address and zip code to find the correct filing location.

- ❖ You must obtain a Civil Complaint form which is available at your local Magisterial District Judge's office, or online at <http://www.aopc.org/NR/rdonlyres/1AC033BB-1F6D-4C09-933F-76173C40EA83/0/AOPC308A11.pdf>.

## **HOW TO COMPLETE & FILE THE COMPLAINT**

1. List your name and address in the box marked "Plaintiff"
2. List your employer's name and address in the box marked "Defendant"
3. Enter the specific amount of money you are seeking from your employer. Be as accurate as possible!
4. In the space provided, state your claim. Indicate that you are filing a wage claim under the Pennsylvania Wage Payment & Collection Act. List your job position, dates or employment, and time period for which you are owed wages. Also indicate how you calculated the total amount of money owed to you.
5. Sign the complaint

You must then take the complaint to the magisterial district judge's office and file the complaint in person. Please note that there are filing fees and costs included with filing the complaint and the amount of these fees can vary from office to office. Ask the court staff for fee waiver

**REMEMBER.** The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice. Please use the information found in this brochure carefully since the law is constantly changing and the information may not accurately reflect any changes in the law that occurred following the creation and publication of the brochure.

petition, also referred to as an Application to Proceed In Forma Pauperis, so that you can request to proceed without paying the filing costs.

Once you file the complaint with the correct Magisterial District Judge, the office typically provides notice to the other party. You will not have to do anything further unless the office tells you otherwise.

### **HOW TO PREPARE FOR YOUR HEARING**

- ❖ **Know your facts:** Make sure you are clear about the dates of your employment, the terms regarding how you were to be paid, the specific amount of money owed to you, and how you calculated that amount
- ❖ **Gather evidence:**
  - If you have receipts, records, pay stubs, emails, etc. that pertain to the wages owed to you, organize them and bring them to the hearing
  - If you have co-workers that can testify on your behalf, ask them to attend the hearing as witnesses
- ❖ **Do your research:**
  - Make sure you know the location of the Magistrate's office so that you won't get lost on your hearing date