



GUIDE TO RESTITUTION FUNDS

WHAT IS THE WORKER RESTITUTION FUND?

Workers who have a final wage theft determination, court judgment or verified claim against a **Car Wash (CW)**, **Garment Manufacturing (GM)**, or **Farm Labor Contractor (FLC)** employer may be able to collect monies from a restitution fund established by the legislature. The legislature established certain criteria that have to be met in order to obtain payment from the fund.

These restitution funds are provided by statute as follows:

- **Garment Special Fund** (Labor Code §2675.5)
- **Farm Worker Remedial Account** (Labor Code §1684(a)(4))*
- **Car Wash Worker Restitution Fund** (Labor Code §2065)*

* Other requirements are in the regulations at 8 CCR § 13694 (CW); 8 CCR § 13667 and 8 CCR § 13667.4 (FLC).

WHO IS

ELIGIBLE TO REQUEST FUNDS FROM THE RESTITUTION FUND?

A **garment worker**, a **farm worker** or a **car wash worker** who has a final unpaid wage determination from the Labor Commissioner's Office, a court decision, or a verified unpaid wage claim can make a request for **unpaid wages or certain other employment-related damages and penalties** to the applicable Restitution Fund. Please note that a worker's immigration status is irrelevant to a restitution fund claim.

Restitution Fund	Garment Special Fund (Labor Code §2675.5)	Farm Worker Remedial Account (Labor Code 1684(a)(4))	Car Wash Worker Restitution Fund (Labor Code §2065)
Eligible Worker for	Garment Worker	Farm Worker	Car Wash Worker
Employment with	Garment Manufacturing (GM) Industries	Farm Labor Contractor (FLC)	Car Wash (CW) Industries



A Garment worker is an employee who is involved in the preparation of any garment or any article of apparel or accessories designed or intended to be worn by any individual for another person, such as: sewing, cutting, making, processing, repairing, finishing, assembling, dyeing, altering a garment's design, causing another person to alter a garment's design, or affixing a label on a garment. Garments include but are not limited to clothing, hats, gloves, handbags, hosiery, ties, scarfs, or belts.



A Car wash worker is an employee who renders actual car washing and polishing services.



An eligible Farm Worker is an employee of a licensed or unlicensed Farm Labor Contractor who charges a fee to hire workers to render services in connection with the growing or production of any farm products for a grower, farmer, or producer.

WHO SHOULD I CONTACT

TO MAKE A RESTITUTION FUND REQUEST?

The deputy assigned to your case will contact you by email, phone or regular mail to request necessary documents to initiate the process, or you or your advocate may contact the assigned deputy directly to make a request. You'll find contact information for the Labor Commissioner's Offices here:



-  <https://www.dir.ca.gov/dlse/DistrictOffices.htm>
-  **Or call: 1-833-526-4636 Monday-Friday 8AM-5PM**



WHAT DOCUMENTS DO I NEED

TO BEGIN THE PROCESS?

- Proof of identification (government issued identification card, including foreign countries or attestation by an LCO professional confirming identity)
- Proof of Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN)
- Completed and signed Payee Data Record (STD 204) and Payee Data Record Supplement (STD 205)

-  In certain circumstances, an Assignment of Judgment or an attempt at a demand on an Employer Bond may be required
-  If you have concerns or issues about getting an ITIN, please contact your deputy assigned to the case immediately. Immigration status is not relevant to an ITIN application.

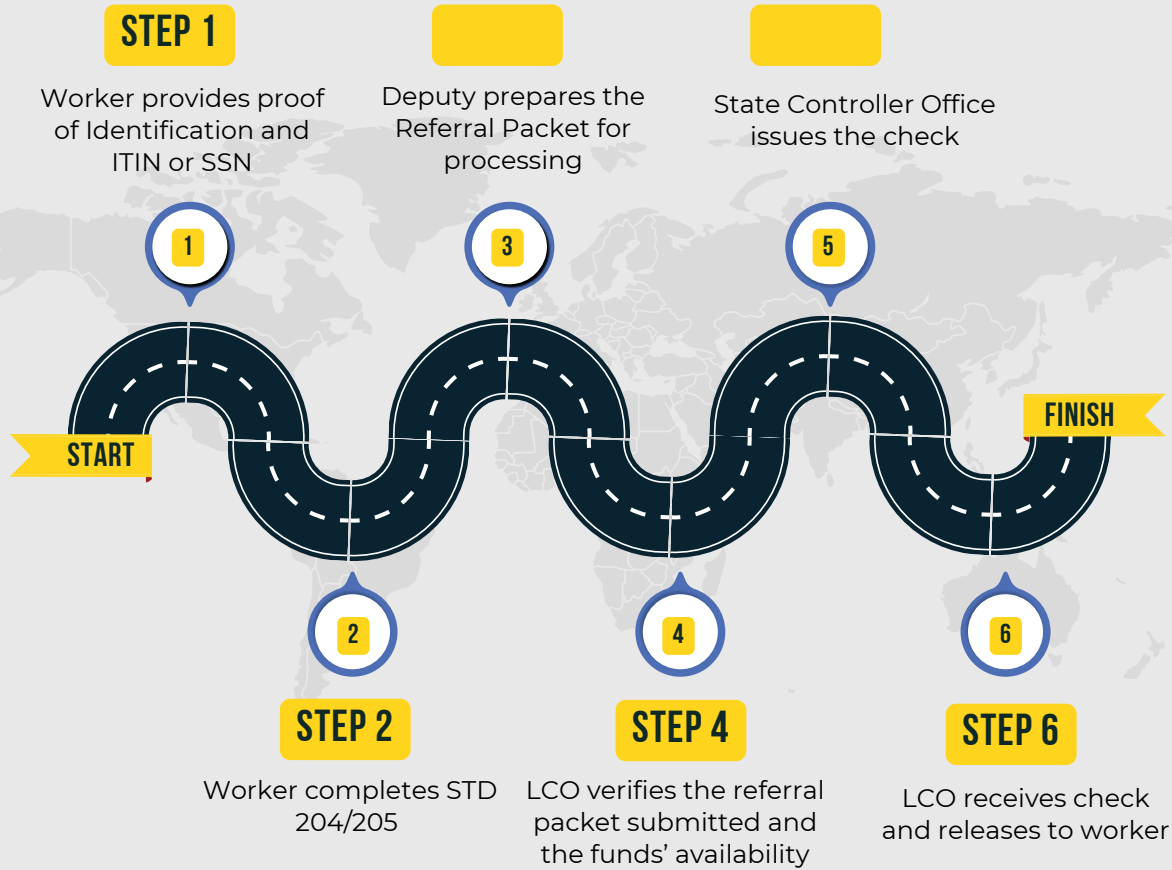


WHAT HAPPENS

AFTER I SUBMIT THE REQUIRED/REQUESTED DOCUMENTS?

The Deputy assigned to your case will submit your Restitution Fund packet for verification. After the paperwork is verified and the applicable Restitution Funds are available, the State Controller's Office issues a check for the eligible amounts. The Deputy will contact you to make arrangements to release the check.

Note: the funds are replenished annually and are accessed on a first come, first served basis. In the event the funds are depleted, wait times could be extended.



HOW DO I OBTAIN OR RENEW AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN)?

An ITIN request requires completing and mailing a W-7 Form with original proof of identity and foreign status documents to the Internal Revenue Service (IRS) directly. You can contact the IRS directly at 800-829-1040 or visit the IRS's website for detailed information on the ITIN application or renewal process.

<https://www.irs.gov/individuals/how-do-i-apply-for-an-itin>

The IRS also offers in-person services of an IRS-authorized Certifying Acceptance Agent. This will prevent you from having to mail your proof of identity and foreign status documents.

