Filing A Notice of Appeal of a Labor Commissioner Decision

If an employee has a wage and hour dispute with his or her employer in California, the employee may file a claim with the California Department of Industrial Relations, Division of Labor Standards Enforcement. These matters are often settled or resolved without a hearing, or may be decided at an informal hearing. If the matter goes to hearing, the Labor Commissioner will issue an Order, Decision, or Award (ODA), which will be sent to each party.

Templates and Forms

- Notice of Appeal (DSLE-537) (http://www.dir.ca.gov/dlse/DLSE-537.pdf)
- Civil Case Cover Sheet (CM-010) (https://www.courts.ca.gov/documents/cm010.pdf)
- Proof of Service by First Class Mail (POS-030) (https://www.courts.ca.gov/documents/pos030.pdf)

A party disagreeing with the ODA may appeal this decision to the Superior Court. Unlike most appeals, where the court only reviews the evidence presented at the initial hearing and whether the applicable procedure was properly followed, the appeal of an ODA requests a new hearing in court. This new hearing is heard de novo (meaning “anew”), and the Superior Court considers nothing that took place at the prior Labor Commissioner hearing.

The appeal may be raised by either party; however, if the party raising the appeal is not successful, the court will assess and award costs and reasonably incurred attorney fees to the losing party. For purposes of this determination, an employee is considered successful if he or she is awarded any amount above $0. California Labor Code § 98.2(c).

If an employer files the appeal, the employer must post a bond from a licensed surety, or deposit cash with the court in the amount awarded to the employee in the ODA. If the employer is found liable, and does not pay the employee within 10 days, the employee may claim the amount of the new award, up to the bond or deposit amount from the court.

If an employer files an appeal to the Superior Court, the Labor Commissioner may represent the employee at the hearing.

Step-by-Step Instructions

1 Complete the Required Forms

Instructions for completing the necessary forms are included at the end of this packet.

Important: The *Notice of Appeal (DSLE-537)* (http://www.dir.ca.gov/dlse/DLSE-537.pdf) cannot be filed without a copy of your ODA (Order, Decision, or Award). In Sacramento, you must also include a copy of the complaint and any answer filed with the Labor Commissioner.

2 Make Copies

Make four (4) copies of each:

- Civil Case Cover Sheet (CM-010 (https://www.courts.ca.gov/documents/cm010.pdf))
- *Notice of Appeal* (DSLE-537) (http://www.dir.ca.gov/dlse/DLSE-537.pdf) (with attached ODA, complaint, and answers, if any)

In the Sacramento County Superior Court, because documents are scanned into a computer, any multiple page original documents are left unstapled, while each copy is stapled. In courts that do not electronically scan, all are stapled, and the original is two-hole punched at the top of the page for insertion into a folder.

3 Have Your Documents Served

The person who is serving your *Notice of Appeal* (DSLE-537) (http://www.dir.ca.gov/dlse/DLSE-537.pdf) for you must complete a proof of service form, typically a Proof of Service by First Class Mail (POS-030). (https://www.courts.ca.gov/documents/pos030.pdf) For more information, see our guide on Serving Documents by Mail. (https://www.saclaw.org/resource_library/serving-documents-by-mail/)

The Proof of Service should be completely filled out, but not signed. **Make a copy of the unsigned Proof of Service before proceeding.**

The server must then mail a copy of the *Notice of Appeal* (DSLE-537) (http://www.dir.ca.gov/dlse/DLSE-537.pdf) (with attached ODA), Civil Case Cover Sheet (CM-010) (https://www.courts.ca.gov/documents/cm010.pdf), and an unsigned copy of the Proof of Service by First Class Mail (POS-030). (https://www.courts.ca.gov/documents/pos030.pdf)

Both the Labor Commissioner, at the address shown on the ODA, and the other party (or the other party's attorney, if represented), must be served.

The person doing the serving then signs the Proof of Service and gives it back to you.

4 File Your Documents

The Appeal Packet is filed in the drop box on the second floor of the Tani G. Cantil-Sakauye Courthouse at 500 G Street, Second Floor, Sacramento CA 95814. Fill out and attach the Civil Document Drop-Off Sheet (https://www.saccourt.ca.gov/home/showpublisheddocument/861/639099448674370000) and date stamp the back of the original packet. A supply of Civil Document Drop-Off Sheets and a date stamp machine are located near the drop box.

Following the instructions posted at the drop box, place the unstapled original document packet plus two (2) copies of the packet in the drop box, along with a check or money order for the filing fee. Provide the court with a self-addressed stamped envelope with sufficient postage to facilitate the return of your documents to you. The court will process the paperwork, and return the copies, stamped "Endorsed/Filed," to you. The court will retain the original papers for its file.

At of the date of this Guide there is a $435 filing fee, unless your fees were waived. The current fee schedule (https://www.saccourt.ca.gov/home/showpublisheddocument/219/639084032985130000) is available on the Sacramento County Superior Court's website.

If you are the employer, you must deposit or post bond for the amount awarded on the ODA with the court. No bond is required for an employee.

The court will set and notify the parties and the labor commissioner of the new hearing.

Fee Waivers

If you qualify for a fee waiver, you may file a request with the court at the same time as filing your notice of appeal. For more information, see our Fee Waiver Guide (https://www.saclaw.org/resource_library/fee-waiver/) .

5 Attend the Hearings

The hearing will be held at the date, time, and department indicated on the notice of hearing sent by the court. The hearing will be informal, just like the prior hearing, but will be heard by a judge of the Superior Court. Nothing that took place at the prior hearing will be considered by the court. At the end of the hearing the court will issue a judgment that supersedes the prior ODA.

For More Information

In the Law Library:

Wage and Hour Manual for California Employers, KFC 575 .S55 2023

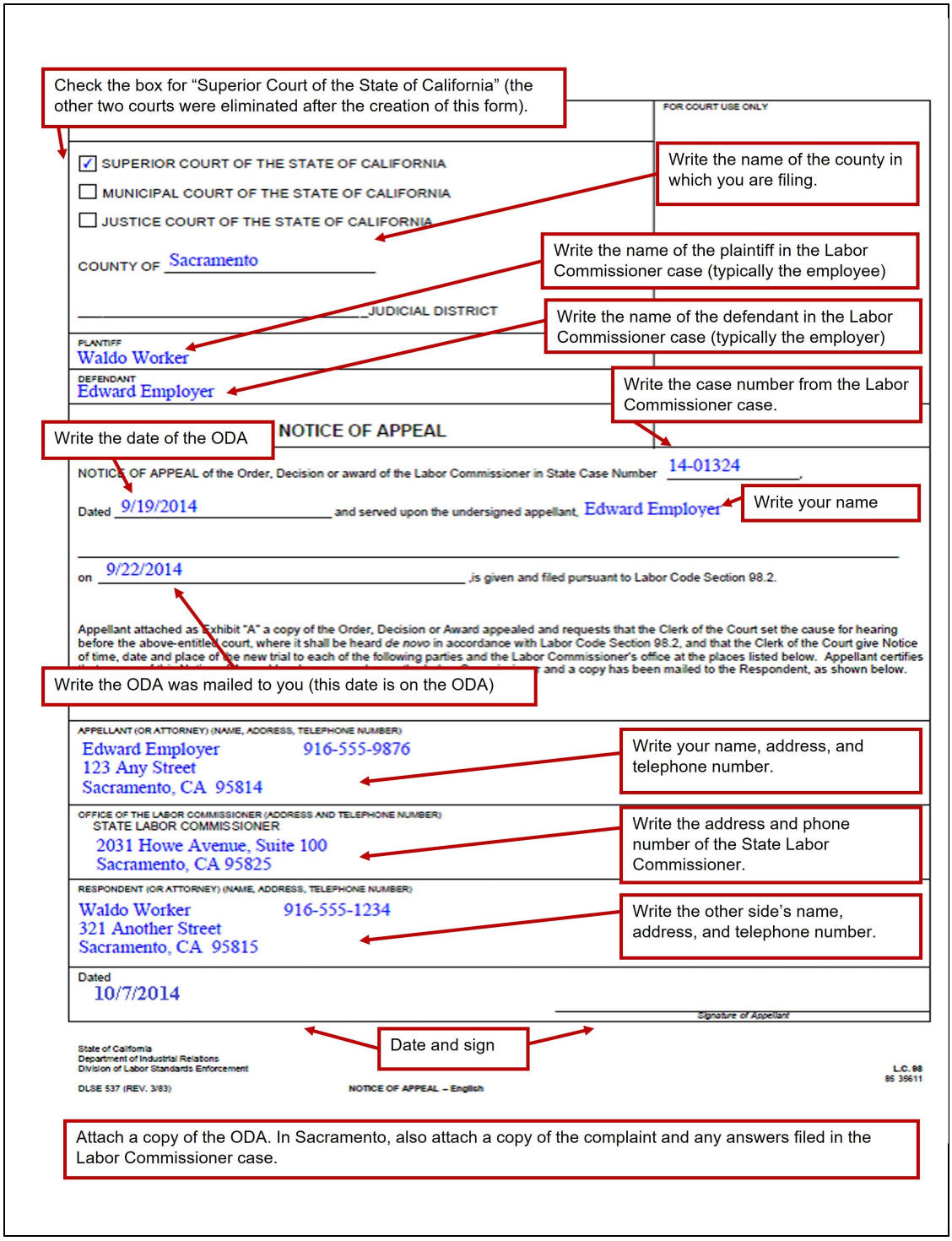
On the Web:

California Department of Industrial Relations

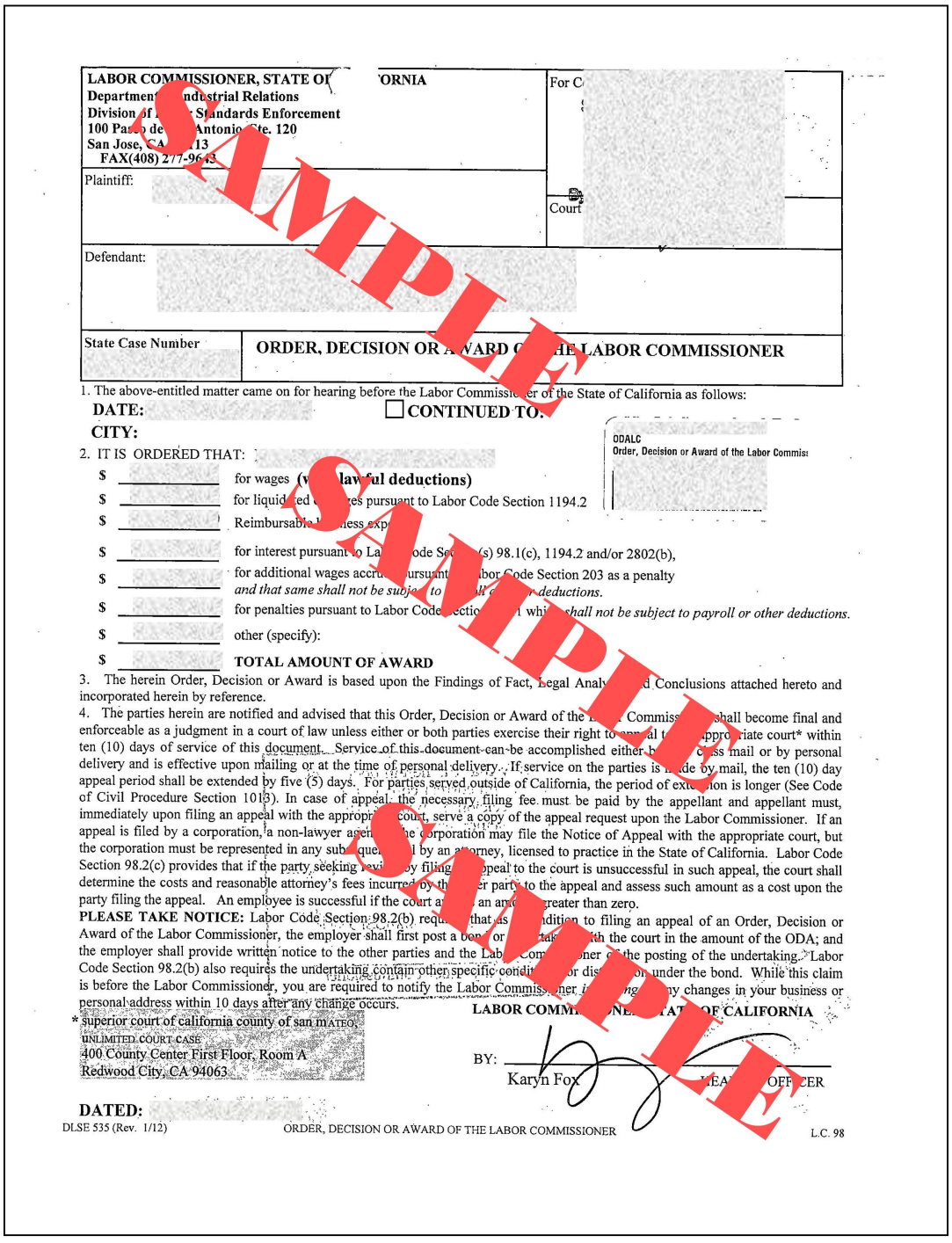
Policies and Procedures for Wage Claim Processing (https://www.dir.ca.gov/dlse/Policies.htm)

Samples

Notice of Appeal



Notice of Appeal (DSLE-537)



LABOR COMMISSIONER, STATE OF CALIFORNIA
Department of Industrial Relations
Division of Labor Standards Enforcement
100 Paseo de San Antonio, Ste. 120
San Jose, CA 95113
FAX(408) 277-9643

For C

Plaintiff:

Court

Defendant:

State Case Number

ORDER, DECISION OR AWARD OF THE LABOR COMMISSIONER

1. The above-entitled matter came on for hearing before the Labor Commissioner of the State of California as follows:
DATE:
CITY:
☐ CONTINUED TO:

ODALC
Order, Decision or Award of the Labor Commis

2. IT IS ORDERED THAT:

$ _____ for wages (w lawful deductions)
$ _____ for liquid d res pursuant to Labor Code Section 1194.2
$ _____ Reimbursable ess exp
$ _____ for interest pursuant to La ode Se s) 98.1(c), 1194.2 and/or 2802(b),
$ _____ for additional wages accru ursuant bor Code Section 203 as a penalty *and that same shall not be subj to deductions.*
$ _____ for penalties pursuant to Labor Code ectio 1 whi *shall not be subject to payroll or other deductions.*
$ _____ other (specify):
$ _____ **TOTAL AMOUNT OF AWARD**

3. The herein Order, Decision or Award is based upon the Findings of Fact, Legal Analy d Conclusions attached hereto and incorporated herein by reference.

4. The parties herein are notified and advised that this Order, Decision or Award of the Commiss shall become final and enforceable as a judgment in a court of law unless either or both parties exercise their right to appeal t ppro riate court* within ten (10) days of service of this document. Service of this document can be accomplished either b ss mail or by personal delivery and is effective upon mailing or at the time of personal delivery. If service on the parties is ade by mail, the ten (10) day appeal period shall be extended by five (5) days. For parties served outside of California, the period of exte ion is longer (See Code of Civil Procedure Section 1013). In case of appeal: the necessary filing fee must be paid by the appellant and appellant must, immediately upon filing an appeal with the appropri court, serve a copy of the appeal request upon the Labor Commissioner. If an appeal is filed by a corporation, a non-lawyer a en he corporation may file the Notice of Appeal with the appropriate court, but the corporation must be represented in any sub que l by an attorney, licensed to practice in the State of California. Labor Code Section 98.2(c) provides that if the party seeking evi by filing ppeal to the court is unsuccessful in such appeal, the court shall determine the costs and reasonable attorney's fees incurred by th er part to the appeal and assess such amount as a cost upon the party filing the appeal. An employee is successful if the court a an amo greater than zero.

PLEASE TAKE NOTICE: Labor Code Section 98.2(b) requ that as ndition to filing an appeal of an Order, Decision or Award of the Labor Commissioner, the employer shall first post a bon or th the court in the amount of the ODA; and the employer shall provide written notice to the other parties and the Lab Com ner of the posting of the undertaking. Labor Code Section 98.2(b) also requires the undertaking contain other specific condi or dis on under the bond. While this claim is before the Labor Commissioner, you are required to notify the Labor Commis ner i ng ny changes in your business or personal address within 10 days after any change occurs.

* superior court of california county of san mateo,
UNLIMITED COURT CASE
400 County Center First Floor, Room A
Redwood City, CA 94063

LABOR COMM ONE AT OF CALIFORNIA

BY: _____
Karyn Fox HEA OFFICER

DATED:

DLSE 535 (Rev. 1/12) ORDER, DECISION OR AWARD OF THE LABOR COMMISSIONER L.C. 98

SAMPLE SAMPLE SAMPLE

Sample Order, Decision or Award (DLSE 535)

Civil Case Cover Sheet

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY
NAME: EDWARD EMPLOYER
FIRM NAME:
STREET ADDRESS: 123 ANY STREET
CITY: Sacramento
TELEPHONE NO.: 916-123-4567
EMAIL ADDRESS:
ATTORNEY FOR (name): In Pro Per

Insert your name, mailing address, and phone number. "In Pro Per" means you are representing yourself.

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
STREET ADDRESS: 500 G Street
MAILING ADDRESS: 500 G Street
CITY AND ZIP CODE: Sacramento, CA 95814
BRANCH NAME: TCS

Enter the address of the court where you will be filing your petition.

CASE NAME:
WORKER vs. EMPLOYER

The "case name" is appellant name vs. appellee name.

CIVIL CASE COVER SHEET

[x] **Unlimited** (Amount demanded exceeds $35,000)
[ ] **Limited** (Amount demanded is $35,000 or less)

Complex Case Designation
[ ] Counter [ ] Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
JUDGE:
DEPT.:

Items 1–6 below must be completed (see instructions on page 2 and examples on page 3).

1. Check **one** box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Asbestos
- [ ] Asbestos (04)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/Unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [ ] Wrongful termination (36)
- [ ] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Song-Beverly Act: Motor Vehicle Lemon Law (49)
- [ ] Rule 3.740 collections (09)
- [ ] Other collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/Inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re arbitration award (11)
- [ ] Writ of mandate (02)
- [x] Other judicial review (39)

Employment Development Department (EDD)
- [ ] EDD decision review (48)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.404)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Comprehensive groundwater adjudication (47)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [ ] Other complaint *(not specified above)* (42)

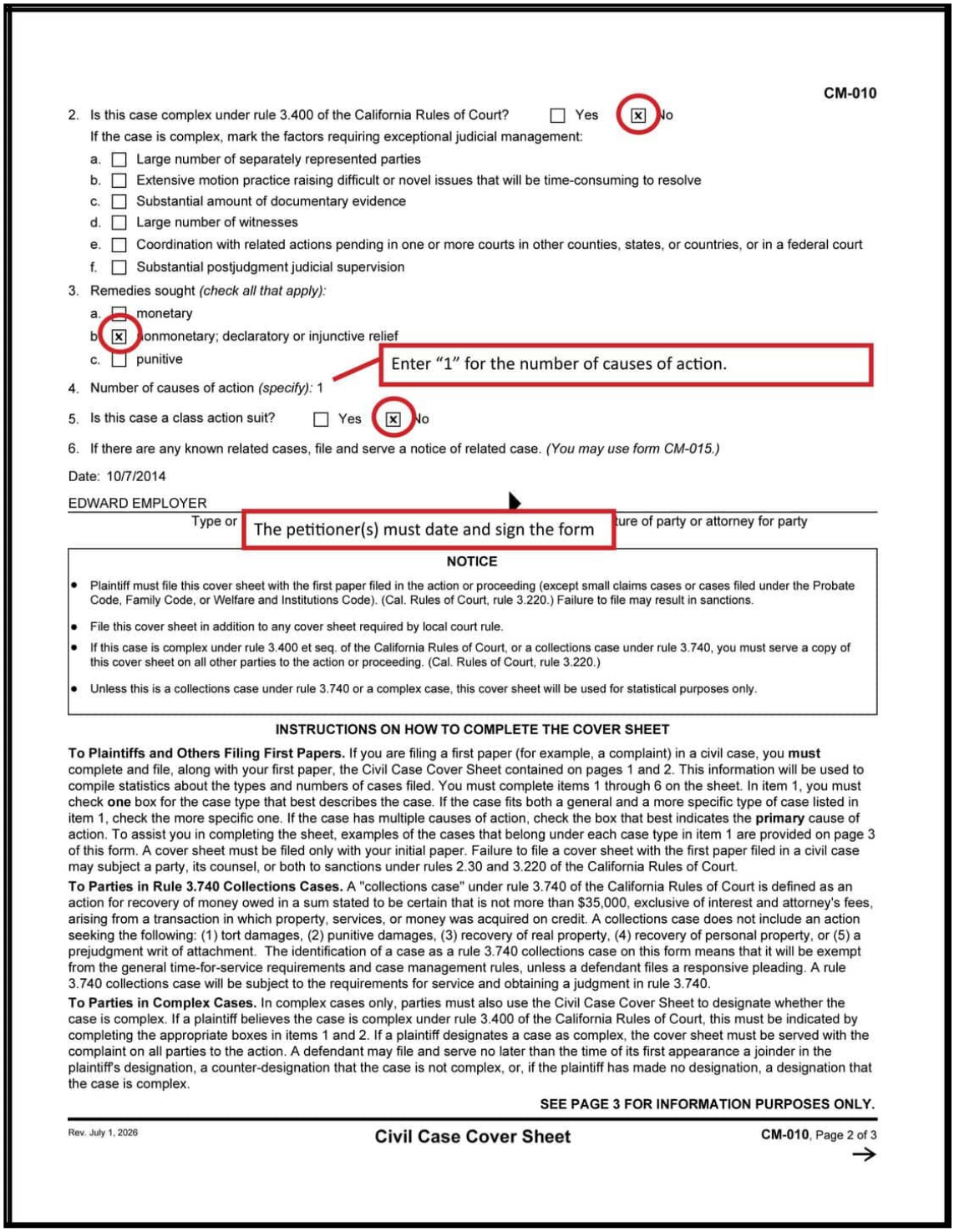
Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition *(not specified above)* (43)

Judicial Council of California, courts.ca.gov
Rev. July 1, 2026, Mandatory Form
Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740
Cal. Stds. Jud. Admin., std. 3.10

Civil Case Cover Sheet

CM-010, Page 1 of 3

Civil Case Cover Sheet (CM-010)(Page 1)



CM-010

2. Is this case complex under rule 3.400 of the California Rules of Court? ☐ Yes ☒ No
   If the case is complex, mark the factors requiring exceptional judicial management:
   a. ☐ Large number of separately represented parties
   b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. ☐ Substantial amount of documentary evidence
   d. ☐ Large number of witnesses
   e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*:
   a. ☐ monetary
   b. ☒ nonmonetary; declaratory or injunctive relief
   c. ☐ punitive
4. Number of causes of action *(specify)*: 1
5. Is this case a class action suit? ☐ Yes ☒ No
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Enter "1" for the number of causes of action.

Date: 10/7/2014

EDWARD EMPLOYER

Type or The petitioner(s) must date and sign the form ture of party or attorney for party

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, or a collections case under rule 3.740, you must serve a copy of this cover sheet on all other parties to the action or proceeding. (Cal. Rules of Court, rule 3.220.)
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on pages 1 and 2. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided on page 3 of this form. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 of the California Rules of Court is defined as an action for recovery of money owed in a sum stated to be certain that is not more than $35,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

SEE PAGE 3 FOR INFORMATION PURPOSES ONLY.

Rev. July 1, 2026 **Civil Case Cover Sheet** **CM-010**, Page 2 of 3

Civil Case Cover Sheet (CM-010)(Page 2)

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