

Please consult this guidance from our legal counsel at Davis Wright Tremaine regarding what to expect from a DOL investigation:

Recent US Department of Labor (DOL) activity has growers anxious about what to expect if a government inspector contacts them. The DOL has authority to investigate workplaces to ensure compliance with laws covering wage and hour rules, migrant and seasonal workers, and other topics. Each circumstance is different; if a DOL inspector contacts your workplace, we recommend promptly consulting an attorney to get advice on your specific situation. Below is some basic information on what to expect generally.

- How these things start:
 - The DOL may send a letter, call, or simply come to your vineyard, winery or office.
 - A letter may list information sought (like payroll records, records of hours worked, employee names and contact information, and more). It may state deadlines, with only a short window (72 hours) to secure an extension of time to gather documents. Diligent employers will read the letter carefully and treat it as high priority. An attorney can help you understand what to provide.
 - If you instead get a call or visit, you may have less time to prepare, but you can still contact an attorney for advice.
- What the DOL wants:
 - It depends and may change during the investigation. The DOL often:
 - Requests records. Perhaps job descriptions to review exempt classifications, payroll or tax records, or other types of business records.
 - Interviews employees—at work or even at home on their own time. It may interview hourly employees confidentially without management's presence. It may contact your FLC's workers about your vineyard practices.
 - Conducts walk-arounds to observe employee duties during normal operations.
 - Takes other actions to investigate.
- What to expect:
 - An investigation can conclude in a matter of days or cover multiple years. It could be narrow or broad. The length or scope cannot be determined from the first contact with the DOL.
- What employers can do:
 - Understand that the DOL has authority to investigate workplaces.
 - Understand that retaliation against employees who complain or participate is prohibited. Employers cannot tell employees not to speak to the investigator or interfere.
 - Keep records organized so they can be gathered efficiently. Or, going a step further, employers can audit records and practices in advance to feel prepared in case an inspection occurs.
 - Remember that this can be a very expensive and very time-consuming process. The DOL may conclude back wages are owed, or assess other damages and penalties.

Please contact [Christie Totten](#) at DWT with questions.