**Wage and Hour Investigator Just Showed Up...What To Do?**

The U.S. Department of Labor (DOL) is responsible for ensuring that employers that are subject to federal laws comply with basic labor standards. The Wage and Hour Division (WHD) of the DOL is responsible for administering and enforcing not only wage and hour laws but also myriad other federal laws such as those laws related to child labor, garnishment, prevailing wages, OSHA field sanitation standards, and migrant and seasonal agricultural workers.

A WHD investigator does not have to call an employer before he or she arrives at a work site. The purpose of these visits, per the DOL website ([www.dol.gov/whd/regs/compliance/whdfs44.htm](http://www.dol.gov/whd/regs/compliance/whdfs44.htm)) is “to directly observe normal business operations and develop factual information quickly.”  
  
Given that there may be a variety of reasons why the WHD shows up unannounced at your door, what should you do?  
  
Let him or her in the door and be polite and civil. The WHD investigator is authorized under federal law to investigate if the employer under its jurisdiction. The WHD especially tends to target low wage industries or investigate a variety of industries within a specific geographic area.

1. Designate a company representative to interact with the investigator. You many want to consider using your attorney as a representative or having the representative consult with your attorney.
2. Demonstrate that you are cooperative and willing to assist the investigator.
3. Tell your managers that the investigation is occurring so that they know what to expect.
4. Don’t discourage your employees from cooperating with the investigation.
5. Know that the reason for the visit may be an employee complaint, however the investigator likely will not tell you anything about it because all complaints are confidential.
6. Do not respond negatively in any way towards any employee who has filed a complaint.
7. Before you hand over any documents, make sure you understand the scope of what is being asked for and that you only include documents that are responsive to the request.
8. Request that your human resource representative, attorney or accountant review everything before you hand it over.
9. Call your human resource representative, attorney or accountant. Employers have the right to be represented by an accountant or attorney at any point in the investigation process.

Even after the WHD conducts an investigation and a violation is found, you have the right to present additional facts for consideration.