

[WHI: Please indicate here how letter is transmitted, whether via Fax #xxx-xx-xxxx, USPS Certified Mail Receipt #, or USPS Regular Mail]

DATE

EMPLOYER NAME
ADDRESS

Re: Wage & Hour Investigation

Dear [REDACTED]:

The Wage and Hour Division (WHD) of the U.S. Department of Labor is responsible for administering and enforcing a number of federal labor laws, including the Fair Labor Standards Act (FLSA). This letter is to inform you of the agency's plans to visit your establishment on [date of initial conference] to determine your compliance with the FLSA. The enclosed pamphlet briefly describes the FLSA.

Authority for this investigation is contained in Section 11(a) of the FLSA. Section 11(a) states, "The Administrator or his designated representatives may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to this chapter, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this chapter or which may aid in the enforcement of the provisions of this chapter."

I will visit your establishment on [Enter day/date] at [enter time] to determine such compliance. The normal procedure is to hold an opening conference with a representative of the company, check certain records for a two-year period, interview a representative number of employees, and hold a closing conference to discuss the results of the investigation.

In order to conduct the investigation with as little disruption to your business operations as possible, please have available for our inspection on the above date, all documents providing the following information for the last two years, ending with your last completed payroll:

- (1) Names, addresses, and telephone numbers of all business owners and company officers (e.g., President, Treasurer, Secretary, Board of Directors and other Corporate Officers) along with a company organizational chart if you have one;
- (2) Legal name of the company and all other names used by the company (e.g., "Doing Business As" names);
- (3) Records demonstrating your gross annual dollar volume of sales. Please provide these records for the past three (instead of two) years;

- (4) A list of all employees with their address, hourly rate or salary, descriptive job title, shift, and whether you consider that employee exempt from overtime for all current and former employees;
- (5) Payroll and time records for the past two years, including a copy of the most recently completed payroll;
- (6) Birth dates for all employees under age 18 who worked during the past 24 months
- (7) 1099 Forms and contract documents with any independent contractors, subcontractors or day laborers at this establishment
- (8) Federal Employer Identification Number (FEIN)
- (9) [WHI: Insert Here any other information expected to be relevant to the investigation or delete this line]

We request that you have all of the listed documents available on the designated meeting date pursuant to the authority contained in Section 11(a) and (c) of the FLSA and in Part 516 of the Code of Federal Regulations.

Per section 15(a)(3) of the FLSA, you are prohibited from retaliating against any person who files a complaint with the Wage and Hour Division or who cooperates with a Wage and Hour Division investigation. You are also prohibited from retaliating against your employees for accepting payment of the wages owed to them or from requiring your employee to return or decline payment of the wages owed to them.

Every effort will be made to conduct this investigation expeditiously and with a minimum of inconvenience to you and your employees. However, please note that the above is not intended to be an exhaustive or final list of records to be examined.

If you are unable to be present on the date and time indicated, you may designate a representative to act on your behalf. Additionally, should you or your representative be unable to attend the scheduled meeting, please notify me as soon as possible but no later than the preceding business day.

If you have any questions, feel free to call me at [(XXX) XXX-XXXX].

Sincerely,

Wage & Hour Investigator

Enclosures
Handy Reference Guide, FLSA
Fact Sheet #44
Fact Sheet 77A