



AMERICAN  
BUSINESS  
LEAGUE

Wage & Hour Basics



# D.O.L. Investigation

## Department of Labor's Rights

- Gather data concerning wages and hours worked
- Inspect and review record keeping practices
- Enter & inspect employers premises
- Interview and question the employee's
- Inspect other employment practices to determine whether any person has violated any provision of The FLSA, MSPA, and H-2A Acts

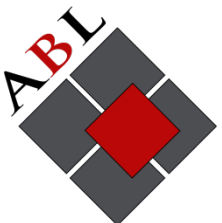


# D.O.L. Investigation

## **Investigative Protocols**

All investigations are to strictly follow the Code of Federal Regulations, (CFR) and to prevent any misunderstandings of how to interpret the CFR the national office created a Field Operations Handbook as a set of guidelines for the WHD to follow.

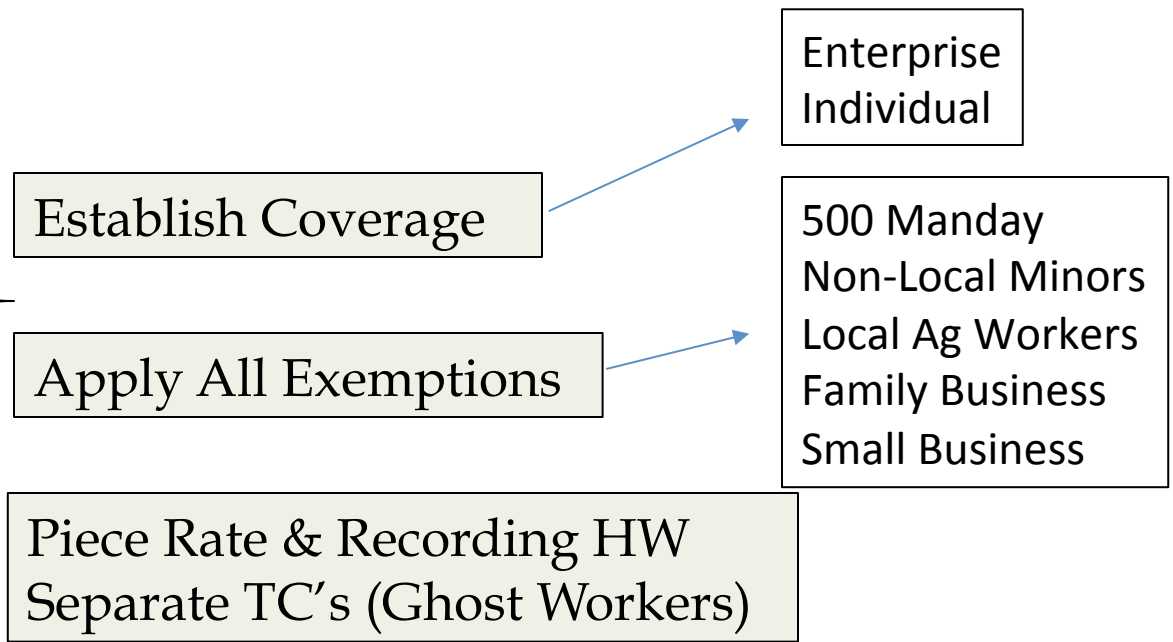
The National Office has made it very clear that these guidelines are to be followed and not to be changed without written permission from the NO.

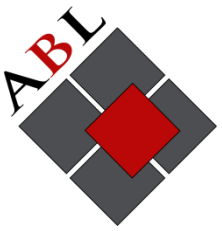


# D.O.L. Investigation

## The Process

- Complaint vs. Directed
- Surveillance
- Field Visit
- Initial Conference
- Interviews
- Records Check
- Final Conference
- **Re-Investigation**





# Know Your Rights

## Employer Rights

- Legal counsel and/or accountant may represent firm
- Schedule interviews to not disrupt harvest (On site)
- WH should request permission from person of Authority
- Simple refusal to give records not interfering or inhibiting
- Simple refusal to allow WH on property not interfering or inhibiting
- Could request appoint for RC...**If Records are not onsite**
  
- At final conference if given a “Summary of BW’s Due” may request copies of back wage computations.



# Know Your Rights

## Employer Rights

- At final conference if given a “Summary of BW’s Due” may request copies of back wage computations.
- Do not sign anything without completely agreeing to the findings.
- The “Back Wage Collection & Disbursement” form if signed states that you are giving up your rights to any further due process.



# Know Your Rights

## Employee Rights

- Option to be interviewed
- May request copy of interview prior to being interviewed.
- To have their own counsel present.

It is a violation of the FLSA to fire, or in any other manner, discriminate against an employee for filing a complaint or for participating in a legal proceeding under this law



# FLSA

The Fair Labor Standards Act (FLSA) protects workers by establishing employment standards related to:

- Minimum Wage,
- Overtime,
- Exemptions,
- Hours Worked
- and Record Keeping.

FLSA is the law that enforces the “Hot Goods” provisions.





# Hot Goods

The FLSA prohibits the shipment, offer for shipment, or sale in **interstate commerce**, of any goods produced in violation of the minimum wage, overtime pay, child labor or special minimum wage provisions.

## Why Hot Goods?

The large number of potential targets

- FLC's, Ager's, Packers, Shippers, Stores

The severity of the remedy

- BW's, LD's, CMP's, TRO's, Injunctions

Large number of employee's

- Many penalties are based on number of EE's



# MSPA

The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) protects migrant and seasonal agricultural workers by establishing employment standards related to:

- Wages,
- Housing,
- Transportation,
- Disclosures
- and Record Keeping.

MSPA also requires farm labor contractors to register with the U.S. Department of Labor (DOL)



# Wage & Hour Tactics

Abrasive

Lots of Threats

- CMP's
- Liquidated Damages
- License Revocations
- District Attorney Referrals

Signing a Tolling Agreement

Requesting Employees to Privately Record Conversations

Refusing to Provide BW Calculations For Your Review

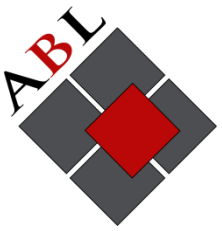


# Legal Shield



**A 40+ YEAR OLD NATIONAL COMPANY WHOSE MISSION IS TO PROVIDE **AFFORDABLE** LEGAL PROTECTION TO SMALL BUSINESSES, THEIR FAMILIES, AND THEIR EMPLOYEES.**

- Avg. Annual Cost - \$7,600
- Avg. Cost Per Hour - \$375



# Legal Shield

## Benefits Breakdown

- Unlimited consultation via phone (Business/Contract Law)
- Unlimited correspondence letters
- 10 debt collection letters per month
- 3 contracts reviewed per month
- 3 documents reviewed per month
- 1 executed contract reviewed per month
- 75 hours of legal defense (\$89 and \$149 plans)

HIRING, FIRING, EQUIPMENT LEASES,  
BANKRUPTCY, INCORPORATION,  
BAD CHECK RECOVERY, THEFT,  
EMPLOYEE INJURIES & COMPLAINTS

## Small Business Membership

0-10 Employees	\$ 39 per month
0-50 Employees	\$ 89 per month
51-99 Employees	\$149 per month

**Employee & Family Benefit Plan - \$18.95 per month**