

Federal Investigations : Practical Pointers





Federal Investigations

- EEOC, DOL, etc.
- Have a checklist (the investigator will)
- Posters
 - EEO, FLSA, FMLA, OSHA, USERRA
 - Employee Polygraph Protection Act
- I-9s
- Payroll Records
- Ensure all employee records are accurate and complete



Federal Investigations

- Two Choices
 - Fight
 - Cooperate
- We choose to cooperate
- Everyone on their best behavior
- Dot all “i”s and cross all “t”s (see: checklist)



Federal Investigations

- Consider where to put the investigator
- Facility Tour – Make sure you or your attorney lead
 - Move quickly
 - Control the Pace
 - Limited access to Employees



Federal Investigations

- Employee Interviews
- Consider employee scheduling
- When each employee is done, move them out
- Statements and affidavits
 - You or your attorney should write down every question and every answer
 - Make sure the witness is comfortable with every answer
 - Clarify if necessary



Federal Investigations

- Meet with management and non-management employees
- For non-management employees
 - You are not allowed in the room with them
- You can challenge violations, fines, etc.
 - May be “inconvenient” for the investigator