



Human Resources Committee Chicago, IL

July 21, 2010



Knock! Knock!!

“Hi!
We are from
[the government]...”



What do you do
when an
enforcement
agency shows up
at your shop?



Cooperate... BUT get HELP immediately!

Ask Questions

- Who is it?
 - ◆ Which agency? (Ask for ID)
 - ◆ Federal / State
 - ◆ Criminal / Administrative

- Who / What are they after? (Warrant? Complaint?)
 - ◆ Violations by the Shop
 - ◆ Employee(s)



Cooperate... BUT get HELP immediately!

- Be courteous, but DO NOT answer any questions, make any statements, or allow them access to your records, or to conduct interviews.
- Slow them down and do not panic or be intimidated. Politely tell them you will cooperate fully, but that you need to get your legal counsel on the phone.
- Keep them in a “neutral” area of the shop, and get Legal Counsel on the telephone immediately!



Cooperate... BUT get HELP immediately!

- Put your Legal Counsel on the phone with the agent in charge.
- Eventually you will have to answer questions, make statements, provide access to your records, and allow them to conduct interviews of employees, BUT they are required to give reasonable notice (absent a criminal subpoena/warrant) and cooperate with you on a reasonable schedule to minimize business disruption.



So what happens next after the initial flurry?

- Issues if it is a criminal investigation –
 - ◆ Can the liability for the alleged crime flow to the employer?
 - ◆ Who pays for defense counsel?
 - ◆ Can I fire the employee? Should I?



So what happens next after the initial flurry?

- Issues if it is an administrative investigation –
 - ◆ What are they looking for?
 - ◆ Wage / Hour violations? (DOL, etc.)
 - ◆ Discrimination / Harassment? (EEOC, etc.)
 - ◆ Immigration? (Homeland Security, etc.)
 - ◆ Safety? (OSHA, etc.)



What can

we do

?!?!?!?

**This is going to
sound familiar....**



*Get your house in order
immediately...BEFORE the
“knock” comes*

- **Get help and conduct an internal compliance audit**
 - ◆ **Wage / Hour Compliance**
 - ◆ **Harassment / Discrimination policies and training**
 - ◆ **Immigration / I-9s**
 - ◆ **Safety**



Thank You!
Human Resources Committee

Cory King – Chair
cking@employerlawyers.com

Mario Malacara – Vice-Chair
Mario.Malacara@ServiceKing.com