



UNITED STATES DEPARTMENT OF LABOR
Wage and Hour Division
San Antonio District Office
10127 Morocco, Ste. 140
San Antonio, TX 78216
210-308-4515 (Public)
210-308-2320 (Phone/Fax)



[REDACTED]

Transmitted via: FAX to [REDACTED]

RE: Wage and Hour Division Investigation [REDACTED]

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 conduct an investigation 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 would like to meet with you by phone on [REDACTED] at [REDACTED] to determine such compliance. The normal procedure is to hold an opening conference with a representative of the company, review certain records covering 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 inspection on the above date, all documents providing the following information for the last two years, ending with your last completed payroll:

1. Legal name of the company and all other names used by the company (e.g., “Doing Business As” names).
 2. Federal Employer Identification Number (FEIN).
 3. Names and Locations of Other Branches. Name and address of corporate office.
 4. Names, addresses, email 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.
 5. Records demonstrating your gross annual dollar volume of sales. Please provide these records for the past three years. ()
 6. A list of all current and former employees employed during the period to along with their address, email address, telephone number (mobile and landline), hourly rate or salary, job title, shift, and whether you consider that employee exempt from overtime pay.
 7. **The most recently completed payroll with corresponding time records for at least a two week period**
 8. Payroll and time records for all employees for the following months: , , , , , , , , ,
- *****Additional payroll may be requested at a later date***
9. Birth dates for all employees under age 18 who worked during the past 24 months.
 10. 1099 Forms and contract documents for any independent contractors, subcontractors or day laborers at this establishment.

We request that you make 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 Title 29, Code of Federal Regulations, Part 516.

Section 15(a)(3) of the FLSA prohibits you 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. The law also prohibits you from retaliating against your employees for accepting payment of any wages owed to them or from requiring your employee to return or decline payment of any wages owed to them.

I will make every effort to conduct this investigation expeditiously and with a minimum of inconvenience to you and your employees. However, please note that the list 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. 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, please call me at [REDACTED] or via email at [REDACTED]@dol.gov

Sincerely,

[REDACTED]

Wage & Hour Investigator

Enclosures:

Handy Reference Guide, FLSA

Fact Sheet #44

Fact Sheet #77A

Fact Sheet #14 – Coverage under the FLSA

Fact Sheet #16 – Deductions from Wages

Fact Sheet #17B – Executive Exemption

Fact Sheet #21 – Recordkeeping Requirements under the FLSA

Fact Sheet #22 – Hours Worked

Fact Sheet #23 – Overtime Pay Requirements

Fact Sheet #28D – Employer Notification Requirements under the Family Medical Leave Act (FMLA)

Fact Sheet #45 – Hotel and Motel Establishments