

DOL Wage and Hour Investigation Planning Checklist

A Practical Guidance® Checklist by Kara Maciel, Conn Maciel Carey



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This checklist provides steps for identifying wage and hour compliance gaps and establishing plans and response teams in advance of on-site inspections by the U.S. Department of Labor (DOL). It is designed to help employers understand their compliance and investigation responsibilities and take preventive measures to avoid or minimize violations of the Fair Labor Standards Act (FLSA) and state wage and hour law.

The checklist addresses conducting a self-audit of employee classifications, independent contractor status, internships, wage payments, and recordkeeping, and reviewing exempt

salary basis pay, off-the-clock work, safe harbor policies, nursing mother break time, child labor compliance, and industry-specific, posting, and state wage and hour requirements. It also covers establishing a wage and hour committee and providing employee training on wage and hour compliance and on-site inspection procedures.

Additional topics include establishing DOL inspection protocols, such as verifying investigator credentials, arranging representation, deciding whether to cooperate or require a subpoena, notifying key personnel, selecting locations for conferences and interviews, and steps to take at the outset of an investigation. The checklist concludes with guidance on designating and equipping a response team, including team member roles, necessary materials, and the DOL's investigative rights.

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Kara M. Maciel is a founding partner of Conn Maciel Carey and Chair of the firm's national [Labor & Employment Practice](#). She focuses her practice on representing employers in all aspects of the employment relationship.

Being located in Washington, D.C., Kara provides a unique perspective to international and multinational corporations on doing business in the United States from a federal statutory and regulatory perspective as well as compliance with the myriad of state and local business requirements. [Kara is a member of IR Global in the Employment Law Group.](#)

Kara has a special focus on issues impacting companies in the following industries:

- Hospitality (hotels, resorts, restaurants, spas, country clubs)
- Retail
- Grocery
- Trade associations
- Non-profit sectors

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