

51a07      Effect of employee FLSA Sec 16(b) suit.

(a) As soon as it is determined that an employee has engaged an attorney to bring suit under Sec 16(b) [of the federal Fair Labor Standards Act,] all investigation activity . . . shall cease with respect to the particular employee or employees involved in the suit or suits. The Inv[estigator] shall notify his/her [District Director/Assistance District Director] immediately of the names of the parties involved. The employer shall be informed that no further investigation activity will be undertaken with respect to these employees and no determination will be made concerning the conditions of their employment. A suit under Sec 16(b) is a matter between the parties and investigation activity by Wage-Hour could affect the outcome of such a suit.

(b) Any information regarding such employees which has been obtained or which later comes to the Inv[estigator]'s attention shall be reported in the narrative to the extent appropriate. No discussion shall be had with the employer on any phase of the employment of such employees including future compliance.

(c) No investigation shall be made of any employer solely to obtain information for use by an employee in a Sec 16(b) suit. When Wage-Hour is involved in an intervention or an appearance as amicus curiae, any investigation assistance requested by the [Regional Solicitor] shall be furnished.