



"New Sheriff" Launches FLSA Enforcement Program

Insights

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U.S. Labor Secretary Solis has announced the *We Can Help* program, which is designed in part to encourage reports of alleged Fair Labor Standards Act non-compliance. Solis declared that there is "a new sheriff in town" and outlined steps such as launching an advertising campaign; distributing videos, posters, and booklets; introducing theme-focused items on the Labor Department's website; providing a hotline; and working through community activists and others.

The Labor Department will pay particular attention to food service, hotels and motels, home-healthcare, construction, janitorial work, and immigrant workers. But no employer is immune; experience suggests that this initiative will have a broader impact. For instance, it could include what enforcement officials call "low wage" occupations in areas such as retailing, temporary services, day-care, and agriculture. And in the past, the Labor Department has targeted businesses and other organizations that are small or new, or that operate in multiple locations, or that were previously found to have violated the FLSA.

In addition, the Labor Department sometimes assigns teams of investigators to special projects or task forces. For example, it did this in connection with Katrina-related recovery work on the Gulf Coast, and in two, extensive "Operation Child Watch" enforcement efforts aimed at the unlawful employment of minors.

We Can Help might well lead to employee dissatisfaction about things having nothing to do with the FLSA (or with any other law the Labor Department enforces). In at least one video, the actor says that he complained because his paycheck "just wasn't right." Of course, the FLSA only requires that wages be "right" in certain, very-specific ways. Even so, employees seeing the video might be moved to act upon *any* unhappiness with their pay.

Every employer should immediately ensure that its compensation practices (1) comply with the FLSA and all other applicable laws, and (2) are consistent with employment contracts and pay-related policies.