

DOL to Focus on Energy, Construction and Hospitality Industries in 2015

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Employers should prepare themselves for increased scrutiny from the **U.S. Department of Labor (“DOL”)** in 2015. The DOL is the federal agency responsible for enforcing the **Fair Labor Standards Act (“FLSA”)**, among other statutes. The DOL has recently indicated that some of the nation’s biggest industries will be subjected to additional oversight in 2015, including the oil and gas services industry, the construction industry and the hospitality sector. In addition to specific industries, the DOL also announced its initiative to address worker retaliation in the Southwest region, which includes Texas. The DOL’s focus on worker retaliation relates to cases in which employers are accused of taking adverse action against employees who have made complaints or otherwise exercised their rights under the FLSA. The DOL’s Wage and Hour Division decided to address the Southwest region after it saw a 571 percent increase in the number of retaliation investigations conducted in that region between fiscal years 2012 and 2013.

To ensure that these initiatives are fully funded, the DOL has requested an 18 percent budget increase and 2,000 additional professionals for its Wage and Hour Division.

DOL investigations of payroll or time records, I-9s and affirmative action plan compliance reports may result in significant damages, monetary citations and even criminal penalties. All employers, especially those in the oil and gas, construction and hospitality industries, should be on high alert and begin preparations now to

minimize risk of exposure during a DOL investigation.

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