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Division of Labor Standards

Information about a Division of Labor Standards Compliance Conference

What is a Compliance Conference?

A Compliance Conference is an informal meeting to discuss Labor Standards investigation findings. It attempts to remedy violations of labor law. Its purpose is to mediate a dispute between an employer and employee.

When is a Compliance Conference scheduled?

A Compliance Conference can be scheduled before or during an investigation. It is usually scheduled at the employer's request after Labor Standards serves a notice of investigation findings. In some cases, Labor Standards may schedule a Compliance Conference, even if the employer does not request one.

What happens at a Compliance Conference?

First, Labor Standards presents its investigation findings. The employer may then present information or evidence not previously submitted. Providing new records at a conference may raise questions about why the employer did not provide them during the investigation. Finally, the Compliance Conference Officer will make a recommendation to both parties in an attempt to resolve a case. The recommendation is not binding on the conference participants. Since the conference is informal, the Compliance Conference Officer does not keep a record of it.

Who attends a Compliance Conference?

The employer and the person(s) who made the complaint (called a claimant) attend. Current or former employees, who the Division believes are owed wages, may be asked to attend. A representative of a claimant or employer may attend as well. The conference is an opportunity to provide information about a claim and/or employment. It is important to participate. Interpretation services are available for employers and claimants.

Do employers or claimants need an attorney, or have to swear under oath?

It is not required to have an attorney present, but employers often retain an attorney. A claimant may have a representative as well. Such representative is not a participant in the conference. Attendees do not have to swear under oath, but everyone is obligated to tell the truth.

What happens after a Compliance Conference?

If the conference results in an agreement to pay wages, damages, and/or penalties, the Department of Labor will distribute payment to the claimants. If an agreement is not reached, Labor Standards may issue a civil Order to Comply against the employer. The employer can appeal the order by requesting a formal hearing before the Industrial Board of Appeals.

What happens if a claimant cannot attend or an employer needs to reschedule a Compliance Conference?

A claimant who cannot attend should immediately contact Labor Standards at (888) 469-7365 and speak to the investigator. A claimant's failure to appear may make it more difficult for the Department to collect wages owed. Under some circumstances, employers may be allowed to reschedule a conference.

What should claimants or employers bring to a Compliance Conference?

Claimants should bring any information or documents to support a claim. They should also bring the notice showing the conference date and time. Employers should bring any documentary evidence to support their position. Employers should also bring information that shows compliance with the Labor Law.