



City of Flagstaff
Office of Labor Standards (OLS)
Investigative Process Guide – Minimum Wage Violations

Complaint Submittal

OLS begins an investigation when, based upon information relayed to the office, it has reason to believe that a specific violation occurred or is occurring under Flagstaff's minimum wage law. This information may come from one or more sources including, but not limited to, an employee or former employee, a member of the public, or an organization.

Complaints regarding Flagstaff's minimum wage law must be initiated by submitting a completed claim declaration form provided by the city. Copies of the claim declaration form are available from the City's OLS via email or U.S. mail request; by download from the minimum wage webpage at www.flagstaff.az.gov/minwage, or from City Hall at 211 West Aspen Avenue during regular business hours. Email requests for a claim declaration form shall be directed to laborstandards@flagstaffaz.gov. Completed claim declaration forms may be mailed or submitted in person to the City's OLS at the address above or submitted via email to: laborstandards@flagstaffaz.gov. No anonymous complaints will be investigated.

Supporting documents related to the complaint should accompany the claim declaration form. For example: claims regarding wage issues should include pay stubs, company policies regarding wages; claims regarding failure of employer to post notice of rights may include photos; claims regarding retaliation may include emails from employers, and/or contacts of those who may be witnesses.

Preliminary Review

When OLS receives information about a possible violation from a claimant, the OLS staff reviews the initial information submitted to determine whether the issue falls within or outside of the City's jurisdiction. If the basis of the complaint falls outside of OLS's jurisdiction, staff may refer the complainant to the appropriate agency. If the complaint falls within the City's OLS jurisdiction, and the information and documentation submitted indicates the possibility of a violation of the minimum wage law, OLS will initiate an investigation.

OLS may contact the claimant and request additional information be submitted, or schedule a preliminary interview with the claimant. The interview may be held at the claimant's location of choice, and claimants are welcome to bring a friend, colleague, community organization representative, or union representative as support to the interview. Pursuant to Flagstaff's minimum wage law, OLS shall protect the name and identifying information of individuals making a wage violation claim, including witnesses, and others involved in the investigation, from public disclosure, for as long as possible.

Investigation

Once OLS has reviewed all of the relevant claim information, it shall notify the employer that it has initiated an investigation, and ask the employer to provide specific information by a certain deadline, normally within 15 business days. Depending on the investigation, the employer may need to provide information such as but are not limited to employee rosters, time cards, work schedules, and/or payroll records, etc. The investigator reviews the records from the employer, and may interview relevant employees and representatives of the employer. If the employer's response was not complete or OLS needs more information, the investigator may request supplemental information.

Resolution of Complaint

Throughout the process, OLS investigators discuss administrative resolution of the complaint with the parties to the investigation. This may start as early as intake, if the situation is straightforward and involves just one person or a policy change. At the start of an investigation, OLS evaluates the issues and the goals of the parties to see if there is a way to resolve the issues that will fulfill the employees' rights under the law, and lead to expeditious resolution of the case. Investigators may discuss resolution throughout the investigation, either at the request of a party or by initiating discussions themselves.

The goal of any resolution is to ensure that the employer completely complies with the law, employees are made whole, and the employer is educated about its legal obligations under the law. Administrative resolution terms cover issues such as payment of unpaid wages, liquidated damages, notice of rights to employees, restitution for retaliation, a commitment not to retaliate in the future, training, and compliance monitoring. Most resolution agreements stipulate that the employer's actions count as a violation of the ordinances involved. Some resolution agreements include civil and administrative penalties.

Closure

OLS strives to complete investigations as quickly as possible, but the length of an investigation may depend on the complexity of the issues, the level of cooperation of parties involved, and the investigator's workload. At the conclusion of the investigation, OLS will issue a finding of "violation" or "no violation". A finding of "no violation" ends the inquiry. However, the initial complainant may request reconsideration. If OLS issues a finding of "violation", OLS will discuss potential remedies with the parties, and evaluate appropriate remedies under the law. Remedies can include payment of unpaid wages to parties, which may be up to three times the wages owed plus interest, as well as appropriate equitable relief, civil penalties, and fines.

Final Order/Judicial Action

A finding of a violation may result in a final order. A final order is issued when all other avenues have been exhausted by the OLS to resolve the matter. If a final order is rendered, the employer agrees to the terms. If the employer does not comply with the terms of the order, the OLS may initiate civil judicial action for injunctive relief, damages, and penalties for non-compliance through the Flagstaff Municipal Court or other competent court.

Note: This document is provided as a guide to help you understand the investigation process for complaints. **This is a general guide and resource, and does not constitute legal advice.** It may be updated periodically, as deemed appropriate by the City's Office of Labor Standards Division.