

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Labor Standards Enforcement
Bureau of Field Enforcement



OVERVIEW OF BUREAU OF FIELD ENFORCEMENT

The purpose of this paper is to provide a basic overview of the Division of Labor Standards Enforcement's Bureau of Field Enforcement (BOFE) and its various units. If you file a claim at any office of the Division, the Division may determine that the most appropriate course of action in your case may be an investigation by BOFE.

BOFE contains several units: the Public Works Unit (PW) Compliance Monitoring Unit (CMU), the Labor Enforcement Task Force (LETF), and the Underground Economy's Employment Enforcement Task Force (EETF).

The purpose of BOFE is set forth in Labor Code section 90.5 which reads in part: "...It is the policy of this state to vigorously enforce minimum labor standards in order to ensure employees are not required or permitted to work under substandard unlawful conditions, and to protect employers who comply with the law from those who attempt to gain competitive advantage at the expense of their workers by failing to comply with minimum labor standards."

To this end, BOFE conducts on site inspections in industries to ensure compliance while also assisting and educating employers on how to comply with the Industrial Welfare Commission Orders (IWC Orders) and the Labor Code.

The Labor Code requires that the Labor Commissioner identify priorities for investigations to be undertaken by the units which ensures that the available resources will be concentrated in industries, occupations and areas in which employees are relatively low paid and unskilled and those in which there has been a history of violations of the statutes cited in Labor Code section 90.5(b).

Inspections are commonly targeted in industries or areas in which employees are subject to violations involving minimum wage, overtime requirements, child labor, unreported wages, or conditions which have an adverse effect on employees' health and welfare such as an employer's failure to have Workers' Compensation Insurance. The ultimate objective is to avert the erosion of the economic stability and working conditions in California by protecting both employees and law abiding employers.

BOFE does not pursue individual claims for wages. That function is performed by the Division's Wage Claim Adjudication offices. When an Initial Report or Complaint is received at BOFE, it is considered a report of alleged violations of the Labor Code and IWC Orders. The Initial Report is reviewed, prioritized and, if appropriate, assigned for investigation. If the Initial Report is not assigned for immediate investigation, it may be used as a basis for a telephonic warning or

letter of instruction to the employer, or it may be pended to a date when resources may be available to investigate the matter.

At times, the investigation results in an audit of the employer's time and payroll records. If this occurs, the Division will attempt to collect wages for all employees found to have been underpaid. The complainant receives no special status as to wages collected, but is considered as part of the entire affected employee group. All employees for whom wages are collected are notified by mail.

In that the Initial Report filed with any BOFE unit is a report of alleged violations of law, the complainant is considered a "witness," not a "claimant," as in the case of a person filing an individual wage claim with the Wage Claim Offices. As a witness, the Division may contact the complainant for further information or clarification if needed, or to testify if the complaint results in an administrative hearing, civil action or criminal prosecution. However, as a witness, the complainant has no inherent right to information on the status of the case or the investigation at any stage of the proceedings. Investigations in progress are considered confidential until an action is brought in court or an administrative hearing is necessary.

Complaints investigated by any unit of BOFE do not result in formal hearings under Labor Code section 98(a).