



## Governmental Inspection Checklist for Supervisors and Employees

1. Be polite to the inspectors.
2. Direct the inspectors to the office or other place where they will find the company representative responsible for dealing with government inspections.
3. Contact the company office as soon as possible to alert company representatives of the visit by government inspections
4. If the person insists on entering the company's property rather than going to the office as instructed, do not physically detain or bar the person from entering the property. Instead, immediately contact your supervisor or the company office. Remember, the person may represent the Immigration and Naturalization Service (INS) and be in "hot pursuit" of an undocumented alien. It is unlawful to physically detain a federal agent. Instead, document as much of the person's identification as possible, such as name, physical description, vehicle license number, and make/ model of the vehicle. Also record the date, the time, and the location of the incident.
5. If possible, obtain from each person seeking access a copy of her business card. If the person claims to have a search warrant ask to see it and make a copy of the document.

## Governmental Inspection Checklist for Company Representatives

1. Be polite to the inspectors.
2. Verify the inspectors' credentials by requesting identification. Authorized governmental officials/inspectors are instructed, at a minimum, to present business cards. Some officials of other agencies will show a badge or some official document. If the inspector doesn't offer some form of identification then request it from the inspector.
3. Document as much of the person's identification as possible, such as name, physical description, vehicle license number, and make/ model of the vehicle. Also record the date, the time, and the location of the incident.
4. Make a copy of all documents presented by the inspector, such as search warrants. Read the search warrant to insure that the inspector limits the scope of the inspection to the areas or persons listed in the warrant.
5. Immediately contact your legal counsel.
- 4 5. If you are unsure of the authenticity of the credential shown, call the local office of the agency doing the inspection. Consult a telephone directory or call directory assistance for the agency's telephone number. Do not rely on the "inspector's" assurance that a number given by the inspector is the agency's.
6. If an inspection is not convenient just then, ask the inspectors to leave and then return later. Before they leave, some agencies may insist on reviewing specific company documents. For example, Labor Commissioner inspectors will insist on seeing proof of workers' compensation insurance and, if applicable, that a farm labor contractor is licensed as such.
7. If the person leaves the work area, but is observed lingering on adjacent public roads taking notes or pictures of the work area, you should immediately contact the office for instructions. The company may consider moving the employees to a work area which is not in view from public areas.

8. Attempt to receive an agreement as to the scope of the inspection in writing. Avoid a situation where they have access to any and all records and locations on your property.
9. To the extent they allow you, accompany the inspectors on their inspection. Most likely, you won't be allowed to listen in on interviews with your employees.
10. Photograph facilities or equipment about which the inspectors seem especially concerned. Make written notes of the inspectors' comments or, with their permission, tape record your conversations with them.
11. After the inspection, the inspector should request a closing meeting with you. If not, ask for one. Before they leave, make sure you understand their concerns about items they think are not in compliance. Fix identified problems as soon as possible.

Here is a policy you may consider inserting into your employee handbook as a reference and reminder to employees regarding visitors.

#### Visitors on Company Property

No one may enter company property or a company work area unless the person is an employee and is scheduled to work, the person has permission from a company representative, or the person has the right to take access under federal or state law.

Employees and supervisors must politely inform visitors that they must check with the company office or a company manager before entering a work area. This rule also applies to an employee's family or friend.

If the person insists on entering the work area, do not restrain the person. Instead, record the identity of the person, including the make/model and license number of the person's vehicle, and report the incident and information immediately to a supervisor or to the office.

1. A "raid" in which the agents already have reasonable cause to believe that persons not eligible to be employed or not lawfully present in the United States are in the workplace. To enter areas of the employer's premises that are closed to the public, the agents must have (1) the employer's consent to enter, (2) a search warrant based on reasonable cause that authorizes their entry for a specific purpose, or (3) reasonable cause plus exigent (i.e., emergency) circumstances that would mean the suspect would elude capture and/or evidence would be lost or destroyed if the agents were to take the time to get a warrant.

2. A Form I-9 (Employment Eligibility Verification) audit, which requires the agents to give the employer three days' notice of the intent to audit.