

Managing Labor Issues Through Good Times and Crisis

James W. Bogart
President and General Counsel
Grower–Shipper Association
of Central California

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Dealing with Surprise Visits

The following is a step-by-step protocol on how to prepare for and respond to visits from government and non-government agencies:



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Before An Agency Shows Up

1. Periodically Review Procedures
2. Review Your Record Retention Practices
3. Have a Knowledgeable, Designated Representative Ready to Meet & Talk with Agencies
4. Educate your Employees to Notify Management and to Refer Agency Inquiries to Your Designated Representative



Before An Agency Shows Up

5. Employees May Refuse to Participate in an Interview
6. Employees Should Not Submit to an Interview or Provide Documents to Any Agency Without First Conferring with Your Designated Company Representative



If An Agency Shows Up

1. Direct and Accompany the Agent to the Company Representative
2. Determine who the Investigators are.
3. Meet with the Agent Prior to the Inspection to Identify the Scope of the Inspection



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If An Agency Shows Up

4. Avoid a Situation Where You Consent to Allow Agents Access to Any and All Records and Locations on Your Property
5. Always Request an Opening Conference
6. Stay Calm – Don't Forget: You Can Ask for Time to Compile the Records Requested by Agents



If An Agency Shows Up

7. Don't Allow Documents to Be Removed From Your Property Without Making Copies
8. No One is Required to Answer Any Questions
9. Consult With Your Attorney Before Giving Agents Access to Employees or Management, or Before Allowing Any Press Contacts



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If An Agency Shows Up

10. Accompany the Agents on Their Inspection
11. Photograph Facilities and Equipment and Photocopy Documents the Agents are Particularly Interested In
12. Take Notes or (With Permission) Tape Record Conversations With Agents



If An Agent Shows Up

13. After the Visit, the Agent Should Have a Closed Meeting With You



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Final Thoughts

1. Develop and Implement a Crisis Management Plan
 - a. Identify Representatives and Responsibilities
 - b. Develop Formal System of Procedures/Protocols
 - c. “Rehearse.” Do a “Walk Through” of a Mock Crisis



Final Thoughts

2. Develop and Implement a Communications Policy
 - a. Identify Spokespersons
 - b. Media Training



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Final Thoughts

3. Educate Yourself

- a. Trade Associations
- b. Confer With Counsel

4. Have Your Lawyer's Number on Speed Dial



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Final Thoughts

5. To The Extent Possible:

- a. Stay Calm
- b. Maintain Your Poise
- c. Be Professional
- d. Stay on Message
- e. Take Charge



Additional Questions?

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