

WAGE AND HOUR DIVISION
U. S. Department of Labor

LEGAL FIELD LETTER NO. 4 (Revised)

SUBJECT: Statement on Authority, Duties and Responsibilities
of Field Attorneys

A. Institution of Court Actions

1. A field attorney has no authority to institute any court action. Court actions may be instituted only in the name of the Administrator and only he may refer a case to the Department of Justice.
2. When field attorneys consider court action, either criminal or civil, is necessary, recommendations should be made to the Washington Office in accordance with Sections 6(b) or 7(c) of Inspection Field Letter No. 3 issued March 11, 1940.
3. The Administrator shall determine the course of action to be followed in connection with the case.

B. Duties of Assistant Attorney-Investigators

1. Assistant Attorney-Investigators have now been appointed to Regional and Branch Regional Offices throughout the country.
2. The Assistant Attorney-Investigators are a part of the Staff of the Regional or ranking attorney and under his immediate supervision except as provided in paragraph B4 hereof, just as the inspectors are a part of the Supervising Inspector's staff and under his immediate supervision.
3. After the investigation of the complaint by the Inspector indicates that the case is destined for court action, the Assistant Attorney-Investigator will, upon assignment by the Regional Attorney, assist in preparing the case for court action under the general direction of the Regional Attorney. The case will be prepared jointly by the Inspector and the Assistant Attorney-Investigator, but the latter will be responsible for the development of the case from the legal point of view. He will, therefore, perform these parts of the investigation which are essentially legal in nature, that is, interviewing employees, gathering evidence as to interstate commerce and similar work. Upon the completion of each investigation, the Assistant Attorney-Investigator will insert his own report in the file in addition to the Inspector's summary (CI-30). This report should set forth the legal aspects of the case together with the Assistant Attorney-Investigator's recommendations as to the court action to be taken.

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(Destroy Page 1, Legal Field Letter No. 4, issued March 22, 1940.)

4. In most regions, the duties described in Paragraph 3 will fully occupy the time of an Assistant Attorney-Investigator. However, if any Assistant Attorney-Investigators are free, the Regional Director will direct the Regional or ranking attorney to assign an Assistant Attorney-Investigator to inspection work regardless of whether the inspection will result in court action. When performing work of this character, the Assistant-Attorney-Investigator is subject to the supervision and direction of the Supervising Inspector in the same manner as an inspector.

C. Weekly Reports of Field Attorneys

1. All field attorneys to submit reports - Each field attorney (including Regional Attorneys) is required to prepare a weekly report summarizing his activities.
2. Substance of report - The purpose of the reports is to inform the Washington office generally of the work being done by each attorney. Activities for each week should be reported by two or three short concise paragraphs. The reports should not relate details of handling matters; on the other hand, they should be sufficient to indicate the character of the activity and problems involved and where the attorney has been working (field trips, branch offices, etc.). Reports which merely state that the attorneys were "engaged in conferences, answering telephone inquiries, etc." are not sufficient.
3. Branch offices - When prepared in branch offices, an original and two copies of such report shall be prepared and transmitted by the attorney to the ranking administrative officer in the branch office, who shall retain one copy and transmit promptly the original and other copy to the Regional Attorney in the Regional Office.
4. Regional Offices - When prepared in regional offices, an original and at least one copy of such report shall be prepared and submitted to the Regional Attorney. The Regional Attorney shall review briefly for accuracy all reports submitted by attorneys in the regional or branch offices and submit them promptly, together with the original and one copy of his own report, to the Regional Director. The Regional Director shall review reports briefly and transmit the originals promptly to the Administrator.
5. Copies - one copy of each report shall be retained in the Regional Office file for reference purposes.
6. Reports not to take place of correspondence - Under no circumstances shall weekly reports be used as substitutes for correspondence, namely, to make inquiries or furnish information on specific cases or general subjects. Serious delays or oversights may result therefrom.

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7. Prompt submittal - Reports should be submitted regularly and in time to permit receipt in Washington within a few days after the last date covered by the report.

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