

Fighting Overzealous Agency Enforcement: Employers Have Rights

New York Law Journal has published an article by **Maureen M. Stamp**, partner at the Kaufman Dolowich & Voluck NYC office, on overzealous agency enforcement in its Outside Counsel section.

Most employers feel intimidated and unmatched when served with notice from a government agency of a possible violation of any number of workplace laws protecting employee rights. The substantial weight of the federal or state government often strikes fear into an employer—and perhaps justifiably so. Some agencies employ aggressive tactics hoping that employers will quickly capitulate. Although cooperation with an agency's investigation is usually a good idea, an even better one is to immediately contact legal counsel. They can act as buffer that keeps the agency from overstepping its statutory bounds. Just as important, your best legal counsel will be prepared if circumstances require the company to go on the offensive.

Long-standing court decisions and federal rules of procedure allow companies to recover their attorney fees and costs upon prevailing in a lawsuit against a government agency. This article will discuss cases in which companies have successfully opposed overzealous agencies.