

Texas Lawyer: Learn From DOL's Audits in the Oil Patch

Texas Lawyer has signed up Alan Bush and Lee Winkelman as freelance contributors. Their latest article, "Learn From the DOL's Audits in the Oil Patch," appeared in *Out of Order* section on June 9, 2014.

Here's what Alan and Lee had to say about the lessons that companies in all industries can learn from the DOL's dive into the oil patch:

There's a new player in the oil patch: the U.S. Department of Labor. Although few folks are taking a hard look at this development, everyone should. Even in-house counsel who work outside the energy industry can learn from the industry's new experience with the DOL.

Back in December 2012, the DOL's wage-and-hour enforcement arm issued a mostly unnoticed press release about the latest "multiyear enforcement initiative." It targets companies that handle pieces of the fracking process in the Marcellus Shale. Then, the DOL audits started.

The past 18 months have taught some hard lessons. Decades-old pay structures have come under DOL fire. Counsel have learned how to respond to an audit. And the first-strike lawsuit against the DOL has earned a place in defense counsel's toolbox. Let's take a peek at each of these items in turn...

Read the [full article](#) for more. In it, Alan and Lee lay out some practical thoughts on:

- Hot-button pay practices that can draw unwanted DOL attention;
- How to work with the DOL during an audit; and



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- Preemptive lawsuits to challenge an overly-aggressive DOL enforcement position on the company's terms.

For quite some time, Alan has been talking for in-house counsel and other business leaders about the energy industry's recent brush with the DOL. He has spoken for [HR Southwest](#), the [Energy Law Symposium](#) produced by the Texas A&M Law Review and [The Woodlands Chamber's Annual Employment Law Update](#).

Alan has even spent a day on an oil rig, then written for *Texas Lawyer* about what it teaches lawyers. That article can be found [here](#).

