

INTER-OFFICE MEMORANDUM

Date: May 18, 1989

To: Hugh McDaid Office: Labor Standards -
A.I.T.F.

From: Barbara C. Deinhardt Office: Counsel's - NYC


Subject: Letter from New Jersey Commission
of Investigation

Your April 14, 1989 memorandum requests our opinion regarding your authority to investigate the apparel contractors referred to in the Commission's letter in order to ascertain the information requested.

The Department of Labor, the Division of Labor Standards and the Apparel Industry Task Force may lawfully exercise any of the powers conferred upon them by statute by the Legislature. The fact that an investigation has been prompted by a request from an agency of another State does not affect your authority to conduct such investigation. That is, you may investigate any New York apparel contractor for the purposes authorized in the Labor Law, and request any information which the statute authorizes you to request, regardless of the reason which prompted such investigation. If the contractors referred to in the letter are engaged in the apparel industry in New York, you may lawfully investigate them to determine whether or not they are in compliance with the labor Law or other statutes and regulations specifically mentioned in Article 12-A, and obtain from them any records or other information which you are authorized by statute to obtain. You may not request information not required to be provided under the Labor Law (or such other statutes and regulations) or which otherwise are irrelevant to your authorized investigation. Therefore, in accordance with our discussion as to your present enforcement techniques, you would not be able to respond to the following questions:

- 2) "How did this entity become associated with K.R. of N.Y. Inc.?"
- 3) To the extent non-payroll information is requested, "Do they maintain books and records and do those books and records reflect monies received from K.R. of N.Y. Inc.?"
- 6) "What trucker moves the garments or materials from or to these shops?"

Barbara C. Deinhardt
Deputy Commissioner of Labor
for Legal Affairs


By: Robert Ambaras
Senior Attorney