



Issue Date: 05 March 2008

CASE NO: 2008-LCA-00006

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION
Prosecuting Party

v.

WISCONSIN SYSTEMS, Inc.,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This case arises under the Immigration and Nationality Act (INA), 8 U.S.C. §§ 1101, 1182, 1184 and the applicable regulations issued at 20 C.F.R. Part 655, Subparts H and I.

On February 1, 2008, the parties submitted the attached Settlement Agreement and Consent Findings (hereafter "Settlement Agreement"), duly executed by all parties to the litigation, for approval. Pursuant to 29 C.F.R. § 18.9, the Settlement Agreement is accepted and approved, and the agreed findings, terms, conditions, and conclusions contained therein shall constitute my findings of fact and conclusions of law.

I commend the parties and their counsel for their very professional and excellent work resolving the issues in this case.

The Settlement Agreement includes the following agreements between the parties:

1. The parties have agreed to resolve this matter in accordance with the terms and conditions of this Settlement Agreement. Additional specific language concerning alleged violations and agreed remedies are included in the attached Settlement agreement.

2. The Respondent shall pay a \$2,450.00 civil money penalty. Additional agreements concerning this payment are included in the attached Settlement Agreement.
3. This Order shall have the same force and effect as an order made after a full hearing.
4. The entire record on which this Order is based shall consist solely of the Determination Letter issued by the Administrator, which constitutes the complaint, and the parties' agreement.
5. The parties waive any further procedural steps before this Court and the Administrative Review Board.
6. The parties waive any rights to challenge or contest the validity of this Settlement Agreement and Order.
7. The Settlement Agreement resolves only those issues raised in the Administrator's Determination Letter of November 14, 2007 with respect to Respondent's compliance with the provisions of the INA and the applicable regulations. The Respondent agrees to comply with the provisions of the INA and applicable regulations in the future with respect to Respondent's petitioning for and employing H-1B non-immigrants. The Administrator withdraws the Determination Letter of November 16, 2007.
8. Each party shall bear all its own costs, attorney's fees and other expenses fees incurred by such party in connection with any stage of this proceeding to date, including but not limited to, any and all costs referenced under the Equal Access to Justice Act, as amended.
9. This Settlement Agreement shall become final and effective immediately upon the approval of this Court.

ORDER

Having found the Settlement Agreement to be fair, equitable and in the public interest, it is hereby **ORDERED**:

1. That such findings, terms, and conditions of the Settlement Agreement and the Settlement Agreement are accepted and approved;
2. That the parties are bound by the findings, terms, and conditions of the Settlement Agreement and shall comply with them;
3. The Office of Administrative Law Judges shall retain such jurisdiction over this action as is necessary for purposes of enforcing the terms of this Order until the Respondent, has fulfilled the provisions of this Order, after which time this action shall be dismissed.
4. This order confirms my prior oral notice to the parties that I had reviewed and approved the Settlement Agreement and that the hearing scheduled before me on **Thursday, March 6, 2008, at 9:00 a.m. in Milwaukee, Wisconsin** is cancelled.

A

WILLIAM S. COLWELL
Associate Chief Judge

Washington, D.C.
WSC:koj

NOTICE OF REVIEW:

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review ("Petition") that is received by the Administrative Review Board ("Board") within thirty (30) calendar days of the date of issuance of the administrative law judge's decision. See 20 C.F.R. § 655.845(a). The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-

5220, 200 Constitution Avenue, NW, Washington, DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties as well as the administrative law judge. See 20 C.F.R. § 655.845(a).

If no Petition is timely filed, then the administrative law judge's decision becomes the final order of the Secretary of Labor. Even if a Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. See 29 C.F.R. § 655.840(a).