

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 21 December 2018

CASE NOS.: 2017-DBA-00015; 2017-DBA-00016

In the Matter of:

Disputes concerning the payment of prevailing wage rates
and overtime pay and recordkeeping violations by

WALLACE STOKES CONSTRUCTION,
Respondent,

and

Proposed debarment labor standards violations by

WALLACE STOKES CONSTRUCTION, and
WALLACE STOKES, Jr., individually and as owner,
Respondents,

with respect to laborers employed by WALLACE STOKES CONSTRUCTION
on Nebraska Department of Roads Projects NH 832(128) and NH 80-4(144)
for work performed near North Platte, Nebraska.

DECISION AND ORDER APPROVING CONSENT FINDINGS

These matters arise under Reorganization Plan No. 14 of 1950, 64 Stat. 1267; the Davis-Bacon Act (“DBA”), as amended, 40 U.S.C. § 3141 *et seq.*; the Contract Work Hours and Safety Standards Act (“CWHSSA”), 40 U.S.C. § 3701 *et seq.*; the Federal-Aid Highway Acts, 23 U.S.C. § 101 *et seq.*; and the applicable regulations issued at 29 C.F.R. Parts 5 and 6.

The parties have reached a settlement in the above captioned matters and on December 19, 2018, the parties filed a Settlement Agreement and Consent Findings. I have reviewed the parties’ Consent Findings, and find them to be fair and adequate. Accordingly, the Consent Findings are approved and it is hereby **ORDERED**:

1. Wallace Stokes Construction and Wallace Stokes, Jr., individually and as owner, (“Respondents,” collectively) shall pay back wages totaling \$17,500.00 in settlement of all wage claims made by the Secretary on behalf of employees who worked on the Bridge Project Subcontract and the Roads Project Subcontract (“WSCC Subcontracts,” collectively);

2. The settlement funds shall be divided pro rata between the employees identified in Appendix A of the Consent Findings;
3. The Respondents shall provide the Secretary of the United States Department of Labor (“Secretary”) the last known address for each employee in Appendix A of the Consent Findings;
4. The Respondents understand that this settlement does not include the Respondents’ share of social security taxes owed in connection with the payment of back wages and fringe benefits; these taxes shall be and remain the responsibility of Respondents to pay;
5. At the request of Karen Chaikin, the previous Regional Administrator for the Wage and Hour Division, the Nebraska Department of Roads has withheld \$12,522.50 from prime contractor PCI related to the Bridge Project and \$11,834.63 from prime contractor CPI related to the Roads Project, for a total of \$24,357.13;
6. The United States Department of Labor (“DOL”), within thirty days of both parties’ execution of these Consent Findings, will send a letter to the contracting agency’s district office in Lincoln, Nebraska, informing it that all issues related to the WSCC Subcontracts have been resolved;
7. The Secretary shall distribute checks, totaling the gross amount of \$17,500.00, to affected employees identified in Appendix A of the Consent Findings, along with a Form WH-58 receipt. In the event any money cannot be distributed within a period of three years from the date of this Decision and Order, because of the inability to locate the proper persons or because of such persons’ refusal to accept such amounts, such amounts will be deposited into the Treasury of the United States as miscellaneous receipts;
8. The Respondents, having acknowledged that they were in aggravated and/or willful violation of the labor standards provisions of any of the applicable statutes listed in 29 C.F.R. § 5.1 other than the Davis-Bacon Act, are here by debarred for a three-year period from the date of the entry of this Decision and Order, during which they shall be ineligible to receive any contracts or subcontracts subject to any of the statutes listed in 29 C.F.R. § 5.1;
9. The Respondents shall not request, solicit, suggest, or coerce, either directly or indirectly, any employee to return or to offer to return to the Respondents or to someone else for the benefit of Respondents, any money in the form of cash, check, or any other form, due to said employee under the provisions of the Consent Findings;
10. Each party will bear its own attorney’s fees, costs, and other expenses incurred in connection with any stage of this proceeding, including, but not limited to, attorney’s fees, costs, and other expenses that may be available under the Equal

Access to Justice Act or the Small Business Regulatory Enforcement Act of 1996, as amended;

11. This Order constitutes the final administrative order in the case, and has the same force and effect as an Order made after a full hearing;
12. The entire record upon which this Order is base shall consist only of the Order of Reference and these Consent Findings;
13. The parties waive any right to challenge or contest the validity of the Order, in full or in part, that is entered in accordance with the Consent Findings.

SO ORDERED.

JERRY R. DeMAIO
Administrative Law Judge

Boston, Massachusetts