



**Issue Date: 10 April 2017**

Case No.: 2017-LCA-00004

In the Matter of:

NIKOLA POPOVSKI,  
Prosecuting Party,

v.

PIEZOS TECHNOLOGY SOLUTIONS, INC.,  
Respondent.

and

ADMINISTRATOR, WAGE AND HOUR DIVISION,  
Party-In-Interest.

### **FINAL ORDER WITH CONSENT FINDINGS**

This matter came to hearing on March 3, 2017, pursuant to the Immigration and Nationality Act (“INA”), 8 U.S.C. §§ 101(a)(15)(H)(i)(b), 1182(n), and 1184(i)(1) and implementing regulations at 20 C.F.R. 655 Subparts H and I. This Final Order with Consent Findings constitutes a full and final resolution of this action and of all issues raised by Prosecuting Party Nikola Popovski, (“Prosecuting Party”), and Respondent Piezos Technology Solutions, Inc. (“Respondent”), throughout this proceeding and the Determination Letter of the Administrator, Wage and Hour Division (“Administrator”) issued to Respondent on December 12, 2016.

#### **Jurisdiction and Procedural History**

1. Jurisdiction over the hearing in this matter is vested in the Office of Administrative Law Judges by INA Section 212(n)(2), 20 C.F.R. §§ 655.820-840.
2. On December 12, 2016, the Administrator issued a Determination Letter to Respondent, identifying alleged violations of the H-1B Specialty Occupation provisions of the INA and 20 C.F.R. Part 655.
3. On December 23, 2015, within the time period provided by 20 C.F.R. § 655.71, Prosecuting Party appealed Administrator’s Determination by filing a Request for Hearing.

### General Provisions

The parties have agreed on the record to the following provisions:

1. Respondent shall pay back wages to Prosecuting Party for hours worked from November 1, 2015, to November 15, 2015 (72 hours) at a rate of \$45.00 per hour. Additionally, Respondent shall pay back wages to Prosecuting Party for hours worked from November 25, 2015, to December 15, 2015 (104 hours) at the rate of \$45.00 per hour.
2. Respondent shall subtract \$696.00 from the total amount owed in back wages to Prosecuting Party for credit of payment previously made for “overtime” of 96 hours at a rate of \$7.25 per hour from November 15, 2015, to December 14, 2015.
3. Respondent shall deduct appropriate taxes for all back wages paid and provide Prosecuting Party with corresponding W-2 tax form(s) reflecting deductions.
4. Prosecuting Party shall issue a check in the amount of \$2,620.15 to refund the “miscellaneous payment” by the Respondent as referenced by the 2015 miscellaneous income statement in exchange for payment of back wages and corresponding W-2(s) as described above.
5. Respondent shall cancel the 2015 tax Form 1099 indicating payment of \$2,620.15.
6. The parties shall make their designated payment/refund simultaneously within 30 business days from the date of this Order. Respondent shall provide back wages payment and corresponding W-2(s) via payroll. Prosecuting Party shall provide refund check by personal delivery to Respondent’s office or certified mail.
7. In the event that any payment is not made within ten days of the due date(s) as set forth above, the parties shall notify the undersigned. If the undersigned does not then receive confirmation of payment within ten days of notifying the proper party of the delinquency, the delinquent party may be subject to the assessment of penalties and/or fees.
8. The parties hereby waive any further procedural steps before an Administrative Law Judge of the U.S. Department of Labor regarding this matter (29 C.F.R. § 18.9(b)(3)).
9. The parties hereby waive any right to challenge or contest the validity of these Consent Findings and Order.
10. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

**SO ORDERED.**

PETER B. SILVAIN, JR.  
Administrative Law Judge