

U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, NW
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 11 March 2019

Case No. 2018-TNE-00030

In the Matter of:

**ADMINISTRATOR, WAGE AND HOUR DIVISION
U.S. DEPARTMENT OF LABOR**

Prosecuting party

v.

FLOYD AND BAXTER COMPANY, INC.

Respondent

ORDER APPROVING SETTLEMENT AGREEMENT

This case arises under the Immigration and Nationality Act (“INA”), as amended, 8 U.S.C. §§ 1101 et seq., and the implementing regulations at 20 C.F.R. Part 655. The Administrator, Wage and Hour Division of the Department of Labor (“DOL”) issued a determination letter finding that Floyd and Baxter Company, Inc., (“Respondent”) violated 20 C.F.R. Part 655 by (1) failing to hire a U.S. applicant who applied for employment during the period from February 1, 2013 through November 27, 2013. The Administrator determined that \$5,357.57, in back wages, was due one rejected applicant; (2) by failing to pay the required wage to eight (8) H-2B workers. A total of \$1,526.19, in back wages, was determined to be due eight (8) former employees; and (3) assessed civil money penalties of \$6,883.76 for the violations. The Respondent disputed the determination and requested a hearing before the Office of Administrative Law Judges (“OALJ”). *See* 29 C.F.R. § 503.43.

A hearing has been scheduled in this matter for March 29, 2019 before the undersigned. On March 1, 2019, I received the parties fully executed Settlement Agreement.

The regulation at 29 C.F.R. § 503.49 provides the applicable standards for approving a settlement agreement. After reviewing the terms of the parties’ agreement, I am satisfied that it conforms to the requirements set forth in the regulation and it is a satisfactory resolution of the issues raised in the Administrator’s Determination. The terms of the Settlement Agreement are hereby approved, adopted, incorporated in full, and made a part of this Order. The parties are directed to carry out the terms of the agreement.

SO ORDERED.

FRANCINE L. APPLEWHITE
Administrative Law Judge
Washington, DC