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

Issue Date: 05 January 2018

CASE NO.: 2018-TNE-00004

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
UNITED STATES DEPARTMENT OF LABOR,
Prosecuting Party,

v.

BREAD AND ROSES BAKERY, INC.,
Respondent.

DECISION AND ORDER APPROVING CONSENT FINDINGS


On December 5, 2017, the parties notified my office that they reached a settlement in this matter and would be submitting consent findings for approval.

On January 5, 2018, the parties filed their 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. These Consent Findings and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing;

2. The entire record forming the basis on which the Consent Findings and Order is entered shall consist of the Administrator’s Determination Letter and attachments thereto, the Request for Hearing, and the Consent Findings;

3. The parties waive any further procedural steps before the Administrative Law Judge and waive any right to challenge or contest the validity of these Consent Findings and Order;
4. These Consent Findings and Order shall fully and finally resolve all outstanding issues between the parties that were raised, or reasonably could have been raised, in connection with the Administrator’s Determination letter;

5. Respondent agrees to pay $11,987.13, representing gross back wages owed to H-2B employees, from which deductions for Respondent’s employees’ share of FICA and federal withholding taxes will be made by the United States Department of Labor with no deduction for the employees’ state withholding tax for which the employees shall be responsible;

6. The total civil money penalties relating to Case No. 2018-TNE-00004, Wage and Hour Reference Number 1795594 are reduced to $21,052.10;

7. Respondent agrees to comply in all respects with the Act and applicable regulations in the future. Respondent specifically agrees that it will comply with its wage obligations as agreed and attested to in all of its Applications for Temporary Employment Certification;

8. Jurisdiction, including the authority to issue any additional orders or decrees necessary to effectuate the implementation of the provisions of these Consent Findings and Order, is retained by the Office of Administrative Law Judges;

9. Enforcement proceedings for violation of these Consent Findings and Order may be initiated at any time upon the filing with the Administrative Law Judge a motion for an Order of enforcement and sanctions;

10. Each party will bear its own costs, attorney’s fees and other expenses incurred by such party in connection with any stage of this proceeding, including but not limited to attorney’s fees, which may be available under the Equal Access to Justice Act, as amended;

11. Nothing in these Consent Findings and Order is binding on any governmental agency other than the United States Department of Labor Wage and Hour Division; and

12. These Consent Findings and Order shall constitute the final Administrative Order in this case.

SO ORDERED.

COLLEEN A. GERAGHTY
Administrative Law Judge

Boston, Massachusetts