

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

Issue Date: 11 September 2020

CASE NO.: 2020-TNE-00013

In the Matter of:

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

v.

PYRAMID CONTRACTORS, INC.,
Respondent/Employer.

DECISION AND ORDER APPROVING CONSENT FINDINGS

This case arises under the temporary non-immigrant non-agricultural worker visa (“H-2B”) provisions of the Immigration and Nationality Act (“INA” or “the Act”), 8 U.S.C. §§ 1101(a)(15)(H)(ii)(B), 1184(c)(1), and its implementing regulations at 20 C.F.R. Part 655, subpart A, 29 C.F.R. Part 503, and 8 C.F.R. § 214.2(h)(6) (Department of Homeland Security regulations).

On December 27, 2019, the Wage and Hour Division issued a Determination Letter alleging violations of the H-2B provisions of the INA by Employer, Pyramid Contractors, Inc., resulting in back-wages due of \$91,348.65, and seeking civil money penalties in the amount of \$52,684.35. On January 21, 2020, Employer timely requested a hearing before an Administrative Law Judge.

The parties subsequently settled the matter in mediation, and on August 5, 2020, Chief Administrative Law Judge Henley issued a Supplemental Order Concluding Mediation. On September 2, 2020, the parties jointly filed their Consent Findings and on September 8, 2020, filed their Settlement Agreement (collectively, the “Consent Findings”). In the settlement, Employer agrees to pay the Department of Labor a total of \$64,546.27, covering back wages and civil money penalties, and the parties further agree to comply with the H-2B regulations.

The administrative procedures relevant to the approval of consent findings are set forth at 29 C.F.R. § 503.49. After reviewing the terms of the Consent Findings, I am satisfied with their form and substance. I am satisfied that they conform to the requirements of 29 C.F.R. § 503.49(b), and are a satisfactory resolution of the issues previously contested.

Accordingly, **IT IS HEREBY ORDERED** that, pursuant to 29 C.F.R. § 503.49(d):

1. I accept and **APPROVE** the Consent Findings, filed in completion on September 8, 2020; and
2. The Consent Findings, filed in completion on September 8, 2020, are **ADOPTED** and **INCORPORATED IN FULL** into this Decision and Order.

SO ORDERED.

NORAN J. CAMP
Administrative Law Judge

Boston, Massachusetts