



DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
45 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0045

LAURA A. FORTMAN
COMMISSIONER

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GOVERNOR

WAGE & HOUR DIVISION

MICHAEL ROLAND
DIRECTOR

June 15, 2021

Protocol Contact Services
Attn: Brad White & Jasmine White
10 Ingraham Street
Manchester, ME 04351

RE: Violations of Title 26 MRS, Inspection #455833
Certified Mail: 70151520000109628591

Dear Brad White,

When our Chief Inspector, Bartlett Hutchinson, visited your place of business on May 27, 2021 and June 14, 2021 the following violations of Maine Labor Law were found:

26 MRS §621-A Timely and Full Payment of Wages requires that employees be paid in full, on an established day or date, at regular intervals made known to the employee. The intervals may not exceed 16 days and must include all wages earned to within 8 days of the payment date.

In this case, the employer failed to pay employees on the following pay dates:

- 7 employees on pay date 03/05/2021. Final payment was made for 5 employees on 03/15/2021 and 2 employees were paid on 03/17/2021.
- 1 employee on pay date 03/19/2021. Final payment was made 04/13/2021.
- 1 employee on pay date 04/16/2021. Final payment was made 04/26/2021.
- 2 employees on pay date 04/30/2021. Final payments were made on 05/24/2021 & 05/28/2021.
- 10 employees on pay date 05/14/2021. Final payment was made on 5/28/2021.
- 7 employees on pay date 05/28/2021. Final payments were made for 3 employees on 05/29/2021 and 4 employees on 06/2/2021
- 35 employees on pay date 06/11/21. Unpaid wages total \$33,840.50 for this pay period.

The employer is responsible to reimburse the effected employees for all bank fees related to these late payments.

Note: *The employer was cited for prior violations of this statute on November 4, 2019 and assessed penalties in the amount of \$22,500.00 of which \$20,250.00 was suspended as long as the employer adhered to all terms of a settlement agreement and had no additional violations of this statute for two years from the date of the agreement. The employer signed the settlement agreement on 11/18/2019. The employer paid \$2,250.00 in penalties at that time.*

26 MRS §626-A PENALTIES Whoever violates any of the provisions of sections 621-A to 623 or section 626, 628, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation. Each employee is counted as a separate violation, each pay cycle.

- 63 Violations of §621-A

26 MRS §664 (3) Overtime Rate requires that employees be paid time-and-one-half their regular hourly rate for all hours worked in excess of 40 hours per week.

In this case, the employer failed to pay overtime wages on the following pay dates:

- 4/30/2021, 2 effected employees.
- 5/14/2021, 1 effected employee.
- 5/28/2021, 1 effected employee.

Note: The employer was cited for prior violations of this statute on November 4, 2019. See note above.

26 MRS §671 PENALTIES Any employer who violates this subchapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200. In the event of the violation of any of the provisions of this subchapter, the Attorney General may institute injunction proceedings in the Superior Court to enjoin further violation thereof.

- 4 Violations of §671

26 MRS §53 ADDITIONAL PENALTIES In addition to any penalties provided in chapter 7, subchapters I to IV, the director may assess a forfeiture against any employer, officer, agent or other person who violates any provision of chapter 7, subchapters I to IV for each violation of those subchapters. The forfeiture may not exceed \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less.

- 63 Violations of §621-A
- 4 Violations of §671

The total penalty for the above violation(s) is \$19,500.00.

Make checks payable to the “Treasurer, State of Maine”

The violations identified above will become a final order within fifteen (15) business days from the day it was received unless you request a penalty discussion or file an appeal (see employer options) within the specified time frame listed above.

Employer options (within 15 business days):

If you intend to correct all violations identified and wish to work with the Wage & Hour Division to possibly reduce the penalty amount, you may request a “Penalty Discussion”. This discussion will pertain only to the penalty(s) and not the violation(s). All proposed penalties will be stayed until after the penalty discussion.

Or

You may file a formal appeal of any violation or penalty within fifteen (15) days of receipt of this citation. Please be specific as to what violation(s) or penalty you wish to appeal. If a request for a formal appeal is received, the Director will set a time and date for a “hearing”. The Director will serve as the hearing officer or may assign the appeal to the Administrative Hearings Division within the Department of Labor. The hearing will be at the headquarters of the Bureau or at a place mutually agreeable to the parties. All proposed penalties will be stayed until after the formal appeal is heard.

As the employer, you must respond in writing to the Director of the Bureau, at the address above, within fifteen (15) business days of receipt of this report stating what option you intend to choose. If no response is received within that time frame you accept all citations and any penalties assessed. The citation will become a final order and payment will be due at that time, made payable to “**Treasurer, State of Maine**” and mailed to the address at the top of this citation.

We strongly recommend that any correspondence be sent by certified mail. Failure to correct violations may result in additional penalties for each violation that is not corrected.

If you have questions regarding this citation, you may contact the Bureau of Labor Standards, Wage & Hour Division at (207) 623-7900.

Dates to remember:

Respond in writing, to the Director of the Bureau within fifteen (15) business days of receipt of this citation indicating what option you choose.

Respectfully,



Scott Cotnoir, Director
Wage and Hour Division
Inspection # 455833