



DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
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WAGE & HOUR DIVISION

DR. JASON MOYER-LEE
DIRECTOR

June 10, 2024

LAW Calibration., LLC
and Louis Waterhouse President/Metrologist
41 Spring Hill RD
Saco, Maine 040

RE: Violations of Title 26 MRS. Inspection #473965

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Background

L.A.W Calibration LLC. is a full-service calibration laboratory located in Saco, Maine. The company services all of Maine and New Hampshire performing calibrations and providing state-of-the-art facilities at Saco, Maine, their customer’s site. L.A.W Calibration LLC has approximately 12 full-time employees. There are five (5) technicians, a Billing Specialist, a Marketing and Intake specialist, and Shipping, Receiving, Purchasing Specialist, and Management Team.

On January 17, 2023, the Wage and Hour Division (“the Division”) - part of the Bureau of Labor Standards (“the Bureau”) in the Maine Department of Labor – visited your place of business. The Division also requested, and the employers provided, records of employees working at your facility, the payroll, and time records. The Division has since reviewed these records. Between the site visit and the review of records, the Division has identified 148 violations, resulting in a total fine of **\$7,403.70** This is explained in more detail below.

Violations

When the Division conducts an audit, it generally checks for compliance with most of the employment laws that it administers. The bulk of these are set out in Chapter 7 of Title 26 of the Maine Revised Statutes.¹ Various statutes within Title 26 provide the Bureau of Labor Standards with broad authority to inspect workplaces and records, and to question employers and workers.²

Timely and Full Payment of Wages

Section 621-A, entitled “Timely and Full Payment of Wages”,³ (materially) states:

1. Minimum frequency and full payment. At regular intervals not to exceed 16 days, every employer must pay in full all wages earned by each employee, except members of the family of the employer and salaried employees. Each payment must include all wages earned to within 8 days of the payment date. Payments that fall on a day when the business is regularly closed must be paid no later than the following business day. An employee who is absent from work at a time fixed for payment must be paid as if the employee was not absent.

2. Regular payment required. Wages must be paid on an established day or date at regular intervals made known to the employee. The interval may not be increased without written notice to the employee at least 30 days in advance of the increase.

In this case, the employer failed to pay seven employees in full on 74 separate occasions between 02/11/2022 and 03/11/2023. These violations are set out in Table 1, below.

¹ Title 26, like the rest of the Maine Revised Statutes, is publicly available: <https://legislature.maine.gov/statutes/26/title26ch0sec0.html>.

² For example, 26 M.R.S. §§ 42, 43, 622, and 665, among others.

³ <https://legislature.maine.gov/statutes/26/title26sec621-A.html>

Table 1: Timely and Full Payment of Wages Violations



Week Ending	Wages paid	Total wages owed	§621-A violations
02/26/22	\$1760.17	\$91.74	1
03/12/22	\$1760.00	\$187.11	1
03/26/22	\$1760.00	\$150.15	1
04/23/22	\$1760.00	\$139.26	1
05/07/22	\$1760.00	\$142.23	1
06/18/22	\$2000.00	\$24.75	1
07/02/22	\$2000.00	\$355.50	1
07/16/22	\$2000.00	\$45.37	1
08/13/22	\$2000.00	\$47.63	1
08/27/22	\$2000.00	\$17.25	1
09/24/22	\$2000.00	\$114.75	1
11/05/22	\$2000.00	\$61.13	1
11/19/22	\$2000.00	\$447.00	1
12/17/22	\$2000.00	\$206.63	1
03/11/23	\$2115.38	\$192.83	1
Total		\$2,223.32	15



Week Ending	Wages paid	Total wages owed	§621-A violations
08/27/22	\$1840.00	\$31.05	1
10/08/22	\$1840.00	\$58.65	1
10/22/22	\$1840.00	\$99.70	1
11/05/22	\$1840.00	\$157.32	1
12/17/22	\$1840.00	\$227.36	1
01/28/23	\$1884.62	\$197.38	1
02/25/23	\$1884.62	\$121.40	1
Total		\$892.86	7



Week Ending	Wages paid	Total wages owed	§621-A violations
05/07/22	\$1840.00	\$310.50	1
05/21/22	\$1840.00	\$213.90	1
06/18/22	\$1840.00	\$193.89	1
07/02/22	\$1840.00	\$231.73	1
07/30/22	\$1840.00	\$15.18	1
08/13/22	\$1840.00	\$267.38	1
08/27/22	\$1840.00	\$292.56	1
09/24/22	\$1840.00	\$235.64	1
10/08/22	\$1840.00	\$161.46	1
10/22/22	\$1840.00	\$270.28	1
11/05/22	\$1840.00	\$270.48	1
01/28/23	\$1923.08	\$376.59	1
02/11/23	\$1923.08	\$200.61	1
02/25/23	\$1923.08	\$363.60	1
03/11/23	\$1923.08	\$54.93	1
Total		\$3,458.72	15



Week Ending	Wages paid	Total wages owed	§621-A violations
06/18/22	\$1840.00	\$141.11	1
07/30/22	\$1840.00	\$132.83	1
08/13/22	\$1840.00	\$14.84	1
08/27/22	\$1840.00	\$123.86	1
10/08/22	\$1840.00	\$114.89	1
11/05/22	\$1840.00	\$203.90	1
11/19/22	\$1840.00	\$1.38	1
Total		\$732.78	7



Week Ending	Wages paid	Total wages owed	§621-A violations
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05/07/22	\$1680.00	\$247.59	1
05/21/22	\$1680.000	\$50.40	1
06/04/22	\$1680.00	\$147.42	1
06/18/22	\$1680.00	\$80.95	1
07/30/22	\$1680.00	\$219.97	1
08/27/22	\$1680.00	\$33.70	1
09/24/22	\$1680.00	\$85.68	1
10/22/22	\$1680.00	\$54.18	1
11/05/22	\$1680.00	\$84.11	1
12/17/22	\$1680.00	\$155.93	1
Total		\$1,159.93	10



Week Ending	Wages paid	Total wages owed	§621-A violations
07/30/22	\$1920.00	\$52.20	1
11/05/22	\$1920.00	\$10.80	1
11/19/22	\$1920.00	\$1.38	1
12/17/22	\$1920.00	\$19.56	1
Total		\$83.94	4



Week Ending	Wages paid	Total wages owed	§621-A violations
02/26/22	\$1760.00	\$89.76	1
03/12/22	\$1760.00	\$370.26	1
03/26/22	\$1760.00	\$273.24	1
04/09/22	\$1760.00	\$250.14	1
04/23/22	\$1760.00	\$573.35	1
05/07/22	\$1920.00	\$136.44	1
05/21/22	\$1920.00	\$374.76	1
06/04/22	\$1920.00	\$47.16	1
06/18/22	\$1920.00	\$244.44	1
07/02/22	\$1920.00	\$495.72	1
08/27/22	\$1920.00	\$191.16	1

09/24/22	\$1920.00	\$282.88	1
10/08/22	\$2000.00	\$256.13	1
10/22/22	\$2000.00	\$405.00	1
11/05/22	\$2000.00	\$376.50	1
11/19/22	\$2000.00	\$428.63	1
Total		\$4,795.57	16

Overtime

Section 664(3) of title 26⁴, entitled “Overtime rate” (materially) states:

An employer may not require an employee to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate is paid for all hours actually worked in excess of 40 hours in that week. The regular hourly rate includes all earnings, bonuses, commissions and other compensation that is paid or due based on actual work performed and does not include any sums excluded from the definition of "regular rate" under the Fair Labor Standards Act, 29 United States Code, Section 207(e)

Section 663(3) of title 26⁵ exempts certain employees from minimum wage, overtime and certain record keeping requirements. Section 663(3)(K) exempts certain salaried employees and (materially) states:

a salaried employee who works in a bona fide executive, administrative or professional capacity and whose regular compensation, when converted to an annual rate, exceeds 3000 times the State's minimum hourly wage or the annualized rate established by the US Dept. of Labor under the federal Fair Labor Standards Act can be paid on a salary basis and exempt from minimum wage and overtime.

The employer incorrectly classified the following 7 employees as salaried exempt: Alicia Viger, Stephanie Soucy, Jordan Cust, Emily Smith, Hannah Dill, Fayth Rousseau, and Kaitlyn Dorm. These employees did not work in bona fide executive, administrative, or professional capacities and therefore are entitled to overtime pay for each week in which they worked in excess of 40 hours. The Division identified 74 separate overtime violations between 02/26/2022 and 03/11/2023. These violations are set out in Table 2, below.

Table 2: Overtime Violations



⁴ <https://legislature.maine.gov/statutes/26/title26sec664.html>

⁵ <https://legislature.maine.gov/statutes/26/title26sec663.html>

Week Ending	Hours Worked	Overtime hours worked	Rate of pay	Half-time pay owed	Overtime Violation
02/26/22	82.78	2.78	\$22.00	\$30.58	1
03/12/22	85.67	5.67	\$22.00	\$62.37	1
03/26/22	84.55	4.55	\$22.00	\$50.05	1
04/23/22	84.22	4.22	\$22.00	\$46.42	1
05/07/22	84.31	4.31	\$22.00	\$47.41	1
06/18/22	80.66	0.66	\$25.00	\$8.25	1
07/02/22	89.48	9.48	\$25.00	\$118.50	1
07/16/22	81.21	1.21	\$25.00	\$15.13	1
08/13/22	81.27	1.27	\$25.00	\$15.88	1
08/27/22	80.46	0.46	\$25.00	\$5.75	1
09/24/22	83.06	3.06	\$25.00	\$38.25	1
11/05/22	81.63	1.63	\$25.00	\$20.38	1
11/19/22	91.92	11.92	\$25.00	\$149.00	1
12/17/2022	85.51	5.51	\$25.00	\$68.88	1
03/11/23	87.30	7.3	\$26.44	\$193.01	1
Total				\$869.84	15



Week Ending	Hours Worked	Overtime hours worked	Rate of pay	Half-time pay owed	Overtime Violations
08/27/22	80.90	0.90	\$23.00	\$10.35	1
10/08/22	81.70	1.70	\$23.00	\$19.55	1
10/22/22	82.89	2.89	\$23.00	\$33.24	1
11/05/22	84.56	4.56	\$23.00	\$52.44	1
12/17/22	86.59	6.59	\$23.00	\$75.79	1
01/28/23	85.58	5.58	\$23.56	\$65.73	1
02/25/23	83.43	3.43	\$23.56	\$40.41	1
Total				\$297.50	7



Week Ending	Hours Worked	Overtime hours worked	Rate of pay	Half-time pay owed	Overtime Violations
05/07/22	89.00	9	\$23.00	\$103.50	1
05/21/22	86.20	6.2	\$23.00	\$71.30	1
06/18/22	85.62	5.62	\$23.00	\$64.63	1
07/02/22	86.65	6.85	\$23.00	\$78.78	1
07/30/22	80.44	0.44	\$23.00	\$5.06	1
08/13/22	87.75	7.75	\$23.00	\$89.13	1
08/27/22	88.48	8.48	\$23.00	\$97.52	1
09/24/22	86.83	6.83	\$23.00	\$78.55	1
10/08/24	84.68	4.68	\$23.00	\$53.82	1
10/22/22	85.36	5.36	\$23.00	\$61.64	1
11/05/22	87.84	7.84	\$23.00	\$90.16	1
01/28/23	90.44	10.44	\$24.04	\$125.49	1
02/11/23	85.56	5.56	\$24.04	\$66.83	1
02/25/23	90.08	10.08	\$24.04	\$121.16	1
03/11/23	81.52	1.52	\$24.04	\$18.27	1
Total				\$1,125.83	15



Week Ending	Hours Worked	Overtime hours worked	Rate of pay	Half-time pay owed	Overtime Violations
06/18/22	84.09	4.09	\$23.00	\$47.04	1
07/30/22	83.85	3.85	\$23.00	\$44.28	1
08/13/22	80.43	0.43	\$23.00	\$4.95	1
08/27/22	83.59	3.59	\$23.00	\$41.29	1
10/08/22	83.33	3.33	\$23.00	\$38.30	1
11/05/22	85.91	5.91	\$23.00	\$67.97	1
11/19/22	80.04	0.04	\$23.00	\$0.46	1
Total				\$244.26	7



Week Ending	Hours Worked	Overtime hours worked	Rate of pay	Half-time pay owed	Overtime violations
05/07/22	87.86	7.86	\$21.00	\$82.53	1
05/21/22	81.60	1.60	\$21.00	\$16.80	1
06/04/22	84.68	4.68	\$21.00	\$49.14	1
06/18/22	82.57	2.57	\$21.00	\$26.99	1
07/30/22	81.79	1.79	\$21.00	\$18.80	1
08/27/22	81.07	1.07	\$21.00	\$11.24	1
09/24/22	82.72	2.72	\$21.00	\$28.56	1
10/22/22	81.72	1.72	\$21.00	\$18.06	1
11/05/22	82.67	2.67	\$21.00	\$28.04	1
12/17/22	84.95	4.95	\$21.00	\$51.98	1
Total				\$332.12	10



Week Ending	Hours Worked	Overtime hours worked	Rate of pay	Half-time pay owed	Overtime violations
07/30/22	81.45	1.45	\$24.00	\$17.40	1
11/05/22	80.30	0.30	\$24.00	\$3.60	1
11/19/22	80.23	0.23	\$24.00	\$2.76	1
12/17/22	81.17	1.17	\$24.00	\$14.04	1
Total				\$37.80	4



Week Ending	Hours Worked	Overtime hours worked	Rate of pay	Half-time pay owed	Overtime violations

02/26/22	82.72	2.72	\$22.00	\$29.92	1
03/12/22	91.22	11.22	\$22.00	\$131.12	1
03/26/22	88.28	8.28	\$22.00	\$91.08	1
04/09/22	87.58	7.58	\$22.00	\$83.38	1
04/23/22	91.81	11.81	\$22.00	\$129.91	1
05/07/22	83.79	3.79	\$24.00	\$45.48	1
05/21/22	90.41	10.41	\$24.00	\$124.92	1
06/04/22	81.31	1.31	\$24.00	\$15.72	1
06/18/22	86.79	6.79	\$24.00	\$81.48	1
07/02/22	93.77	13.77	\$24.00	\$165.24	1
08/27/22	85.31	5.31	\$24.00	\$63.72	1
09/24/22	85.41	5.41	\$25.00	\$67.63	1
10/08/22	86.83	6.83	\$25.00	\$85.38	1
10/22/22	90.80	10.80	\$25.00	\$135.00	1
11/05/22	90.04	10.04	\$25.00	\$125.50	1
11/19/22	91.43	11.43	\$25.00	\$142.88	1
Total				\$1,518.35	16

Summary of Violations

Table 4, below, sets out the total number of violations the Division has found thus far.

Table 4: Total Violations

Statute	Number of Violations
26 M.R.S. § 621-A (Timely and Full Payment of Wages)	74
26 M.R.S. § 664-3 (overtime)	74
Total	148

Penalties

When assessing fines, the Division generally relies on Section 53 of Title 26, which (materially) states:

...[T]he 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. ... The director shall adopt rules to govern the administration of the civil money forfeiture provisions. The rules must include a right of appeal by the employer and a range of monetary assessments with consideration given to the size of the employer's business, the good faith of the employer, the gravity of the violation and the history of previous violations. ...

The Rules referred to above are entitled: *Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations*.⁶ Pursuant to these rules, fines start at the minimum penalty or the lowest amount in the penalty range for a particular violation, and then must be increased for the severity of the violation, when the employer has a history of violations, and if the violations are “willful”. The fines decrease, on the other hand, when the employer demonstrates “good faith” or has 100 or fewer employees.

Employer size is the only relevant criterion to the imposition of fines in this case. The employer in this case has 12 employees. This means that, pursuant to Section III(B)(2), the penalty amount in all violations will be reduced by 33.3%. Therefore, to calculate the penalty amount the Division imposes for the violations in this case, the Division starts with the minimum penalty provided by the statute in question and then reduces the amount by 33.3%.

Timely and Full Payment of Wages

The violations for timely and full payment of wages (Section 621-A), is set out in Section 626-A, which (materially) states: “Whoever violates any of the provisions of...sections 621-A to 623...is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.”⁷

As \$100 is the lowest amount in the range, the Chapter 9 Rules require us to use this number as our starting point. The \$100 figure is then multiplied by the 74 violations under this category, resulting in an initial fine of \$7,400.00. The 33.3% reduction is then applied, resulting in a **total penalty amount of \$4,935.80 for the violations in this category.**

Overtime Rate

The violations for overtime rate (Section 664(3)) is set out in Section 671, which (materially) states: “Any employer who violates this subchapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200.”

As \$50 is the lowest amount in the range, the Chapter 9 Rules require us to use this number as our starting point. The \$50 figure is then multiplied by the 74 violations under this category, resulting

⁶The rules which are currently in force, and upon which this citation relies, can be found here: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.maine.gov%2Fsos%2Fcec%2Frules%2F12%2F170%2F170c009.docx&wdOrigin=BROWSELINK>.

⁷ <https://legislature.maine.gov/statutes/26/title26sec626-A.html>

in an initial fine of \$3,700.00. The 33.3% reduction is then applied, resulting in a **total penalty amount of \$2,467.90 for the violations in this category.**

Appeals and Settlements

The total penalty for the above violation(s) is \$7,403.70. Please make checks payable to “Treasurer, State of Maine” and mail to the address at the top of this letter.

Pursuant to Section 53 of Title 26, you have the right to appeal this citation. The Bureau’s appeals process is set out in Section IV of the Chapter 9 Rules.

If you choose to file an appeal of any violation or penalty, you must do so within fifteen (15) business days of receipt of this notice. The appeal must be submitted in writing to the Deputy Director of the Bureau, at the address listed above. If you file an appeal, be specific as to which violation(s) or penalties you wish to appeal. If a request for a formal appeal is received timely, a hearing will be scheduled. The Deputy Director will assign the appeal to a qualified hearing officer. The hearing will be at the headquarters of the Bureau or at a place mutually agreeable to the parties. The hearing may be held telephonically or by remote video, at the discretion of the hearing officer. All proposed penalties will be stayed until after the formal appeal is heard.

If no response is received within the designated timeframe, you accept all citations and any penalties assessed. The notice will become a final order and payment will be due at that time.

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.

You may approach the Bureau to negotiate a settlement to waive the violations or penalties at any time during this process. However, settlement negotiations will not affect the deadline to appeal.

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

Respectfully,



Scott Cotnoir, Director
Wage and Hour Division
Inspection #473965