



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

LAURA A. FORTMAN
COMMISSIONER

JANET T. MILLS
GOVERNOR

WAGE & HOUR DIVISION

DR. JASON MOYER-LEE
DIRECTOR

May 21, 2024

United Parcel Service
Attn: Kristen VanderSande, HR Geo Services Supervisor
40 Tivoli Rd.
Wells, ME 04090
and
Aimee Parsons, Esq.
2 Monument Square 7th Floor
Portland, ME 04101

RE: Violations of Title 26 MRS. Inspection #489362

Dear Kristen VanderSande,

When our Inspector investigated a complaint against your business on April 25, 2024 the following violations of Maine Labor Law were found:

26 MRS §631 Employee right to review personnel file requires that upon receipt of written request from an employee or former employee, the employer must allow the employee or former employee to review and/or copy the employee's personnel file. An employer who fails to satisfy this request within 10 days of receiving it may be subject to a civil forfeiture of \$25 per day for each day that a failure continues. The total forfeiture may not exceed \$500.

In this case, the employer failed to provide employee [REDACTED] with a copy of his personnel file within 10 days of receiving the request. The employer received the written request on 03/04/2024 but did not provide a copy of the personnel file until 61 days later on 05/03/2024.

The employer is assessed a fine of \$25 per day for each day they failed to provide the employee with a copy of their personnel file after the 10-day deadline. Although the failure continued for 51 days after the 10-day deadline, the total penalty may not exceed \$500. Therefore, the maximum penalty will be capped at \$500.

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. The Attorney General, upon complaint of

the director, shall institute a civil action to recover the forfeiture. Any amount recovered must be deposited with the Treasurer of State. 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.

BLS Rules, Chapter 9, Rules Governing Administrative Civil Money Penalties for Labor Law Violations, sections II and III defines terms and how penalties are calculated respectively, including multipliers.

Employer size is the only relevant criterion to the imposition of fines in this case. The employer has more than 100 employees. This means that, pursuant to Section III(B)(2), there is no reduction in the penalty amount.

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

Make checks payable to “Treasurer, State of Maine”

You may file a formal appeal of any violation or penalty 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 what violation(s) or penalty you wish to appeal. If a request for a formal appeal is received timely, a hearing will be scheduled. The Deputy Director will serve as the hearing officer or may 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 Deputy Director. 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. Checks should be 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.

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) 623-7925.

Respectfully,



Scott Cotnoir, Director
Wage and Hour Division
Inspection #489362