



JANET T. MILLS
GOVERNOR

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

LAURA A. FORTMAN
COMMISSIONER

WAGE & HOUR DIVISION

KATE BURKHART
DIRECTOR

May 19, 2025

United Parcel Service
2 Foden Rd
South Portland, ME 04106

Attention Leslie Lajewski
leslie.lajewski@ogletree.com

RE: Violations of Title 26 MRS. Inspection #496663, 493490, and 496455

Dear Leslie Lajewski,

When our office investigated complaints against your client's place of business, 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 [REDACTED] in full on the established pay date of 05/20/2024. The employer paid the wages totaling \$1,040.75 twenty-eight days late on 06/27/2024. The employer made a subsequent payment of \$920.00 for the same week on 01/02/2025. This amount will be credited against the liquidated damages owed to the employee as described below.

In this case, the employer failed to pay [REDACTED] in full on the established pay date of 08/15/2024. The employer paid the wages more than four months later on 01/02/2025.

The employer failed to pay [REDACTED] in full on the established pay date of 10/04/2024. The employer paid the wages totaling \$168.00 more than five months later on 03/21/2025.

Violations: 3

Penalties

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

...[T]he director may assess a fine against any an employer, officer, agent or other person that violates any provision of chapter 7, subchapters 1 to 4 for each violation of those subchapters. The fine may not exceed \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less. In addition, the director may order any employer, officer, agent or other person that the director finds is in violation under chapter 7, subchapters 1 to 4 or section 1312 to pay unpaid wages determined to be due, as well as an additional amount equal to twice the amount of unpaid wages as liquidated damages and a reasonable rate of interest. ...The director shall adopt rules to govern the administration of the civil money fine or penalty 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*. Pursuant to these rules, the number of violations will be multiplied by \$1,000. The result will then be reduced if the employer has fewer than 100 employees, no history of previous violations, the employer is not being cited for multiple or grave violations, and the employer has demonstrated “good faith”, all of which are defined in the rules.

The employer in this case has more than 100 employees. This means that, pursuant to Section II (1), the penalty amount in all violations will not be reduced. Pursuant to Section II (2), because the employer has a history of previous violations under these rules, the employer is not entitled to any further reductions.

Timely and Full Payment of Wages

The penalty for violations of 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.”

In this case, Chapter 9 Rules require us to start at \$1,000 for the violation in this category. The \$1,000.00 figure is multiplied by the 3 violations resulting in a penalty amount of \$3,000.00. Since the statutory maximum cannot exceed \$500 per violation, the penalty is reduced by \$1,500.00 resulting in a **total penalty amount of \$1,500.00 for the violation in this category.**

Wages, Liquidated Damages, and Interest

Section 53 of Title 26 M.R.S. authorizes the Director to order an employer to pay wages, liquidated damages and interest:

In addition, the director may order any employer, officer, agent, or other person who the director finds in violation under chapter 7, subchapters 1 to 4 or section 1312, to pay unpaid wages determined to be due, as well as an additional amount equal to twice

the amount of unpaid wages to any employee as liquidated damages and a reasonable rate of interest.

The interest in this case is calculated at 7.23% per year, the same rate used in Kennebec County Superior Court. We multiply the 7.23% interest by the sum of the wages owed plus the liquidated damages owed to each individual employee. We then divide that amount by 366 days, resulting in a daily amount of interest. The daily interest is then multiplied by the number of days between the first day the wages went unpaid and the date the wages were actually paid, or the date of this notice if the wages have not yet been paid.

Table 1: Wages, Liquidated Damages, and Interest

Employee	Established pay date	Date paid	Number of days paid late	Wages owed	Wages paid late	Liquidated Damages	Interest	Total amount owed
[REDACTED]	5/20/2024	6/27/2024	38	\$1,040.75	\$1,040.75	*\$1,161.50	\$16.53	\$1,184.94
[REDACTED]	7/15/2024	1/2/2025	171	\$920.00	\$920.00	\$1,840.00	\$93.23	\$1,933.23
[REDACTED]	10/4/2024	3/21/2025	168	\$168.00	\$168.00	\$336.00	\$16.73	\$352.73

** Liquidated Damages was reduced by \$920 due to the additional payment made by the employer on 01/02/2025.*

Appeals and Settlements

The total penalty for the above violations is \$1,500.00. Checks should be made payable to “Treasurer, State of Maine” and mailed to the address at the top of this letter.

The total wages, liquidated damages and interest owed to the workers for the above violations is \$3,470.90 . Payment must be made directly to the workers and proof of payment submitted to the Wage and Hour Division.

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 III 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 Commissioner. The employer may request the appeal by U.S. mail, hand delivery, or email. 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 Commissioner may serve as the hearing officer or 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, and any wages, liquidated damages, or interest ordered to be paid. 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,

A handwritten signature in black ink that reads "Scott R. Cotnoir". The signature is written in a cursive, slightly slanted style.

Scott Cotnoir, Director
Wage and Hour Division
Inspection #496663, 493490, and 496455