

Settlement Agreement between the Maine Department of Labor and
Harbour Towne Inn, Inc.

This Agreement is entered into by and between the Maine Department of Labor, Bureau of Labor Standards and Harbour Towne Inn, Inc. (hereinafter called "Employer") to address and resolve violations of Title 26 §621-A and §664.

I. RECITALS

Harbour Towne Inn, Inc., is a corporation in good standing authorized to do business in Maine. Stefanie McElman is the owner, and she is authorized to bind the corporation and enter into this Settlement Agreement.

II. Acknowledgement and Admission of violations

EMPLOYER acknowledges and admits to the violations of 26 MRS §621-A and §664 identified in the citation letter dated January 24, 2022, and upheld on appeal on June 17, 2022.

III. TERMS of SETTLEMENT

A. Compliance Monitoring

For two (2) years following the execution of this Agreement by the Director, the employer shall provide The Maine Department of Labor, hereinafter called "Agency", access to EMPLOYER'S place(s) of business, records necessary to establish compliance with state and federal wage & hour laws and this Agreement and contact information for employees upon request. EMPLOYER shall submit records to AGENCY within five (5) calendar days of a request for records under this Paragraph.

B. Internal complaint and investigatory procedure

EMPLOYER agrees that within sixty (60) days of the full execution of this Agreement, EMPLOYER shall create and implement procedures, subject to the AGENCY'S approval,

- A. For employees to complain to EMPLOYER regarding violations of this Agreement or violations of any of the laws enforced by AGENCY; and
- B. For the investigation and resolution of any complaints regarding such alleged violations.

EMPLOYER agrees to maintain a written log of all formal or informal complaints by employees or their representatives that shall include a written record of at least the following information:

- (a) name of the complainant;
- (b) nature of the complaint;
- (c) person to whom the complaint was made;
- (d) date of complaint,

- (e) nature of the investigation into the complaint;
- (f) resolution of the complaint;
- (g) date of the resolution of the complaint; and
- (h) date the resolution was communicated to the complainant.

EMPLOYER agrees to maintain these records for a period of at least three (3) years after the Agreement is executed by the Director and to produce such documents to the AGENCY upon request at any reasonable hour.

C. Employer training (given by agency)

Within sixty (60) days of the Director's execution of this Agreement, EMPLOYER shall contact the AGENCY'S Chief Labor & Safety Inspector, Bartlett Hutchinson, at 207-623-7951 to schedule training.

Within six (6) months of the Director's execution of this Agreement, all of EMPLOYER'S management staff shall attend training hosted by the AGENCY. For purposes of this agreement, management includes each individual who supervises or will supervise any of EMPLOYER'S employees. EMPLOYER shall count training as hours worked for anyone in management that may attend.

D. Notices to be posted

EMPLOYER shall post and will keep posted in a place accessible to the employer's employees the most current versions of each of the following required labor posters:

- *Child Labor*
- *Minimum Wage*
- *Regulation of Employment*
- *Whistle Blower's Protection Act*
- *Sexual Harassment*
- *Video Display Terminals (if applicable)*

These posters can be downloaded for free at <https://www.maine.gov/labor/posters/index.shtml>

E. COMPROMISE OF PENALTIES

EMPLOYER agrees to make procedural changes to ensure compliance with all of Maine's labor laws. EMPLOYER acknowledges and admits violations that result in total penalties in the amount of \$3,900.00. EMPLOYER agrees to pay **\$2,000.00** in lieu of the total penalty upon execution of this agreement.

EMPLOYER acknowledges and understands that by signing this Settlement Agreement, in consideration of the reduction in penalties, EMPLOYER admits to the above violations. EMPLOYER agrees to withdraw, with prejudice, the 80C appeal pending in Lincoln County Superior Court, Docket number WISSC-AP-2022-5. EMPLOYER acknowledges and understands that this Settlement Agreement is a public document.

IV. Technical assistance

Offer of technical assistance

AGENCY invites EMPLOYER to contact Chief Labor & Safety Inspector, Bartlett Hutchinson, at 207-623-7951 for confidential technical assistance.

Signature(s)

Carl Michael Roland

Date: 10/12/2022

Michael Roland
Director, Bureau of Labor Standards
Maine Department of Labor

Stefanie McElman

Date: 10/6/22

Stefanie McElman, Owner
Harbour Towne Inn, Inc.