

Settlement Agreement between the Maine Department of Labor and Hi Hat Pancake House Inc. Inspection #460166

This Agreement is entered into by and between the Maine Department of Labor, Bureau of Labor Standards and Hi Hat Pancake House Inc. (hereinafter called "Employer") to address and resolve violations of Title 26 §621-A, §629, §664, §665, §771, and §774 identified during Inspection #460166.

I. RECITALS

Hi Hat Pancake House Inc., is a corporation in good standing authorized to do business in Maine. Caitlyn Laffin is the manager, 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, §629, §664, §665, §771, and §774 identified on the citation letter dated July 21, 2022, attached to this agreement.

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:

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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 \$21,500.00. EMPLOYER agrees to pay \$2,150.00 of the total penalty upon execution of this agreement no later than **October 3, 2022**. AGENCY agrees to suspend the remaining balance of \$19,350.00 if EMPLOYER complies with the terms of this Agreement and has no additional violations of 26 MRS §621-A, §629, §664, §665, §771, and §774 for two years from the date of the Agreement.

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EMPLOYER acknowledges and understands that by signing this Settlement Agreement, in consideration of the reduction in penalties, EMPLOYER admits to the above violations and waives any right to appeal the determination of violations and the resulting penalties. EMPLOYER acknowledges that this Settlement Agreement constitutes final bureau action and waives any right to appeal this action, including an 80C appeal. EMPLOYER acknowledges and understands that this Settlement Agreement is a public document.

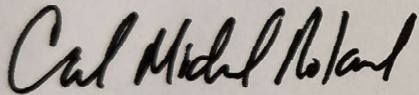
In the event of any breach of this Settlement Agreement, AGENCY may enforce the entire amount of the penalties suspended above, along with penalties for any additional violations subsequent to the date of this Agreement in State of Maine Superior Court. In the event of such action, EMPLOYER retains the right to dispute whether this Settlement Agreement has been breached but waives any right to contest the underlying violations and resulting penalties.

IV. Technical assistance

Offer of technical assistance

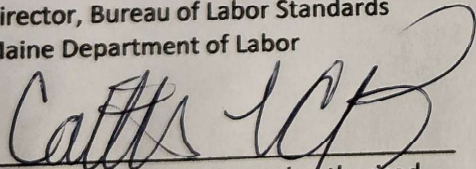
AGENCY invites EMPLOYER to contact Chief Labor & Safety Inspector, Bartlett Hutchinson, at 207-623-7951 for confidential technical assistance.

Signature(s)



Date: 9/21/2022

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



Date: 10/3/22

Caitlyn Laflin, Manager and authorized
Representative for Hi Hat Pancake House Inc.