

# Settlement Agreement between the Maine Department of Labor and Wilcox Dawson Wilcox, Inc., D/B/A Arby's. Inspection #472953

This Agreement is entered into by and between the Maine Department of Labor, Bureau of Labor Standards and Wilcox Dawson Wilcox, Inc., D/B/A Arby's (hereinafter called "Employer") to address and resolve violations of Title 26 §772, §774, and §775 identified during Inspection #472953.

## I. RECITALS

Wilcox Dawson Wilcox, Inc., D/B/A Arby's is a corporation in good standing authorized to do business in Maine. Michael Collins is the manager, and he is authorized to bind the corporation and enter into this Settlement Agreement.

## II. Acknowledgement and Admission of violations

EMPLOYER acknowledges and admits to the following 53 violations of Title 26 §772, §774, and §775, corrected from 208 violations on the citation letter dated May 15, 2023, attached to this agreement.

- §772 1 violation
- §774 13 violations
- §775 39 violations

## 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. 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.

### **C. 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>

### **D. COMPROMISE OF PENALTIES**

EMPLOYER agrees to comply with all of Maine's labor laws and specifically agrees to make any necessary procedural changes in order to ensure compliance. EMPLOYER acknowledges and admits violations that result in total penalties in the amount of \$13,250.00. EMPLOYER agrees to pay **\$3,312.50** of the total penalty no later than 14 calendar days after the signing of this agreement. AGENCY agrees to suspend the remaining balance of **\$9,937.50** if EMPLOYER complies with the terms of this Agreement and has no additional violations of Title 26 §772, §774, and §775 for two years from the date of the Agreement.

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: 5/25/2023

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



Date: 5/25/23

\_\_\_\_\_  
Michael Collins, Manager and authorized  
Representative for Wilcox Dawson Wilcox, Inc.,  
D/B/A Arby's