

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF LABOR AND TRAINING

The Rhode Island Department of
Labor & Training

L.S. Case No.: 2018-0116

Vs.

Date: 5/23/2018

JS Interior Construction Inc

SETTLEMENT AGREEMENT


1. On or about **4/24/2018** an anonymous complaint was filed with the RI Department of Labor Training, Labor Standards Section alleging a violation of R.I.G.L. § **28-14-19.1**. An investigation was conducted by: Dianne Tefft, Labor Standards Investigator;

2. As a result of the investigation on **4/24/2018** it has been substantiated that **JS Interior Construction Inc** has misclassified **27** employees as independent contractors and has failed to pay wages to the employees in violation of R.I General Law §**28-14-19.1** Misclassification of Employees. –(a) The misclassification of a worker whether performing work as a natural person, business, corporation, or entity of any kind, as an independent contractor when the worker should be considered and paid as an employee shall be considered a violation of this chapter.

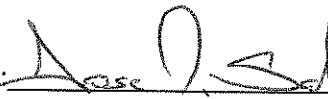
(a) In addition to any other relief to which any department or an aggrieved party may be entitled for such a violation, the employer shall be liable for a civil penalty in an amount not less than Fifteen Hundred dollars (**\$1500**) and not greater than Five Thousand (**\$3000**) dollars for each misclassified employee for a first offense, which shall be shared equally between the department and the aggrieved party. The parties agree to **\$1500** for **27** misclassified employees for the **first offense**. The total amount of **\$40,500** shall be paid by certified checks by JS Interior Construction. **27** certified checks in the amount of **\$750** will be made out to each misclassified employee as scheduled on the list below. An Administrative Fee of **\$20,250.00** divided in **4** payments of **\$5062.50** due on the first of each month beginning **June 1st, 2018** with a final payments due **September 1st, 2018**.

3. In the event **JS Interiors Construction Inc** should default on any payments, the total remaining balance will become due immediately.

- 4. **JS interior Construction Inc** and its designees waive all rights to appeal the provisions and violations contained in this settlement agreement.
- 5. This agreement constitutes a final administrative decision under the Administrative Procedures Act and is enforceable in the Superior Court of the State of Rhode Island against the company, its successors and assignees and officer; officer and/or officer waive all rights to appeal the provisions and violations contained in this settlement agreement.
- 6. Company shall tender to the Department all payments required herein within (7) days of the due date.
- 7. This settlement agreement is a voluntary agreement and both parties fully understand and acknowledge its contents.


Date: 5/31/18
Joseph Degnan, Assistant Director
Labor Standards

Respondent: **JS Interior Construction Inc**

By:  Date: 5/25/18
Title: Owner

Subscribed and sworn by me this _____ day of _____, 2018.

Notary Public
My Commission Expires: _____

| Name | Amount | Admin. Fee |
|---------------------------------|--------------------|--------------------|
| Lemuel Ortega | \$ 750.00 | |
| Fernando Mona | \$ 750.00 | |
| J Paulo Da Silva | \$ 750.00 | |
| Leonardo Gomez | \$ 750.00 | |
| Oscar Barrientos | \$ 750.00 | |
| Jose Juan Rico | \$ 750.00 | |
| Juan Carlos Cervantes | \$ 750.00 | |
| June 1st 2018 Total | \$ 5,250.00 | \$5,062.50 |
| Rider David Diaz | \$ 750.00 | |
| Edison Ponce Torred | \$ 750.00 | |
| Eimeno Pinto | \$ 750.00 | |
| Higini Dubon | \$ 750.00 | |
| Yenifer Carolina Duban | \$ 750.00 | |
| Jessica Federici | \$ 750.00 | |
| Alberto Vasquez | \$ 750.00 | |
| July 1st 2018 Total | \$ 5,250.00 | \$5,062.50 |
| Raul Pineda | \$ 750.00 | |
| Francisco Lun | \$ 750.00 | |
| Carlos Martinez | \$ 750.00 | |
| Douglas Mendoza | \$ 750.00 | |
| Minor Perez | \$ 750.00 | |
| Carlos Bos | \$ 750.00 | |
| Jose Aguiar | \$ 750.00 | |
| August 1st 2018 Total | \$ 5,250.00 | \$5,062.50 |
| Brayon Alesandro Cruz | \$ 750.00 | |
| Queivin Avalos | \$ 750.00 | |
| Roberto Carlos Ochoa | \$ 750.00 | |
| Oscar Del Valle | \$ 750.00 | |
| Fernando Vargas | \$ 750.00 | |
| Hamid Ashori | \$ 750.00 | |
| Fernando Mendoza | \$ 750.00 | |
| Gonzalo Montaro | \$ 750.00 | |
| September 1st 2018 Total | \$ 6,000.00 | \$ 5,062.50 |