



New York Regional Solicitor's Office U.S. Department of Labor **Enforcement Highlights**

December 2024

This is the newsletter for the New York Regional Solicitor's Office of the U.S. Department of Labor (NYSOL). Every year, NYSOL litigates hundreds of cases to ensure compliance with federal laws governing workplaces. Our work prevents employers from unjustly profiting by violating rules that protect workers' rights, wages, and safety. We are proud to report that in 2024, our cases resulted in financial recoveries over \$205 million.

This year, we prosecuted employers who refused to pay minimum hourly rates, or overtime for work over 40 hours in a week, restoring hard-earned wages for workers. We enforced critical safety and health requirements, affirming penalties against employers who willfully cut corners and ignored basic safety practices. We litigated to ensure government investigators had access to information necessary to do their jobs. And we protected the rights of workers to complain about workplace abuses without fear of retaliation. You can find some recent examples of our accomplishments below.

About NYSOL

NYSOL is responsible for civil trial litigation and legal support for the U.S. Department of Labor for matters arising in New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands. Our attorneys may be called upon to handle cases arising out of any of the Department of Labor's program areas, including but not limited to cases arising from the Occupational Safety and Health Administration, the Wage and Hour Division, the Employee Benefits Security Administration, the Office of

Federal Contract Compliance Programs, and the Mine Safety and Health Administration. [Read more about NYSOL here.](#)

Enforcement Highlights

NYSOL obtains \$1.175 million for workers at 15 gas stations that failed to pay overtime wages

Over a hundred workers at Bronx and Long Island gas stations owned by Jagit Singh worked long hours – sometimes over 85 hours in a week. But an investigation by the Department’s Wage and Hour Division found that the businesses refused to pay them legally required overtime rates for work over 40 hours in a week, and that some employees didn’t even receive the federal minimum wage of \$7.25 per hour. The businesses also failed to meet their legal obligation to keep adequate records of employee working time. NYSOL brought a legal action in the U.S. District Court for the Southern District of New York, resulting in a consent judgment requiring Mr. Singh and his businesses to pay \$1.175 million in back wages, liquidated damages, and civil money penalties. Read more in the [Hillside press release](#).

See also other press releases for our lawsuits obtaining significant remedies for Fair Labor Standards Act violations, including [Innovative Design and Development](#), and [Bronx Urgent Care](#), [Brookhaven Irrigation Corp.](#)

NYSOL secures \$485,000 in penalties against mine operator that recklessly operated a crane, killing a mechanic

Mine operator RJ Valente Gravel knowingly bypassed a defective crane’s security systems, causing the crane to strike and kill a mechanic in Rensselaer County, New York. An investigation by the Department’s Mine Safety and Health Administration further discovered that Valente tagged the crane as “out of service” during earlier inspections, only to turn around operate it in “override” mode for over a year. The company also falsified training records to assert that crane operator Anthony Valente had requisite training to operate the machine. NYSOL succeeded in affirming four flagrant citations and a penalty of \$485,000. Relatedly, Anthony

Valente pleaded to second-degree manslaughter and a six-month jail sentence and five years of probation, and settled a wrongful death lawsuit requiring payment of \$5.9 million dollars to the victim's family. Read more in the [RJ Valente press release](#).

NYSOL obtains coverage for \$580,000 in unpaid health claims from former hospital CEO who admitted to embezzlement

Employees of Williamson Memorial Hospital had every reason to expect that they had health insurance. But former hospital CEO Charles Hatfield failed to forward employee contributions to the health plan, leading to the plan's termination. Hatfield did not notify employees that their coverage had lapsed, even as they continued to incur thousands in health claims that were no longer being covered. NYSOL obtained a consent judgment requiring Hatfield to restore \$581,357 in unpaid health claims, removing Hatfield from control over the health plan, and appointing an independent fiduciary to administer claims. Hatfield separately plead guilty to charges of embezzlement from the hospital.

NYSOL wins a decision finding that a doctor illegally fired an employee for complaining about unsafe working conditions

The law protects an employee's right to complain about unsafe working conditions without retaliation from their employer. But when an employee of Kwiat Eye and Laser Surgery complained about the practice's lack of appropriate precautions at the height of the COVID-19 pandemic, owner Dr. David Kwiat fired them on the spot. So NYSOL brought a lawsuit in the U.S. District Court for the Northern District of New York, seeking to protect the right of all workers to speak up about problems in their workplaces. The Court ruled in our favor, finding that Dr. Kwiat and his medical practice are liable for illegally retaliating against the employee, permanently forbidding them from future similar violations of the law, and ordering that they take several other remedial steps. A separate subsequent hearing will determine the total amount of damages Dr. Kwiat and his practice must pay to the employee. Read more in the [Kwiat Eye and Laser Surgery press release](#).

NYSOL litigation results in Dish Network complying with Department investigations nationwide

Government investigators must have access to business information to do their jobs. But when the Department's Office of Federal Contractor Compliance Programs opened compliance evaluations of Dish Network, the company refused to provide basic information. As a federal contractor, Dish Network had committed to maintaining, for example, demographic information about its workforce, and to providing it to the government. NYSOL filed a legal action against the company, ultimately prompting them to commit to complying with all open compliance evaluations including eight locations nationwide.

NYSOL obtains penalties for abuses of the H-2B temporary foreign worker program

Kindergan Landscaping LLC employs seasonal foreign workers through the H-2B program. But an investigation by the Department's Wage and Hour Division found that it broke the rules of the program by offering more favorable terms to H-2B workers than to U.S. workers, taking and failing to disclose impermissible deductions for rent payments, failing to reimburse H-2B workers for transportation, failing to post notice of H-2B workers' rights, and failing to cooperate with the investigation. Shortly after NYSOL began litigating the case, the company committed to pay \$45,823 in civil money penalties and to hire an independent monitor for a two-year period, with a mandate to train the company and its owner/CEO on the requirements of the H-2B program and to evaluate compliance.

NYSOL obtains \$215,000 in penalties, and robust compliance commitments, against contractors that willfully violated rules for safe stairways

NYSOL reached a settlement to resolve five cases against Primetime Construction and its subsidiary, Primetime Contractors. The settlement affirms four willful citations issued by the Occupational Safety and Health Administration for the companies' recurring violations of the rules on stairway safety, despite having been counseled by OSHA about the relevant safety requirements. The settlement requires the employers to undertake considerable enhanced abatement measures, including

conducting a pre-job hazard assessment for each job, ensuring that all field employees receive at least OSHA 10-hour training and foremen receive at least 30-hour training, requiring subcontractors to document (via photographs) that compliant handrails and stair rails are in place during the course of work, retaining a safety consultant to conduct periodic worksite audits, and notifying OSHA of the companies' upcoming projects. Read more in the [Primetime press release](#).

NYSOL obtains \$200,000 for workers of a home care agency that intimidated workers in an attempt to obstruct the Department's investigation and hide their failure to pay overtime wages

Sunrise Home Care admitted that it misclassified its home health aides as independent contractors instead of employees and failed to pay overtime wages. When the Department's Wage and Hour Division opened an investigation into the company's illegal practices, the Department received reports that it responded by harassing and intimidating workers in an attempt to stymie the government's work. This included instructing employees to provide false information to the government and coercing them to preemptively agree to kick back any wages owed to the employees because of the government's investigation. NYSOL took swift action, obtaining a temporary restraining order in the U.S. District Court for the Southern District of New York, forbidding them from obstructing the investigation. NYSOL then went on to obtain a consent judgment securing \$200,000 in back wages, liquidated damages, and other damages for 44 home health aides, and a permanent injunction requiring them to comply with the law in the future. Read more in the [Sunrise Home Care press release](#).

See also the press releases for other recent lawsuits preventing employers from retaliating against workers and obstructing the Wage and Hour investigations, including [ABC 31st street](#).

For questions about this newsletter, please contact Alexander M. Kondo, Counsel for Litigation and Special Projects, kondo.alexander.m@dol.gov.