



Case Number: 2016-SCA-00019

Issue Date: 21 September 2016

In the Matter of:

COMMUNITY EDUCATION CENTERS, INC.
and ESSEX COUNTY, NEW JERSEY

Respondents.

NOTICE OF DOCKETING AND
ORDER APPROVING CONSENT FINDINGS

This case arises under the McNamara-O'Hara Service Contract Act of 1965 ("SCA"), 41 U.S.C. §§ 6101-6107, as amended, the Contract Work Hours and Safety Standards Act ("CWHSSA"), 40 U.S.C. §§ 3701-3708, as amended, and the implementing regulations at 29 C.F.R. Parts 4 and 6.

On September 20, 2016, the Regional Solicitor, U.S. Department of Labor, in New York, counsel for Wage and Hour Division ("Plaintiff"), simultaneously filed a Complaint against the above-named Respondents and Consent Findings with the Office of Administrative Law Judges ("Office").

The Complaint states that ICE awarded Respondent Essex County, New Jersey contract number EROIGSA-11-0008 to provide detention services for detainees from the time period August 11, 2011 through August 10, 2016. The Complaint further states that Essex County subcontracted with Education & Health Centers of America, Inc., which in turn subcontracted with Respondent Community Education Centers, Inc. to provide services at Delaney Hall Center in Newark, New Jersey. Plaintiff alleges that Respondents improperly paid employees based on rates in a collective bargaining agreement that had been invalidated, which resulted in failure to pay the proper base wage and fringe benefits. Plaintiff also alleges that Respondents failed to pay overtime wages as required by the CWHSSA.

The Consent Findings state that Respondents authorize ICE to release \$4,800,000.00 in funds it withheld from Respondents, for distribution to affected employees. The parties agree that the release of funds will be in full settlement of the claims in this matter. Respondents do not admit to any violations of the SCA, CWHSSA, or other law.

The SCA rules of practice for administrative proceedings are set forth in 29 C.F.R. Parts 6 and 8. Section 6.18(c) provides that the presiding Administrative Law Judge shall accept any agreement containing consent findings if he or she "is satisfied with its form and substance."

After reviewing the terms of the agreement, I am satisfied that the agreement conforms to the requirements set forth in § 6.18(b)(1)-(4) and is a satisfactory resolution of the issues contested and hereby APPROVE it. The terms of the *Consent Findings* are hereby adopted and incorporated in full into this order. This case is hereby DISMISSED with prejudice.

SO ORDERED:



Digitally signed by STEPHEN R.
HENLEY
DN: CN=STEPHEN R. HENLEY,
OU=ADMINISTRATIVE LAW JUDGE,
O=US DOL Office of Administrative Law
Judges, L=Washington, S=DC, C=US
Location: Washington DC

STEPHEN R. HENLEY
Chief Administrative Law Judge

SERVICE SHEET

Case Name: WAGE_AND_HOUR_DIVISI_v_COMMUNITY_EDUCATION__

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I hereby certify that a copy of the above-referenced document was sent to the following this 21st day of September, 2016:



Digitally signed by BRENDA D. WILLIAMS
DN: CN=BRENDA D. WILLIAMS,
OU=LEGAL ASSISTANT, O=US DOL, Office
of Administrative Law Judges,
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