



**Issue Date: 16 October 2007**

CASE No. 2007-LCA-8

ADMINISTRATOR,  
WAGE & HOUR DIVISION,  
Complainant,

v.

DAYTON PUBLIC SCHOOLS,  
Respondent

**DECISION AND ORDER APPROVING SETTLEMENT  
AGREEMENT AND CONSENT FINDINGS**

The above-captioned case arises under the Labor Condition Applications and Requirements for Employers using Aliens on H-1B Visas in Specialty Occupations, 29 C.F.R. § 507.700 et seq., 20 C.F.R. Part 655, Subparts H and I. On February 22, 2007, the U.S. Department of Labor filed a complaint alleging that Dayton Public Schools committed the following violations: willfully failed to pay wages as required; willfully failed to provide notice of the filing of the Labor Condition Application as required; required or accepted payment of the additional petition fee; failed to maintain copies of the Labor Condition Application, and failed to cooperate in the investigation as required. On March 8, 2007, the Department of Labor was notified by Michael Glassman, counsel for Respondent, that he was now representing the Respondent and requested a hearing with respect to all aspects of the determination, including but not limited to all alleged violations, proposed penalties, backpay assessment, factual findings, conclusions and determination. On April 19, 2007, a hearing was scheduled for November 6-8, 2007 in Dayton, Ohio.

On October 11, 2007, the undersigned received a signed settlement agreement and consent findings to be approved pursuant to 29 C.F.R. § 18.9. I have carefully reviewed the terms of the settlement agreement and consent findings, and find them to be fair and reasonable and in substantial compliance with the requirements of 29 C.F.R. § 18.9(b). Pursuant to the terms of the consent findings, the parties agree that such constitutes full and complete settlement of all issues in the above-captioned matter.

ORDER

Upon consideration of the record and the settlement agreement and consent findings, I hereby ORDER that such is APPROVED in full and incorporated herein by reference. The settlement agreement and consent findings shall constitute my findings of fact and conclusions of law and shall constitute full, final and complete adjudication of this proceeding.

IT IS ALSO ORDERED that the hearing scheduled for November 6, 2007 is hereby CANCELLED.

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THOMAS F. PHALEN, JR.  
Administrative Law Judge

**NOTICE OF APPEAL RIGHTS:** To appeal, you must file a Petition for Review (“Petition”) that is received by the Administrative Review Board (“Board”) within thirty (30) calendar days of the date of issuance of the administrative law judge’s decision. *See* 20 C.F.R. § 655.845(a). The Board’s address is: Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington, DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties as well as the administrative law judge. *See* 20 C.F.R. § 655.845(a).

If no Petition is timely filed, then the administrative law judge’s decision becomes the final order of the Secretary of Labor. Even if a Petition is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. § 655.840(a).