



pennsylvania
DEPARTMENT OF GENERAL SERVICES

June 27, 2016

Via Certified Mail

Mr. John L. Kraus
JLK Contracting, Inc
450 S.16th Street
Easton, PA 18042

**Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: Roof Replacement
Central Bucks School District**

Dear Mr. Kraus:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, JLK Contracting, Inc ("JLK Contracting") has been found to be in violation of Section 5(1) of the Public Works Employment Verification Act (the "Act"), 43 P.S. §§167.1, *et seq.* The details of the violation are as follows:

The Act was effective January 1, 2013, and requires every public works contractor and subcontractor to utilize the federal E-Verify Program ("EVP"), operated by the United States Department of Homeland Security, to verify the employment eligibility of new employees hired on or after January 1, 2013. Public works contractors and subcontractors must be in compliance with the Act prior to the award of the contract. An employee hired after the award of the public works contract must be verified within 5 business days of his or her start date.

By letter dated May 4, 2016 the Department requested JLK Contracting provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that JLK Contracting was awarded a public works contract by the Central Bucks School District on April 28, 2015. According to the information submitted in response to the audit, JLK Contracting hired a total of approximately four (4) employees after the award of the contract. JLK Contracting submitted a Public Works Employment Verification acknowledging that it was in compliance with the Act as of April 15, 2015, prior to the award of the contract even though they did not enroll in EVP until May 11, 2016. JLK Contracting did not initiate verification of the four new employees to date, which has been more than five business days after the employees' start dates. Therefore, JLK Contracting did not properly utilize the EVP system to verify new employees in accordance with the Act and is in violation of Section 5(1) of the Act, 43 P.S. § 167.5(1).

This is JLK Contracting's first violation under the Act. As required by Section 6(d)(1) of the Act, 43 P.S. § 167.6(d)(1), this first violation warning letter will be posted to the Department's publicly accessible website at www.dgs.pa.gov. If JLK Contracting fails to comply with the Act or commits subsequent

violations thereof, JLK Contracting may be subject to civil penalties as well as debarment by the Department as provided for in Section 6 of the Act.

To appeal this determination, you must submit a written request for an administrative hearing setting forth all of the facts upon which the appeal is based, within ten (10) calendar days of the date of this letter, to the Deputy Secretary for Procurement, Department of General Services, 6th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA, 17101. A filing fee of \$100.00, in the form of a certified check or money order payable to the Commonwealth of Pennsylvania Department of General Services, must be enclosed with the request.

Please refer to the Department's web site, www.dgs.pa.gov, for additional information on the requirements of the Act and the appeal procedures to be followed if JLK Contracting requests an administrative hearing. Your cooperation with the Department in complying with the Act is appreciated.

Sincerely,


Michael A. Cuff

Public Works Employment Verification Manager

cc: Janice Pistor, Chief, Strategic Support & Audits Division