



September 13, 2016

Mr. David Stafursky
Stafursky Paving Co., Inc.
3 Export Lane
Archbald, PA 18403

Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: OCD Paving Project -2015
Dupont Borough

Dear Mr. Stafursky:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, Stafursky Paving Co., Inc. ("Stafursky Paving Co.") 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 June 23, 2016, the Department requested Stafursky Paving Co. provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Stafursky Paving Co. was awarded a public works contract by Dupont Borough on October 28, 2015. According to the information submitted in response to the audit, Stafursky Paving Co. hired a total of approximately thirteen (13) employees after the award of the contract. Stafursky Paving Co. did not enroll into EVP until on or after July 21, 2016 and did not initiate verification of the thirteen new employees to date which was more than five business days after each employees' start date. Therefore, it is the Department's conclusion that Stafursky Paving Co. 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 Stafursky Paving Co.'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 Stafursky Paving Co. fails to comply with the Act or commits subsequent violations thereof, Stafursky Paving Co. 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 Stafursky Paving Co. 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