



pennsylvania
DEPARTMENT OF GENERAL SERVICES

Heim Construction Company, Inc.
44 Pheasant Road
Orwigsburg, PA 17961

May 22, 2023

Re: Warning Letter
Public Works Employment Verification Act
Project: ADA Ramps 2020 /Contract 12842
Project: South Bethlehem Corridor Connections/Contract 110647

Dear Heim Construction Company, Inc.:

This correspondence shall serve as official notice that, as a result of an investigation conducted by the Department of General Services, Heim Construction Company, Inc. has been found to be in violation of the Public Works Employment Verification Act (the Act):

5(1) Failed to verify the employment eligibility of a new employee hired after January 1, 2013, through the federal E-Verify Program.

The Act was effective January 1, 2013, and requires every public works contractor and subcontractor to utilize the federal E-Verify Program, 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 five (5) business days of his or her start date.

Investigation 1 – Contract 12842

By letter dated April 26, 2023, the Department requested Heim Construction Company, Inc. provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Heim Construction Company, Inc. was awarded a public works contract by PennDOT on September 24, 2020. Heim Construction Company, Inc. submitted a Public Works Employment Verification form acknowledging that it was in compliance with the Act as of September 21, 2020. According to the information submitted in response to the investigation, Heim Construction Company, Inc. did not initiate verification of one (1) employee. Therefore, it is the Department's conclusion that Heim Construction Company, Inc. did not utilize the EVP system to verify new employees in accordance with the Act and is in violation of Section 5(1) of the Act.

Investigation 2 – Contract 110647

By letter dated April 26, 2023, the Department requested Heim Construction Company, Inc. provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Heim Construction Company, Inc. was awarded a public works contract by PennDOT on February 4, 2021. Heim Construction Company, Inc. submitted a Public Works Employment Verification form acknowledging that it was in compliance with the Act as of January 15, 2021. According to the information submitted in response to the investigation, Heim Construction Company, Inc. did not initiate verification of one (1) employee. Therefore, it is the Department's conclusion that Heim Construction Company, Inc. did not utilize the EVP system to verify new employees in accordance with the Act and is in violation of Section 5(1) of the Act.

This is Heim Construction Company, Inc.'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 Heim Construction Company, Inc. fails to comply with the Act or commits subsequent violations thereof, Heim Construction Company, Inc. 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 Capital Programs, Department of General Services, Harrisburg, PA, 17125. 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 Heim Construction Company, Inc. requests an administrative hearing. Your cooperation with the Department in complying with the Act is appreciated.

Sincerely,

Rebecca Dombrowsky
Employment Verification Administrator