



pennsylvania
DEPARTMENT OF GENERAL SERVICES

Pioneer Construction Co., Inc.
3298 Lake Ariel Highway
Honesdale, PA 18431

February 15, 2024

Re: Warning Letter
Public Works Employment Verification Act
Project: Memorial Drive Drainage Repairs

Dear Pioneer Construction Co., Inc.:

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

Section 656.4 (1): Failed to verify the employment eligibility of a new employee 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.

By letter dated February 6, 2024, the Department requested Pioneer Construction Co., Inc. provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Pioneer Construction Co., Inc. was awarded a public works contract by Lackawanna County Controller on December 1, 2022. Pioneer Construction Co., Inc. submitted a Public Works Employment Verification form acknowledging that it was in compliance with the Act as of November 23, 2022. According to the information submitted in response to the investigation, Pioneer Construction Co., Inc. did not initiate verification of the one (1) new employee until February 12, 2024. Therefore, it is the Department's conclusion that Pioneer Construction Co., 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 Pioneer Construction Co., Inc.'s first violation under the Act. As required by the Act, 71 P.S. § 656.5(e)(1), this first violation warning letter will be posted to the Department's publicly accessible website at www.dgs.pa.gov. If Pioneer Construction Co., Inc. fails to comply with the Act or commits subsequent violations thereof, Pioneer Construction Co., Inc. may be subject to civil penalties as well as debarment by the Department as provided for in Section 656.5 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, 1800 Herr Street, 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 Pioneer Construction Co., Inc. requests an administrative hearing. Your cooperation with the Department in complying with the Act is appreciated.

Sincerely,

Rebecca Dombrowsky
Employment Verification Administrator