



pennsylvania
DEPARTMENT OF GENERAL SERVICES

Nestlerode Contracting Company, Inc.
145 East Walnut Street
Lock Haven, Pa 17745

December 8, 2023

Re: Warning Letter
Public Works Employment Verification Act
Project: T-707 Bridge Replacement/Contract 112602

Dear Nestlerode Contracting Company, Inc.:

This correspondence shall serve as official notice that, as a result of an audit or investigation conducted by the Department of General Services, Nestlerode Contracting Company, 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 November 9, 2023, the Department requested Nestlerode Contracting Company, Inc. provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Nestlerode Contracting Company, Inc. was awarded a public works contract by PennDOT on October 18, 2022. Nestlerode Contracting Company, Inc. submitted a Public Works Employment Verification form acknowledging that it was in compliance with the Act as of September 29, 2022. According to the information submitted in response to the investigation, Nestlerode Contracting Company, Inc. did not initiate verification of the six (6) new employees until November 2023. Therefore, it is the Department's conclusion that Nestlerode Contracting 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 Nestlerode Contracting Company, 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 Nestlerode Contracting Company, Inc. fails to comply with the Act or commits subsequent violations thereof, Nestlerode Contracting Company, 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 Nestlerode Contracting Company, Inc. requests an administrative hearing. Your cooperation with the Department in complying with the Act is appreciated.

Sincerely,

Rebecca Dombrowsky

Employment Verification Administrator