
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

JULIE A. SU, Acting Secretary of
Labor, United States Department of
Labor,

Plaintiff

Civil Action No.: 1:22-cv-12903-
MAG-PTM

v.

District Judge: Mark A. Goldsmith

GREAT LAKES CARE COMPANIONS,
INC., a Michigan Corporation, and
JUAN G. SALAZAR, an individual,

Defendants.

CONSENT ORDER AND JUDGMENT

Plaintiff Julie A. Su, Acting Secretary of Labor, United States Department of Labor (“Acting Secretary” or “Plaintiff”), has filed a complaint under the Fair Labor Standards Act of 1938 as amended (29 U.S.C. § 201 *et seq.*) (“FLSA”), and Defendants Great Lakes Care Companions, Inc. and (“Great Lakes Care Companions”) Juan G. Salazar (collectively, “Defendants”), waive formal service of process of the Summons and Complaint, waive their Answer and any defenses which they may have, and agree to the entry of this Consent Order and Judgment without contest.

Defendants admit and the Court finds Defendants are engaged in related activities performed through unified operation or common control for a common business purpose and are an “enterprise” under 29 U.S.C. § 203(r) of the FLSA.

Defendants admit and the Court finds Defendants are an enterprise engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. § 203(1)(A) of the FLSA.

Defendants admit and the Court finds Defendants are employers as defined in 29 U.S.C. § 203(d) of the FLSA.

Prior to the execution of this Consent Order and Judgment, Defendants paid \$31,791.31 in back wages owed for the period from August 1, 2019 to July 31, 2021 to affected employees and the Acting Secretary has received proof of such payment.

Upon motion of attorneys for the Acting Secretary and Defendants and for cause shown, it is:

ORDERED, ADJUDGED, AND DECREED, pursuant to section 17 of the FLSA that Defendants, their successors, their officers, agents, servants, and all persons acting or claiming to act on their behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of sections 207, 211, 215(a)(2) and (5) of the FLSA, in any of the following manners:

1. Defendants shall not, contrary to 29 U.S.C. §§ 207 and 215(a)(2), employ any of their employees including, but not limited to, any of their employees working at Great Lakes Care Companions, and any successor companies, or at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work, in any workweek when they are engaged in commerce or employed in an enterprise engaged in commerce, within the meaning of the FLSA, for workweeks longer than forty hours, unless said employees receive compensation for their employment in excess of forty hours at a rate equivalent to one and one-half times the regular rate at which they are employed.

2. Defendants shall make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them including, but not limited to, any of their employees working any successor companies, or at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work, as prescribed by the Regulations issued pursuant to 29 U.S.C. §§ 211(c) and 215(a)(5) and found at 29 C.F.R. Part 516. Defendants and their successors shall make such records available at all reasonable times to representatives of the Plaintiff.

3. Pursuant to 29 U.S.C. § 215(a)(3), Defendants and their successors shall not discharge or take any retaliatory action against any of their current or former employees because the current or former employee engages in any of the following activities:

a. Discloses, or threatens to disclose, to a supervisor or to a public agency, any activity, policy, or practice of the Defendants or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA;

b. Provides information to, or testifies before, any public agency or entity conducting an investigation, hearing or inquiry into any alleged violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA, by the Defendants or another employer with whom there is a business relationship;

c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA.

d. Defendants shall not request, solicit, suggest, or coerce, directly or indirectly, any employee to return or to offer to return to the Defendants or to someone else for the Defendants, any money in the form of cash,

check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this Consent Order and Judgment or the FLSA; nor shall Defendants accept or receive from any employee, either directly or indirectly, any money in the form of cash, check, or any other form, for wages paid to said employee under the provisions of this Consent Order and Judgment or the FLSA; nor shall Defendants discharge or in any other manner discriminate, nor solicit or encourage anyone else to discriminate, against any such employee because such employee has received or retained money due to him from the Defendants under the provisions of this Consent Order and Judgment or the FLSA.

e. Defendants shall provide all employees with a copy of the U.S. Department of Labor, Wage and Hour Division's *Handy Reference Guide to the Fair Labor Standards Act, Employee Rights Under the Fair Labor Standards Act*, in English and Spanish, which is available at <https://www.dol.gov/agencies/whd/compliance-assistance/handy-reference-guide-flsa>, and *Fact Sheet #23: Overtime Pay Requirements of the FLSA*, which is available at <https://www.dol.gov/agencies/whd/fact-sheets/23-flsa-overtime-pay>. Defendants shall provide these materials within 30 days of

employment or, for current employees, within 30 days of entry of the Consent Order and Judgment.

FURTHER, JUDGMENT IS HEREBY ENTERED, pursuant to section 16(c) of the Act, in favor of the Acting Secretary and against Defendants in the total amount of \$95,074.32.

4. The Acting Secretary shall recover from Defendants, jointly and severally, the total amount of \$95,074.32, comprised of: (1) the remaining sum of \$31,028.70 in unpaid overtime compensation covering the period from August 1, 2019, to July 31, 2021, for Defendants' current and former employees whose names are listed in the attached Exhibit A, (2) an additional \$62,820.01 in liquidated damages covering the period from August 1, 2019, to July 31, 2021 for Defendants' current and former employees whose names are listed in the attached Exhibit A, and (3) an additional \$1,225.61 in interest which will accrue as a result of the payment period set forth in paragraph 5 below.

5. The Defendants shall pay the monies totaling \$95,074.32 as follows:

a. Defendants shall make installment payments in the amounts and on the dates specified in the schedule attached as Exhibit B and incorporated herein by reference.

b. Defendants shall deliver the above payments by ACH transfer, credit card, debit card, or digital wallet at <https://www.pay.gov/public/>

form/start/77692637 or www.pay.gov and searching “WHD Back Wage Payment – Midwest Region”.

c. Upon receipt of the payments detailed in Exhibit B from Defendants, representatives of the Acting Secretary shall distribute such amounts, less appropriate deductions for federal income withholding taxes and the employee’s share of the social security (F.I.C.A.) tax, to the employees or their legal representative as their interests may appear, in accordance with the provisions of section 16(c) of the FLSA. Defendants remain responsible for the employer’s share of F.I.C.A. arising from or related to the back wages distributed by the Acting Secretary.

d. Any monies not disbursed by the Department of Labor after three years from the date of payment by Employers, because of the inability to locate the proper persons or because of their refusal to accept payment, shall be deposited into the Treasury of the United States as miscellaneous receipts, pursuant to section 16(c) of the FLSA.

e. In the event Defendants fail to make any of the installments on or before the due dates referenced in Exhibit B, the entire outstanding amount shall become immediately due and payable without further notice or demand by the Secretary against Defendants.

6. By entering into this Consent Order and Judgment, Plaintiff does not waive her right to conduct future investigations of Defendants or their successors under the provisions of the FLSA and to take appropriate enforcement action, including assessment of civil money penalties pursuant to 29 U.S.C. § 216(e), with respect to any violations disclosed by such investigations.

7. The provisions of this Consent Order and Judgment shall not in any way affect any legal right of any individual not named on Exhibit A, nor shall the provisions in any way affect any legal right of any individual named on Exhibit A to file any action against Defendants for any violations alleged to have occurred outside the relevant period.

It is FURTHER ORDERED that each party shall bear their own costs, fees and other expenses incurred by such party in connection with any stage of this proceeding, but not limited to, attorney fees which may be available under the Equal Access to Justice Act, as amended. The motion to approve (Dkt. 25) is granted. The case is now closed.

SO ORDERED.

Dated: October 13, 2023
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

**Entry of this judgment
is hereby consented to:**

For Defendants:

Date 9/27/23

GREAT LAKES CARE COMPANION, INC.

by: Juan G. Salazar Jr.
JUAN G. SALAZAR
Its President/Owner

Date 9/27/23

Juan G. Salazar Jr.
JUAN G. SALAZAR
In his individual capacity

For the Acting Secretary:

Date 9/27/2023

SEEMA NANDA
Solicitor of Labor

CHRISTINE Z. HERI
Regional Solicitor

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*Attorneys for Plaintiff Julie A. Su,
Acting Secretary of Labor, United
States Department of Labor*

EXHIBIT B

<u>Date Due</u>	<u>Amount Due</u>
September 30, 2023	\$18,769.74
October 30, 2023	\$6,358.72
November 30, 2023	\$6,358.72
December 30, 2023	\$6,358.72
January 30, 2024	\$6,358.72
February 29, 2024	\$6,358.72
March 30, 2024	\$6,358.72
April 30, 2024	\$6,358.72
May 30, 2024	\$6,358.72
June 30, 2024	\$6,358.72
July 30, 2024	\$6,358.72
August 30, 2024	\$6,358.72
September 30, 2024	\$6,358.66
Total Due	\$94,074.32