



DEPARTMENT OF CONSUMER AND
WORKER PROTECTION (DCWP)
Office of Labor Policy & Standards (OLPS)
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Frequently Asked Questions – Settlement Offers from DCWP Office of Labor Policy & Standards

What is a settlement offer?

A settlement offer from DCWP's Office of Labor Policy & Standards (OLPS) is a proposal to resolve a case through an agreement with DCWP instead of through litigation.

DCWP generally sends a settlement offer after an investigation finds you violated a law DCWP enforces. A settlement offer typically includes an option to resolve the case by agreeing to pay money and change your practices or policies or take other measures to comply with the law or correct violations.

Who should I contact after I receive a settlement offer?

Contact the person who sent you the settlement offer to discuss it. The offer will include contact information. If you need an interpreter, DCWP can arrange free over-the-phone interpretation to speak about the offer.

You can try to negotiate different settlement terms; however, there is no guarantee that DCWP will accept a counteroffer.

Do I have to accept the offer and settle my case?

No. You can attend a hearing at the Office of Administrative Trials and Hearings (OATH) to contest the alleged violation(s).

What should I do if I receive a warning about not providing records in an investigation?

DCWP generally sends a warning if you don't cooperate with an investigation and refuse to provide requested documents or information. You must provide the requested documents or information by the deadline in the email or letter. If you don't, DCWP may file a petition at OATH to get an order directing you to provide the documents and to pay civil penalties.

To avoid a hearing about your failure to provide documents or information, contact the person who sent you the email or letter. You may be able to resolve the dispute by providing the requested documents or information. If you need an interpreter, DCWP can arrange free over-the-phone interpretation to speak about the records request.

What happens if I decide to settle my case?

After you and DCWP reach agreement on the terms of the settlement, DCWP puts the complete settlement agreement in writing in a document called a "Consent Order." You have the opportunity to read the draft Consent Order and discuss as needed before signing. If you need an interpreter, DCWP can arrange free over-the-phone interpretation.

The **Consent Order** lists the violations you committed and the actions you'll take, including payment of money and/or other steps to ensure compliance with the law. Typically, you'll agree to pay civil penalties and employee relief by a certain date. You pay civil penalties to the City. You pay employee relief to the worker(s).

As part of the settlement, you may be asked to sign a document called a **Confession of Judgment**, which allows DCWP to obtain a judgment for money against you from a state court, without filing a lawsuit, if you fail to pay what you agreed to pay.

The settlement is not final until you and DCWP sign the Consent Order. If you and DCWP disagree about the written terms and do not finalize the Consent Order within a reasonable time period, DCWP may proceed with litigation at OATH.

What happens after I settle my case?

Consent Orders are legally binding documents. After you sign the Consent Order, you must do what you agreed by the deadlines in the Consent Order. If you don't, DCWP may:

- file a case against you to enforce the settlement;
- fine you;
- obtain a monetary judgment against you; and/or
- take other measures as appropriate.

Settlements are not confidential and are subject to the Freedom of Information Law.

Retaliation is illegal. You can't punish workers for participating in the investigation or accepting a settlement payment or take any other action that penalizes workers for exercising their rights or is likely to stop workers from attempting to exercise their rights.

What happens if I don't settle my case?

If you don't settle, DCWP may file a petition against you at OATH. DCWP will serve you with a copy of the petition that summarizes the claims against you, including the violations of law the DCWP investigation found you committed.

After the petition is filed and served, you have an opportunity to respond and be heard before an Administrative Law Judge (ALJ). You may hire an attorney to represent you and present defenses on your behalf or you may choose to represent yourself. Both parties (you and DCWP) may conduct discovery; for example, request documents and information.

How long a case lasts varies. Cases sometimes resolve after a party files a motion to decide the case, when the parties settle, or a case goes to trial.

If a case goes to trial, the OATH ALJ will hear the case. There is no jury. Both parties have the opportunity to present evidence and arguments. The OATH ALJ makes a recommendation on how to decide the case and the DCWP Commissioner issues the final Agency decision.

If you don't agree with a final Agency decision, you can file an appeal in state court.