

## U.S. DEPARTMENT OF LABOR

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- Federal court enters consent judgment ordering New Jersey framing contractor to pay \$360K for wage, retaliation violations at Lynn, Massachusetts project

### News Release

# FEDERAL COURT ENTERS CONSENT JUDGMENT ORDERING NEW JERSEY FRAMING CONTRACTOR TO PAY \$360K FOR WAGE, RETALIATION VIOLATIONS AT LYNN, MASSACHUSETTS PROJECT

*P & B Partitions Inc. underpaid 61 employees, allegedly fired two workers for exercising their rights*

**BOSTON** – A federal court in Boston has entered a consent judgment ordering a New Jersey-based framing contractor to pay 61 construction employees \$283,492 in back wages and liquidated damages and \$46,507 in punitive damages to two former employees, allegedly fired for cooperating with U.S. Department of Labor investigators.

The department obtained the judgment in the U.S. District Court for the District of Massachusetts against P & B Partitions Inc. of West Berlin after an investigation by

its [Wage and Hour Division](#) and litigation by its Office of the Solicitor concerning the employer's overtime, recordkeeping and anti-retaliation violations at the Caldwell Monroe Street development project in Lynn.

The department alleged P & B tried to avoid paying overtime premiums to certain employees. Specifically, the department found that the employers made payments to certain employees, including employees paid by P & B and its drywall subcontractor, and employees paid solely by the drywall subcontractor on behalf of P & B, for hours in excess of 40 in a workweek, without the overtime rate required by law. In addition, some employees associated with the drywall subcontractor were not paid wages for certain hours worked in overtime workweeks.

The department also determined P & B failed to keep accurate records of hours worked and compensation paid to certain employees, including cash payments. The department further alleged that company owner Ronald Biglin, Jr. directed the firing of one employee who spoke to an investigator and foreperson Arturo Briones fired a second for participating in the investigation.

In addition to the back wages and liquidated damages, the consent judgment forbids P & B Partitions, Biglin, and Briones from future [Fair Labor Standards Act](#) overtime, recordkeeping and retaliation violations. The judgment also requires P & B Partitions, Biglin and Briones to pay a civil money penalty of \$30,000 to the department for the willful nature of their violations.

[View the consent judgment.](#)

“The Wage and Hour Division will not tolerate employers that seek to avoid their responsibility to properly pay overtime wages,” said Wage and Hour Division District Director Carlos Matos in Boston. “The division will pursue employers that use subcontracting arrangements designed to conceal the improper payment of wages that employees have worked hard to earn.”

“The Fair Labor Standards Act forbids employers from attempting to silence workers who question or report their pay practices. Employers must understand that any form of threat or retaliation against workers who assert their rights can have significant consequences and the U.S. Department of Labor will pursue appropriate legal actions on behalf of those workers,” said regional solicitor Maia Fisher in Boston.

“Employers unsure of their obligations under the laws the division enforces should contact the division for assistance. Workers who may have been victims of retaliation or wage theft should also contact us to learn more about their rights,” added Matos.

The FLSA requires that most employees in the U.S. be paid at least the [federal minimum wage](#) for all hours worked and [overtime pay](#) at not less than time and one-half the

required rate of pay for all hours worked over 40 in a workweek. It also prohibits employers from firing or taking adverse action against employees for exercising their rights. [Learn more about how the Wage and Hour Division protects workers against retaliation.](#)

[Learn more about the Wage and Hour Division](#), including a [search tool](#) to use if you think you may be owed back wages collected by the division. Employers and workers can call the division confidentially with questions, regardless of their immigration status. The department can speak with callers in more than 200 languages through the agency's toll-free helpline at 866-4US-WAGE (487-9243). Help ensure hours worked and pay are accurate by downloading the department's Android and iOS [Timesheet App](#) for free, also available in Spanish.

Su v. P & B Partitions Inc., Ronald Biglin, Jr. and Arturo Briones

Civil Action No. 1:23-cv-11839

**Agency**

Wage and Hour Division

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