

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (“Agreement”) is entered into by and between Priority Construction Corporation (“Priority”), and the United States Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (“IER”) (collectively “the Parties”).

I. BACKGROUND

WHEREAS, by letter dated June 12, 2019, IER notified Priority that it had initiated an independent investigation, DJ# 197-35-497 (“IER Investigation”), to determine whether Priority had a preference for hiring workers with temporary employment visas over U.S. workers, based upon their citizenship status, in violation of the Immigration and Nationality Act’s anti-discrimination provision, 8 U.S.C. § 1324b.

WHEREAS, after the IER Investigation, IER determined that there is reasonable cause to believe that from at least mid-January 2019 through mid-March 2019, Priority did not fairly consider potentially qualified U.S. workers because of their citizenship or immigration status, and instead preferred to hire workers with H-2B visas in violation of 8 U.S.C. § 1324b(a)(1)(B). Specifically, Priority failed to give a bona fide review to 17 employment applications that U.S. workers submitted during Priority’s recruitment period, even though some of the applicants may have been qualified.

WHEREAS, IER and Priority wish to resolve IER’s reasonable cause findings without further delay or expense and hereby acknowledge that they are voluntarily entering into this Agreement.

NOW, THEREFORE, in consideration of the below mutual promises, and to fully and finally resolve the IER Investigation as of the date of this Agreement, the Parties agree as follows:

II. TERMS OF SETTLEMENT

1. This Agreement shall become effective as of the date the last party signs the Agreement, referred to as the “Effective Date.” The term of this Agreement is three years following the Effective Date.
2. Priority shall pay civil penalties to the United States Treasury in the amount of forty thousand, six hundred dollars (\$40,600). Within five days of the Effective Date, Priority shall send IER the name, title, phone number, and email address of the person responsible for remitting the civil penalties. Priority shall pay \$20,600 via the FedWire electronic fund transfer system within 15 days of receipt of fund transfer instructions from IER. On or before April 13, 2022, Priority shall pay the remaining \$20,000 via the FedWire electronic fund transfer system. On each day of payment, Priority shall confirm via email to Erik Lang at Erik.Lang@usdoj.gov and Liza Zamd at Liza.Zamd@usdoj.gov (or any other individual IER designates) that payment was made.

