



# OSC UPDATES



*The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) investigates and prosecutes allegations of national origin and citizenship status discrimination in hiring, firing, and recruitment or referral for a fee, as well as unfair documentary practices during the employment eligibility verification process, and retaliation under the anti-discrimination provision of the Immigration and Nationality Act (INA). In addition, OSC conducts outreach aimed at educating employers, workers, and the general public about their rights and responsibilities under the INA's anti-discrimination provision. Visit our website at: [www.justice.gov/crt/about/osc](http://www.justice.gov/crt/about/osc)*

## OSC & INTERAGENCY TRAININGS

In addition to its ongoing efforts to train the public about rights and responsibilities under the anti-discrimination provision of the INA, OSC regularly consults with other federal agencies on enforcement and policy matters and conducts joint outreach presentations or engages in joint outreach initiatives. In the past several years, OSC has conducted training for staff of other federal agencies and/or hosted training for OSC staff by representatives from other federal agencies. Partners in OSC's cross-training initiative have included: U.S. Citizenship and Immigration Services, Verification Division; Immigration and Customs Enforcement, Worksite Enforcement Unit; Department of Labor, Wage and Hour Division; Department of Labor, Office of Federal Contract Compliance Programs; Department of Labor, Office of Foreign Labor Certification; National Labor Relations Board; and Equal Employment Opportunity Commission. OSC values these cross-trainings as a unique opportunity to facilitate coordination with other agencies on enforcement and policy matters of overlapping interest. OSC believes that cross-trainings also assist agency staff in directing the public to the agency best positioned to address particular issues of concern.

### OSC UPDATES REFUGEE AND ASYLEE MATERIALS AND PUBLISHES "KNOW YOUR RIGHTS FLYER" FOR INDIVIDUALS WITH DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

OSC has historically conducted outreach to refugees and asylees, organizations that work with these populations, and employers that employ them. OSC has recently revised its [worker refugee/asylee flyer](#) and its [employer refugee/asylees flyer](#) to educate workers, their advocates, and employers about common employment eligibility verification issues encountered by asylees and refugees and their employers. The worker flyer has been translated into multiple languages, including: Amharic, Arabic, Armenian, Burmese, Farsi, French, Kayah, Nepali, Russian, Sgaw Karen, Chinese, Somali, Spanish, and Tigrinya.

OSC also recently published a new "Know Your Rights" flyer directed at individuals with Deferred Action for Childhood Arrivals (DACA) to educate these workers and those representing them about unique issues DACA beneficiaries may encounter when completing Form I-9. OSC's DACA flyer is available in [English](#) and [Spanish](#). You may find all of OSC's outreach materials on OSC's [website](#) or contact OSC by [email](#) to request hard copies of outreach flyers.



*OSC staff member, Isabel Otero, during a Feb. 2014 presentation to workers and advocates in Augusta, GA*

## OSC'S NEW INTERNSHIP OPPORTUNITIES

OSC relies on student volunteers year-round to assist our staff in litigation, investigations, policy, and outreach. Most recently, OSC has become aware of the popularity and growth in internships for students in paralegal studies programs. Because many paralegal studies programs now include an internship requirement, OSC has decided to extend its current internship program to paralegal students as well. We encourage interested applicants to review OSC's internship postings on its website at: <http://www.justice.gov/crt/about/osc/internopp.php>.

## OSC'S RECORD BREAKING YEAR

During Fiscal Year 2013, the Office of Special Counsel set a new record by collecting almost \$900,000 in civil penalties under the anti-discrimination provision of the INA. Over the same period, the Office also collected over \$250,000 in back pay relief for victims of discrimination. OSC's recent enforcement activities are summarized on page two of this newsletter.

**JOIN US FOR AN UPCOMING WEBINAR:**

- April 8, 2014 at 1:00 pm EST  
[Register](#) for *Joint OSC/USCIS Employee Rights* webinar
- April 9, 2014 at 2:30 pm EST  
[Register](#) for *OSC Worker/Advocate* webinar
- April 17, 2014 at 11:00 am EST  
[Register](#) for *Joint OSC/USCIS Employee Rights* webinar
- April 17, 2014 at 3:30 pm EST  
[Register](#) for *OSC "en Español" Worker/Advocate* webinar
- April 22, 2014 at 11:00 am EST  
[Register](#) for *OSC Employer/HR Representative* webinar
- April 23, 2014 at 5:00 pm EST  
[Log in here](#) during the *Joint OSC/USCIS Employee Rights "en Español"* webinar
- May 7, 2014 at 3:00 pm EST  
[Register](#) for *OSC "en Español" Worker/Advocate* webinar
- May 21, 2014 at 2:00 pm EST  
[Contact](#) OSC to register for *OSC's Training for Fair Employment Practices Agencies (FEPA)*
- May 22, 2014 at 4:00 pm EST  
[Register](#) for *OSC Employer/HR Representative* webinar
- June 11, 2014 at 1:00 pm EST  
[Register](#) for *OSC Worker/Advocate* webinar
- June 17, 2014 at 2:00 pm EST  
[Register](#) for *OSC Employer/HR Representative* webinar
- July 9, 2013 at 4:30 pm EST  
[Register](#) for *OSC "en Español" Worker/Advocate* webinar
- July 16, 2014 at 4:00 pm EST  
[Register](#) for *OSC Worker/Advocate* webinar
- July 23, 2014 at 1:00 pm EST  
[Register](#) for *OSC Employer/HR Representative* webinar



For additional dates and times, visit <http://www.justice.gov/crt/about/osc/webinars.php>. (All Webinars have a maximum of 200 participants)

Photo credit: <http://tinyurl.com/kqtlkfp>

**OSC'S RECENT ENFORCEMENT ACTIVITIES**

On January 30, 2014, the Justice Department issued a [press release](#) announcing a [settlement agreement](#) with City of Waterloo, Iowa, resolving allegations that the city violated the anti-discrimination provision of the INA when it imposed a U.S. citizenship requirement in its hiring process for entry-level firefighters. The City of Waterloo agreed to pay \$13,000 in civil penalties to the United States, to provide the charging party with another opportunity to apply for the position, and to hire or otherwise compensate the charging party if the charging party's performance on the city's hiring tests confirms that he would have been hired, but for the discrimination.

**OSC'S RECENT HOTLINE INTERVENTIONS**

OSC's hotline intervention program allows OSC's staff to work informally with workers and employers and, in many cases, to resolve potential discrimination issues within hours or minutes, avoiding the delays and costs associated with protracted investigations and litigation. OSC's interventions may result in reinstatement, back pay, or training. Below are two recent examples of successful interventions:

In October 2013, OSC intervened to save the job of a lawful permanent resident. The worker had been employed with a healthcare provider for several years and had presented his Permanent Resident Card (I-551) upon filling out the Form I-9. When his Permanent Resident Card expired, the worker's employer requested to see an unexpired card in order to reverify his employment authorization. The worker did not have a new Permanent Resident Card and had not even applied for a new one. Consequently, the employer decided to fire the worker. After more than one month of job searches, the worker was advised by a friend to call OSC. OSC made immediate contact with the employer and explained that the Permanent Resident Card should not have been reverified. The employer allowed the worker to return to his job and paid him \$4,999.20 in back pay.

In November 2013, OSC intervened to save the job of a Salvadorian worker with Temporary Protected Status (TPS). The worker was fired after her Employment Authorization Document (EAD) expired on September 9, 2013. After waiting several weeks for her new EAD to arrive, the worker called USCIS to obtain an update on her renewal card and was referred to OSC. OSC called the company's human resources personnel and explained that EADs for Salvadorians with TPS have been automatically extended for six months. OSC also emailed a copy of the *Federal Register* notice explaining the automatic extension to the employer. After a few days, the employer decided to reinstate the worker and pay the worker approximately \$3,270.04 in back pay.

On January 23, 2014, the Justice Department issued a [press release](#) announcing that OSC reached a [settlement agreement](#) with a Methuen, Massachusetts. Staffing agency resolving claims that the company engaged in citizenship status discrimination. The employer agreed to identify and provide back pay to individuals who suffered lost wages as a result of the company's alleged discriminatory documentary practices, pay \$10,500 in civil penalties to the United States, undergo training on the anti-discrimination provision of the INA, and be subject to monitoring of its employment eligibility verification practices for two years.

On November 15, 2013, the Justice Department issued a [press release](#) announcing that OSC reached a [settlement agreement](#) with a San Francisco, California restaurant, resolving allegations that the employer refused to accept new work authorization documents to reverify an employee's employment eligibility. The investigation also revealed a practice of document abuse. The employer agreed to pay \$700 in back pay to the charging party, \$485 in civil penalties to the United States, and the employer will also undergo training on the anti-discrimination provision of the INA.

On October 18, 2013, the Justice Department issued a [press release](#) announcing that OSC reached a [settlement agreement](#) with the Arapahoe County, Colorado Office of the Sheriff, resolving

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## OSC'S RECENT ENFORCEMENT ACTIVITIES CONTINUED



allegations that the Sheriff's Office violated the anti-discrimination provision of the INA by improperly restricting law enforcement positions to U.S. citizens only. The Sheriff's Office agreed to pay \$500 in civil penalties to the United States. The employer had already addressed an identified victim's back pay claims through an earlier agreement based on a private lawsuit. In addition, the Sheriff's Office agreed to inform other affected non-U.S. citizen applicants that they could re-apply for available law enforcement positions.

On September 27, 2013, the Justice Department issued a [press release](#) announcing that OSC reached a [settlement agreement](#) with a large staffing agency, resolving an allegation that its Hanover Park, Illinois location violated the anti-discrimination provision of the INA by requesting more or different documents from individuals during the employment eligibility verification process based on the individual's citizenship status. The employer agreed to pay \$21,100 in civil penalties to the United States, be subject to a monitoring period of eighteen months, and have designated company staff receive training by OSC on employer's responsibilities under the anti-discrimination provision of the INA.

On September 27, 2013, the Justice Department issued a [press release](#) announcing that OSC reached a [settlement agreement](#) with a multinational technology corporation headquartered in Armonk, New York, resolving allegations that the company violated the anti-discrimination provision of the INA when it placed online job postings for application and software developers that contained citizenship status preferences for F-1 and H-1B temporary visa holders. The employer agreed to pay \$44,400 in civil penalties to the United States, revise its hiring and recruiting procedures, train its human resources personnel to ensure compliance with the INA, and be subject to reporting requirements for a period of two years.

On September 26, 2013, the Justice Department issued a [press release](#) announcing that OSC reached a [settlement agreement](#) with a nursery and greenhouse company in Manheim, Pennsylvania, based on allegations that the employer engaged in citizenship status discrimination by preferring to hire temporary visa holders over six Nepalese lawful permanent residents in violation of the anti-discrimination provision of the INA. The employer agreed to pay \$2,250 in civil penalties to the United States, pay \$59,617 in back pay to the six lawful permanent resident victims, provide its employees training on the anti-discrimination requirements of the INA, adopt nondiscrimination policies with respect to recruitment and hiring, and maintain and submit records to the Department of Justice for the one-year term of the agreement.

On September 25, 2013, the Justice Department issued a [press release](#) announcing it reached a [settlement agreement](#) with Infinity Group based in Clute, Texas which provides project-based temporary skilled labor to clients, resolving allegations of document abuse in the employment eligibility verification process. The Division initiated the investigation based on information obtained by U.S. Citizenship and Immigration Services. The employer agreed to pay \$53,880 in civil penalties, create a \$35,000 back pay fund for victims who lost work due to the employer's practices, receive training on the anti-discrimination provision of the INA, and be subject to two years of monitoring.

On September 9, 2013, the Justice Department issued a [press release](#) announcing it reached a [settlement agreement](#) with a staffing agency, based in Troy, Michigan, resolving an allegation of citizenship status discrimination in the employment eligibility verification process in violation of the anti-discrimination provision of the INA. The employer agreed to pay \$1,888.60 in back pay to the injured party, \$1,100 in civil penalties, and receive training on the anti-discrimination provision of the INA.

## U . S . D E P A R T M E N T O F J U S T I C E

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