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US Department of Labor debars Southland Filipino newspaper from foreign worker program

Asian Journal agrees to pay nearly \$516,500 to 32 employees plus a \$40,000 penalty

LOS ANGELES — The U.S. Department of Labor announced today that it has debarred Asian Journal Publications from using the H-1B visa program to hire temporary workers.

An investigation conducted by the department's Wage and Hour Division, determined that the employer did not properly pay the workers and misrepresented facts on the Labor Condition Application filed with the department's Employment Training Administration requesting approval to hire the workers. The debarment will remain in effect until July 30, 2012.

"Misrepresenting the facts of the employment situation harms the workers who are hired for their professional expertise, and hurts domestic job seekers who may have otherwise been eligible for the positions," said Secretary of Labor Hilda L. Solis. "We cannot allow employers to take advantage of temporary workers who might be reluctant to come forward in such situations, nor will we allow unscrupulous employers to gain an unfair advantage over competitors who play by the rules."

The LCA submitted by Asian Journal stated that workers were sought for positions as accountants, reporters, news writers, journalists, business analysts, public relations specialists and financial analysts. However, the investigation revealed that most were working in sales as account executives. In addition to misrepresenting the facts on the application, the employer failed to properly pay the required wage rate and to maintain documentation required under the H-1B visa program. The department also contends the employer required the workers to pay visa processing fees. Asian Journal has agreed to pay the 22 workers hired using the H-1B program, a total of \$473,218 in back wages as a result of the investigation, as well as a \$40,000 civil money penalty.

The department also found that 10 employees not hired through the H-1B program were due \$43,276 in back wages resulting from violations of the federal Fair Labor Standards Act. The employees, who worked as delivery drivers and office staff, were not receiving overtime pay when working more than 40 hours in a week. Asian Journal has operations in Los Angeles, San Francisco, Las Vegas, New York and the Philippines.

The department's regional Office of the Solicitor assisted in the case, which resulted from an investigation conducted by the Wage and Hour Division's Los Angeles District Office. For more information about the H-1B program or the Fair Labor Standards Act, call the division's Los Angeles office at 213-894-6375 or the toll-free helpline at 866-4US-WAGE (487-9243). Information is also available on the Internet at <http://www.dol.gov/whd/>.