

Department of Justice

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Justice Department Files Lawsuit Against California Healthcare Provider Alleging Discrimination

WASHINGTON – The Justice Department filed a lawsuit today against Generations Healthcare, a healthcare provider with skilled nursing facilities throughout California, alleging that it engaged in a pattern or practice of discrimination by imposing unnecessary documentary requirements on naturalized U.S. citizens and non-U.S. citizens in order to work in the U.S. The Immigration and Nationality Act's (INA) anti-discrimination provision prohibits employers from placing additional burdens on work-authorized employees during the process of hiring or to verify their employment eligibility based on their citizenship status or national origin.

In February 2010, an applicant for employment, who is authorized to work legally in the United States, applied to work for Generations Healthcare at its St. Francis Pavilion facility in Daly City, Calif. According to the department's investigation, the company demanded that the applicant produce a permanent resident card, also known as a "green card." The applicant did not have a green card and instead presented an employment authorization document, which was legal documentation of her authority to work in the United States. The company rejected her valid documentation because it had a future expiration date and told her that it could not hire her unless she presented a green card. As a result, the applicant was unable to obtain employment with the company.

The department's investigation revealed that Generations Healthcare required all newly hired non-U.S. citizens and naturalized U.S. citizens at its St. Francis Pavilion facility to present specific and extra work authorization documents beyond those required by federal law to prove their status — a burden that was not placed on native-born U.S. citizens.

"Employers are not allowed to impose more burdensome employment eligibility verification procedures on certain workers based on their citizenship status," said Thomas E. Perez, Assistant Attorney General in charge of the Civil Rights Division. "The Justice Department is committed to vigorously enforcing the anti-discrimination provisions of the Immigration and Nationality Act, including those protecting employees from discriminatory documentary requirements."

The Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) is responsible for enforcing the anti-discrimination provision of the INA, which protects work authorized individuals against employment discrimination on the basis of citizenship status or national origin discrimination, including discrimination in hiring and in the employment eligibility verification (Form I-9) process. For more information about protections against employment discrimination under federal immigration law, call OSC's worker hotline at 1-800-255-7688 (1-800-237-2515, TDD for hearing impaired); OSC's employer hotline at 1-800-255-8155 (1-800-237-2515, TDD for hearing impaired); e-mail oscrt@usdoj.gov/ or visit OSC's website at www.justice.gov/crt/about/osc .

The lawsuit charging Generations Healthcare with discriminatory practices, filed before the Office of the Chief Administrative Hearing Officer within the Executive Office for Immigration Review, is being prosecuted by Phil Telfeyan and A. Baltazar Baca, OSC Trial Attorneys.

<http://www.justice.gov/opa/pr/2011/September/11-crt-1301.html>