

Department of Justice

Office of Public Affairs

Friday, December 30, 2011

Justice Department Settles Allegations of Citizenship Status Discrimination and Retaliation Against Georgia Rug Manufacturer

WASHINGTON – The Justice Department announced a settlement today with Garland Sales Inc., a Georgia rug manufacturer, resolving allegations that it engaged in discrimination by imposing unnecessary documentary requirements on individuals of Hispanic origin when establishing their eligibility to work in the United States, and that it retaliated against a worker for protesting his discriminatory treatment. According to the settlement, Garland has agreed to pay \$10,000 in back pay and civil penalties, and to undergo training on proper employment eligibility verification practices.

In its complaint, the department alleged that the charging party, a naturalized U.S. citizen of Hispanic descent, applied for a job with Garland in May 2009. At the time of hire, he presented his unexpired driver's license and an unrestricted Social Security card—a combination of documents sufficient to prove his identity and his authorization to work in the United States. The complaint alleged that Garland demanded that he provide his “green card,” even though U.S. citizens do not have green cards. After Garland made further requests for documents, the worker objected to the company's demands, and Garland then rescinded the job offer. The worker, along with another individual who was denied employment with Garland when the company rejected the individual's valid documentation, will receive full back pay out of the \$10,000 settlement.

The department's complaint also alleged that Garland required newly hired non-U.S. citizens and foreign-born U.S. citizens to present specific and additional work authorization documents beyond those required by federal law. The Immigration and Nationality Act (INA) requires employers to treat all authorized workers in the same manner during the hiring process, regardless of their national origin or citizenship status.

“Employers may not treat authorized workers differently during the hiring process based on their national origin or citizenship status,” said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. “It is also illegal when employers take action against workers for asserting their federally protected rights, and that type of behavior will be vigorously investigated and prosecuted.”

The Office of Special Counsel (OSC) for Immigration Related Unfair Employment Practices is responsible for enforcing the anti-discrimination provision of the INA, which protects work authorized individuals from employment discrimination on the basis of citizenship status or national origin discrimination, including discrimination in hiring and the employment eligibility verification (Form I-9) process. For more information about protections against employment discrimination under the immigration law, call 1-800-255-7688 (OSC's worker hotline) (1-800-237-2525, TDD for hearing impaired), 1-800-255-8155 (OSC's employer hotline) (1-800-362-2735, TDD for hearing impaired), or 202-616-5594; email oscrcrt@usdoj.gov, or visit OSC's website at www.justice.gov/crt/about/osc.

<http://www.justice.gov/opa/pr/2011/December/11-crt-1718.html>