

## **Department of Justice**

Office of Public Affairs

Tuesday, December 13, 2011

Justice Department Resolves Citizenship Status Discrimination Charge Against Pennsylvania Employer Sernak Farms

WASHINGTON – The Justice Department announced today that it has reached a settlement agreement with S.W.J.J. Inc., or Sernak Farms, based in Weatherly, Penn., to settle allegations that Sernak engaged in discrimination on the basis of citizenship status by preferring to hire temporary visa holders over U.S. citizen applicants and adversely treating its U.S. citizen employees. The underlying charge was filed by Philadelphia Legal Assistance on behalf of eight U.S. citizens residing in Puerto Rico.

The Department of Justice investigation indicated that Sernak hired three foreign national workers under the H2-A visa program without considering hiring three of the eight U.S. citizens because of the belief that H2-A visa holders are more diligent than U.S. workers. Of the five U.S. citizens it did hire, the department's investigation suggested that Sernak treated them differently than Sernak's foreign national employees in their terms and conditions of employment, and then dismissed them because of their citizenship status. The Immigration and Nationality Act (INA) generally prohibits employers from hiring or terminating employees because of their citizenship status.

Under the terms of the settlement, Sernak has agreed to pay \$30,000 in back pay to the eight injured parties, who are U.S. citizens residing in Puerto Rico. Sernak has also agreed to provide its employees training on the anti-discrimination requirements of the Immigration and Nationality Act (INA), adopt nondiscrimination policies with respect to recruitment and hiring, and maintain and submit records to the Department of Justice for the three-year term of the agreement.

“ All workers who are authorized to work in the United States have the right to look for a job without encountering discrimination because of their immigration status or national origin,” said Thomas E. Perez, Assistant Attorney General for the Justice Department's Civil Rights Division. “We are glad to have reached a settlement with Sernak and we look forward to continuing our work with public and private employers to educate them about anti-discrimination protections and employer obligations under the law.”

The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) is responsible for enforcing the anti-discrimination provision of the INA, which prohibits employers from discriminating against work-authorized individuals on the basis of citizenship status or national origin in hiring, firing, recruitment or referral for a fee. Attorneys Richard Crespo and A. Baltazar Baca represented OSC in this matter.

For more information about protections against employment discrimination under federal immigration law, call OSC's worker hotline at 1-800-255-7688 (1-800-237-2525, TDD for hearing impaired), OSC's employer hotline at 1-800-255-8155 (1-800-362-2735, TDD for hearing impaired), or 202-616-5594; email [oscrcrt@usdoj.gov](mailto:oscrcrt@usdoj.gov); or visit the website at [www.justice.gov/crt/osc](http://www.justice.gov/crt/osc) .

<http://www.justice.gov/opa/pr/2011/December/11-crt-1633.html>