

## News Release

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Contact Name: Michale D'Aquino or Michael Wald

Phone Number: (404) 562-2076 or x2078

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### **US Labor Department obtains nearly \$1 million in back wages and interest for 135 H-1B workers of Smartsoft International**

**ATLANTA** — Smartsoft International Inc., a computer consulting company based in Suwanee, Ga., has agreed to pay nearly \$1 million in back wages and interest to 135 nonimmigrant workers temporarily employed by the company under the H-1B visa program. The U.S. Department of Labor's Office of the Solicitor reached this agreement following a determination by the department's Wage and Hour Division that the company violated the H-1B program's rules. Smartsoft International also has U.S. offices in Sunnyvale, Calif., and North Brunswick, N.J.

"Workers deserve to receive the full wages for which they have worked so hard. That is not just a matter of decency and common sense, it's the law," said Secretary of Labor Hilda L. Solis. "The resolution of this case underscores the Labor Department's commitment to enforcing our nation's employment laws, including those designed to protect H-1B program participants."

A Wage and Hour Division investigator determined that some employees were not paid any wages at the beginning of their employment, were paid on a part-time basis despite being hired under a full-time employment agreement, and were paid less than the prevailing wage applicable to the geographic locations where they performed their work.

The company contested the Wage and Hour Division's conclusions and requested a formal hearing with the Labor Department's Office of Administrative Law Judges. As part of this agreement, the company will drop any further challenge.

The H-1B program allows employers to hire nonimmigrant workers in specialty occupations. The law establishes certain standards in order to protect similarly employed U.S. workers from being adversely affected by the employment of the nonimmigrant workers, as well as to protect the H-1B nonimmigrant workers. Employers must attest to the Labor Department that they will pay wages to the H-1B nonimmigrant workers that are at least equal to the actual wages paid to other workers with similar experience and qualifications for the job in question, or the prevailing wage for the occupation in the area of intended employment, whichever is greater.

The department's Office of the Solicitor provided legal support to the Wage and Hour Division in this dispute. For more information about this investigation, contact the Wage and Hour Division's Atlanta District Office, 61 Forsyth St. SW, Room 7M10, Atlanta, GA 30303; telephone 404-893-4600. For more information about the H-1B visa program, call the Labor Department's toll-free helpline at 866-4US-WAGE (487-9243). Information is also available on the Internet at <http://www.dol.gov/whd>.

Administrator, Wage and Hour Division v. Smartsoft International Inc.  
Case No. 2009-LCA-00021