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JUSTICE NEWS

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Justice Department Settles with Florida Janitorial Services Company Over Immigration and Nationality Act Violations

The Justice Department announced today that it reached an agreement with Diversified Maintenance Systems LLC, a provider of janitorial and facilities maintenance services based in Tampa, Fla . The agreement resolves allegations that the company violated the anti-discrimination provision of the Immigration and Nationality Act (INA) when it failed to fully reinstate an employee in retaliation for asserting her right to work in the U.S.

The charging party alleged that the company failed to provide the employee with proper notice and instructions for contesting an initial data mismatch in E-Verify, resulting in E-Verify issuing an erroneous final response that she was not work authorized. E-Verify is an Internet-based system run by the U.S. Citizenship and Immigration Services (USCIS) that confirms employment eligibility by comparing information from an employee's Form I-9.

While the employee immediately visited the Social Security Administration (SSA) after receiving verbal notice of the initial data mismatch and instructions from her supervisor, the employee alleged that the supervisor failed to give her the proper E-Verify paperwork which would have enabled the SSA to resolve the mismatch. As a result, the E-Verify program provided an erroneous final response, known as a "final nonconfirmation," to the employer, stating that the charging party was not eligible to work in the U.S. The company subsequently terminated the employee, and the employee contacted the E-Verify hotline for help. An E-Verify agent notified the employer that the employee is authorized to work, but the employee's manager refused to reinstate her employment, allegedly because she contacted E-Verify and asserted her right to work under the anti-discrimination provision of the INA. The INA protects employees from discriminatory practices in the employment eligibility verification process, including E-Verify, and prohibits employers from retaliating against individuals who assert their rights or oppose a practice that is illegal under the provision.

Under the terms of the settlement agreement, the company has agreed to pay \$6,800 in monetary relief to the injured party, which included back pay and interest, along with a \$2,000 civil penalty. The company has also agreed to training by the Justice Department on the anti-discrimination provision and training by the Department of Homeland Security on proper E-Verify procedures. The case settled prior to the Justice Department filing a complaint in this matter.

"The Civil Rights Division has a critical partnership with USCIS in working to ensure that work authorized individuals are not denied the opportunity to work based on misuse, abuse or discriminatory use of E-Verify," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "Retaliation against employees for asserting their right to call the government for help when they think their rights have been violated will not be tolerated."

The Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) is responsible for enforcing the anti-discrimination provision of the INA. For more information about protections against

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employment discrimination under the immigration laws, call the OSC's worker hotline at 1-800-255-7688 (1-800-237-2525, TDD for hearing impaired), call the OSC's employer hotline at 1-800-255-8155 (1-800-362-2735, TDD for hearing impaired), sign up for a no-cost webinar at www.justice.gov/crt/about/osc/webinars.php, email oscrt@usdoj.gov or visit the website at www.justice.gov/crt/about/osc.

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Civil Rights Division