

News Release

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Prince George's County Public Schools agrees to pay \$4.2 million in back wages for violations of H-1B temporary foreign worker program

WASHINGTON — The U.S. Department of Labor's Wage and Hour Division has obtained an agreement for Maryland's Prince George's County Public Schools system to pay \$4,222,146 in back wages due 1,044 workers to resolve violations of the H-1B temporary foreign worker program. Investigators from the department found that PGCPs illegally reduced the wages of the H-1B workers by requiring them to pay fees that the school system was required to pay.

The H-1B program allows employers to hire foreign professionals in certain specialty occupations to work temporarily in the U.S. Workers hired under the H-1B program must be paid at least the same wage rates and benefits as those paid to U.S. workers doing the same job in the same area, so that the wages of similarly employed U.S. workers are not adversely affected.

"The Labor Department has the responsibility for ensuring that employers who use the H-1B program follow the law and do not place U.S. workers at a disadvantage to H-1B workers," said Secretary of Labor Hilda L. Solis. "We are pleased this investigation has been resolved with workers paid all the back wages to which they are entitled."

Due to the willful nature of some of the violations, PGCPs also has agreed to pay \$100,000 in civil money penalties and to be debarred for two years from filing new petitions, requests for extensions or requests for permanent residency for foreign workers under any employment-based visa program. Under the statute governing the H-1B program, willful wage violations are subject to a debarment period of at least two years. Violations are willful when an employer knew or acted in reckless disregard for whether its actions were impermissible.

The H-1B visa program requires that employers pay certain fees, including an anti-fraud fee and a filing fee, when they utilize the program. Instead of paying these fees and other costs associated with recruiting H-1B workers and filing their visa petitions, PGCPs required the foreign workers to pay them. As a result, the workers' earnings were reduced below the amount legally required to be paid. The Wage and Hour Division's investigation covered fees associated with the H-1B application process from May 2005 to January 2011.

The agreement is subject to approval by an administrative law judge.

For more information about the requirements of the H-1B visa program, review the Wage and Hour Division's H-1B Web page at <http://www.dol.gov/whd/immigration/h1b.htm>. For more information on other federal wage laws, call the Wage and Hour Division's toll-free helpline at 866-4US-WAGE (487-9243). Information is also available on the Internet at <http://www.dol.gov/whd/>.

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