



U.S. DEPARTMENT OF LABOR

News Release

U.S. DEPARTMENT OF LABOR INVESTIGATION RESULTS IN MINNESOTA FOUNDRY PAYING ENGINEER \$190,357 FOR H-1B VISA VIOLATIONS

MINNEAPOLIS, MN – After an investigation by the U.S. Department of Labor’s Wage and Hour Division (WHD) and after a failed appeal to the Department’s Administrative Review Board (ARB), ME Global Inc. – a steel foundry based in Columbia Heights, Minnesota – has paid a former employee \$190,357 in back wages and interest for violating the labor provisions of the H-1B visa program.

The H-1B visa program permits American employers to employ nonimmigrants to work temporarily in specialized occupations in the U.S. when they cannot otherwise obtain needed business skills and abilities from the U.S. workforce.

The ARB and an administrative law judge upheld WHD’s findings that ME Global Inc. - a subsidiary of ME Elecmetal Inc. - failed to offer the employee transportation home, and failed to withdraw his labor condition application (LCA) with U.S. Citizenship and Immigration Services when it terminated the employee. Failure to conduct the termination according to the visa program’s requirements resulted in the LCA remaining in effect, entitling the employee to ongoing wages. Investigators found ME Global owed back wages from the date of termination to the date the employee left the U.S.

“The intent of the H-1B foreign labor certification program is to help American companies find the highly skilled talent they need when they can prove that a shortage of U.S. workers exists,” said Wage and Hour District Director David King in Minneapolis, Minnesota. “The resolution of this case demonstrates the U.S. Department of Labor’s commitment to ensuring companies that apply for H-1B certifications abide by the intent and rules of the program. By doing so we safeguard American jobs, level the playing field for law-abiding employers, and ensure no one is being paid less than they are legally owed.”

ME Global Inc. also failed to maintain documentation required by the LCA such as documentation of the prevailing wage, scope of work, and method used for determining wages rates and failed to post information about the LCA in employment locations.

The law establishes certain standards in order to protect similarly employed U.S. workers from being affected adversely by the employment of the nonimmigrant workers, as well as to protect the H-1B nonimmigrant workers. Employers must attest to the Department that they will pay wages to the H-1B nonimmigrant workers at least equal to the actual wage paid by the employer 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.

For more information about wage laws enforced by WHD, contact the Division's toll-free helpline at 866-4US-WAGE (487-9243). Information is also available at <https://www.dol.gov/whd> including a [search tool](#) to use if you think you may be owed back wages collected by WHD.

WHD's mission is to promote and achieve compliance with labor standards to protect and enhance the welfare of the Nation's workforce. WHD enforces Federal minimum wage, overtime pay, recordkeeping, and child labor requirements of the Fair Labor Standards Act. WHD also enforces the Migrant and Seasonal Agricultural Worker Protection Act, the Employee Polygraph Protection Act, the Family and Medical Leave Act, wage garnishment provisions of the Consumer Credit Protection Act, and a number of employment standards and worker protections as provided in several immigration related statutes. Additionally, WHD administers and enforces the prevailing wage requirements of the Davis Bacon Act and the Service Contract Act and other statutes applicable to Federal contracts for construction and for the provision of goods and services.

The mission of the Department of Labor is to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

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ALJ Case Number: 2013-LCA-00039

ARB Case Number: 2016-0087

Agency: Wage and Hour Division

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