



THE COMMON LAW IS THE WILL OF *Mankind* ISSUING FROM THE *Life* OF THE *People*

SEARCH THE SITE

SEARCH

Home ♦ Agencies ♦ Civil Rights Division ♦ About ♦ OSC

Civil Rights Division
Home

About the Division

Appellate

Criminal

Disability Rights

Education

Employment

Federal Coordination and
Compliance

Housing and Civil
Enforcement

Office of Special Counsel
for Immigration-Related
Unfair Employment
Practices

Overview

Types of Discrimination

Filing a Charge

Worker Information

Employer Information

Form I-9 and E-Verify

OSC Webinars

Cases

Hotline, Technical
Assistance & Referral
Agencies

Partnerships

Policy and Strategy

Special Litigation

Voting

Meet the Assistant
Attorney General

How to File a Complaint

Press Room

Cases and Matters

Publications

Employment
Opportunities

Civil Rights FOIA

Contact the Division

News & Information

E-mail updates *Subscribe to receive notifications by e-mail when new information is available*

JUSTICE DEPARTMENT SETTLES IMMIGRATION-RELATED DISCRIMINATION CLAIM AGAINST OREGON HOMECARE PROVIDER.

On December 3, 2012, the Department of Justice issued a press release announcing a settlement with ComForcare In-Home Care & Senior Services ("ComForcare") a small home care provider based in Tigard, Oregon. ComForcare agreed to settlement where it pays \$1,210 in civil penalties and \$524.96 in backpay. The Charging Party did not seek reinstatement because she has full-time employment. ComForcare will also train its human resources staff about employers' responsibilities to avoid discrimination in the employment eligibility verification process and be subject to reporting and compliance monitoring by the department for 18 months. The investigation stemmed from a charge filed by a naturalized U.S. citizen who received a tentative nonconfirmation (TNC) in E-Verify, but ComForcare failed to provide the Charging Party with written notice of her TNC but instead, demanded that she produce a specific List A document (i.e., an "alien card"). When the Charging Party informed the ComForcare that, as a naturalized citizen, she did not possess an alien card, the ComForcare demanded naturalization papers establishing her work authority, notwithstanding her production of lawfully acceptable documents establishing work authorization. Further, the investigation established that ComForcare requested that non-U.S. citizens and persons perceived to be non-U.S. citizens produce a List A employment eligibility document to establish their employment eligibility rather than allowing these individuals to show their choice of valid documentation.

JUSTICE DEPARTMENT SETTLES IMMIGRATION-RELATED DISCRIMINATION CLAIM AGAINST NORTH CAROLINA COMPANY.

On November 30, 2012, the Department of Justice issued a press release announcing a settlement agreement with Gamewell Mechanical, Inc., a subsidiary of Woodfin Heating, Inc., based in Salisbury, NC, resolving claims that the company violated the anti-discrimination provision of the Immigration and Nationality Act (INA), when it terminated three employees based on the incorrect assumption that they were undocumented foreign nationals when they were in fact U.S. citizens. Under the settlement agreement, Gamewell Mechanical, Inc. will pay a total of \$10,560 in back pay to the three discharged U.S. citizens, and \$9,600 in civil penalties to the United States. Gamewell Mechanical will also train its human resources staff about employers' responsibilities to avoid discrimination in the employment eligibility verification process and be subject to reporting and compliance monitoring by the department for 18 months.

SELF-AUDIT GUIDANCE UPDATE. Following OSC's September 13, 2012, stakeholder input session addressing the topic of employer self-audits of I-9 Forms, OSC accepted comments from the public through November 9, 2012. OSC received numerous comments from its stakeholders and we wish to thank everyone who submitted comments as we move to develop this guidance.

FEDERAL REGISTER NOTICE: REVISED OSC CHARGE FORM. On November 8, 2012, OSC published a 60-day Notice in the Federal Register of its intent to submit an information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is a revised OSC Charge Form. For a copy of the OSC Charge Form, email oscrcrt@usdoj.gov. Comments are encouraged and will be accepted until January 7, 2013. Comments can be sent to oscrcrt@usdoj.gov.

OSC and USCIS TO PRESENT JOINT WEBINARS ON EMPLOYEE RIGHTS DURING THE I-9 AND E-VERIFY PROCESS. OSC has joined with the United States Citizenship and Immigration Service (USCIS) to present webinars on employee rights during the E-Verify and Form I-9 employment eligibility verification processes. The first two joint USCIS/OSC employee rights webinars will be held November 13, 2012 at 2:00 pm EST and November 15, 2012 at 2:00 pm EST. Sign up to attend a free webinar.

JUSTICE DEPARTMENT SETTLES DISCRIMINATION CLAIM AGAINST NEW JERSEY HOME HEALTH AGENCY FOR UNFAIR

GENERAL INFORMATION CIVIL RIGHTS DIVISION OFFICE OF SPECIAL COUNSEL

LEADERSHIP

(currently vacant)

Special Counsel

Seema Nanda

Deputy Special Counsel

CONTACT

Office of Special Counsel for Immigration-Related Unfair Employment Practices

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
OSC, NYA 9000
Washington, D.C. 20530

(202) 616-5594

Worker Hotline: 1-800-255-7688

Employer Hotline: 1-800-255-8155

Teletypewriter (TTY) (202) 616-5525 &

1-800-237-2515

Fax: (202) 616-5509

Email: oscrcrt@usdoj.gov



DEPARTMENT OF JUSTICE ACTION CENTER

Report a Violation

Get a Job

Contact Us