

Electronic copy at: http://63.135.107.234/docs/dol_april2004.pdf

April 7, 2004

Martin Rios, Certifying Officer
DISCLOSURE OFFICE
Alien Certification Unit
Employment and Training Administration
US Department of Labor
71 Stevenson Street, 8th Floor
San Francisco, CA 94119-3767
(415) 975-4601
(415) 975-4660 (fax)

SUBJECT: Request for information and investigation of abuse of RIR program

Dear Martin Rios,

I understand that DOL Chief Bill Carlson visited California in July 2003, and, in a private meeting with immigration attorneys representing foreign workers, but with no one representing the interests of U.S. workers, ordered your offices to continue granting permanent "Reduction in Recruitment" ("RIR") certifications based on these fake ads. (Appendix C, J, K).

I allege that several of the ads that have run in the Sacramento Bee are RIR ads, and this is only the tip of the iceberg to what is happening across the state and nation.

On January 6, 2004 I applied for four of these positions (Appendix A) with my actual resume, but under the alias 'Randy Neilson.' (Appendix B). To date, I received a form email from one of the employers, and no response from the remainder.

On January 10, 2004 I applied for a position at **InsWeb**. No salary requirements were cited, so I asked for \$64,000 per year. Over two months later I had no response, and found on "Craigslist" that the position was still open, with a salary range for \$50-\$60k per year.

But just two months prior **InsWeb** had secured LCAs for three H-1B positions paying between \$71-97k per year. (Appendix E) Unlike the advertised position, I don't believe that these H-1B positions were ever advertised in the Sacramento Bee. **InsWeb** agent Margaret Robinson (916 853-3356) would not explain why they were offering less salary for Americans than for the H-1B positions that they

had secured, nor would she deny that an RIR recruitment was in effect. By low-balling openings for Americans, **InsWeb** created a double standard against U.S. workers.

Another colleague applied for these positions as well, also a 1990 CSU Sacramento graduate in Computer Science. Her results were the same. She has been applying for hundreds of jobs over the past two years. Meanwhile I understand that there are 10,000 RIR positions resulting in 20,000+ fake job ads across the state.

June 10, 2003 I applied for a position with **Salu** for a position that I was highly qualified for. All I received was an email auto-response. I since learned that they had been granted 18 LCAs for web developers in July 2001. I believe **Salu** defrauded me, and was running the ads for RIR rather than in good faith. (Appendix G)

In May 2003 I observed the following ad for **Health Net** in the Sacramento Bee, with the requirement of “2 years in the job offered.” Why would an employer run such an ad, except for RIR? Health Net has dozens of LCAs for H-1B workers (Appendix H).

Computer Sr. Programmer Analyst Responsible for complex program design, coding, testing, debugging and documentation for system analysis and technical analysis. Performs research of certain functional areas of an application using programmatic text editors and utilities (Visual Basic, COBOL and IBM DB2 Relational Database and Access 2.0. Must have knowledge of VB, VB NET, and new versions of DB2). Develops, tests, debugs, maintains, and documents components of information systems applications. Education/Experience Requirements: Bachelors Degree or Equivalent in CS/IS/Physics/Math or equiv. **2 years in the job offered** or 5 years related experience in system analysis/programming in business environment. In lieu of Bachelors, will accept combination of education and experience equivalency. Location: Rancho Cordova, CA. Salary: \$69,000-\$89,000, 40 hour work week. **Please send copy of this ad** and resume: **Health Net Inc.**, Attn. O.E., 12033 Foundation Place, Rancho Cordova, CA 95670. EEO/AA/M/F/D/V

Published 05/18/2003 by Sacramento Bee

In June 2003 I saw the following ad for **R-Systems** in the Sacramento Bee. R-Systems discriminates on the basis of race and national origin, hiring disproportionately Indian nationals – a common practice for Indian companies operating in the U.S. **R-Systems** underpays its workers, as its 40 LCAs in 2002 indicate: 40 experienced programmers, all paying about \$35,000 per year.

R Systems, Inc.

COMPUTER CAREERS – R Systems provides full service information technology solutions for a mix of Global 1000, mid – sized companies and government organizations. Our team of over 450 IT professional employees assist companies like General Motors, Microsoft, and Computer Associates with enterprise application, software development and mobility related engagements world wide. We have exciting opportunities for: * Application Programmers *

Software Engineers * Network Analysts * Business Analysts * Programmer Analysts * Database Administrators * Database Analysts * Systems Analysts * IT Project Managers * Computer programmer – Must have a BA/BS or MS or foreign equivalent in Computer Science or related field and **0-5 years commercial experience**. R Systems values its employees and offers a competitive compensation package, including a lucrative “Partnership Program”, paid vacation, sick leave, Medical, Dental, Vision and Life Insurance and 401K Plan. Submit a detailed resume with education, project experience and geographic preferences via our web site: www.rsystems.com under OPENINGS or send / fax / email your resume to: **Attn: Venkatesh Sundarrajan, 5000 Windplay Drive Suite 5, El Dorado Hills, CA 95762 / fax: 916-939-6347 / Email: venkatesh.sundar@rsystems.com**.

Published 06/08/2003 by Sacramento Bee

Finally I suspect that this **Cognitim** ad, which has run multiple times in the Sacramento Bee for the same three positions, is for RIR:

COMPUTER

Senior UNIX Administrator

To support the day to day data center operations that include IBM, SUN, HP and Windows NT/2000 systems support, Oracle Applications DBA support, middleware support for IBM WebSphere, MQ, Siteminder, LDAP and Apache. Also support Veritas VCS and IBM HACMP.

Senior Software Engineer

Folsom, CA. Job entails and req's exp. in design & development of applications using Oracle, PL/SQL, PowerBuilder, Sybase, Java, JSP, Java Servlets and HTML. Master's w/ 1 yr exp. or Bachelor's w/ 6 yrs exp.

Software Engineer

Exp. in design and development of comm'l web applications using Visual Basic, Visual FoxPro and SQL Server and client-server development using FileMaker Pro, PowerBuilder and Sybase. Relocation within USA possible. Attractive compensation package.

Send resume to: Cognitim, Inc. P.O. Box 1551 Folsom, CA 95763

Cognitim has a site in Folsom and India:

<http://www.cognitim.com/locations.html>

<http://www.cognitim.com/practices-so-home.html>

CEO is Indian - as most likely is the majority of his staff. He has dozens of LCAs for H-1B workers (Appendix F), and is likely running multiple fake ads to obtain greencards for his fellow countrymen: Vipin Suneja - President - 916-983-1359 - vipin@cognitim.com (Americans need not apply)

Appendix I is simply shocking: **Teksoft** is filling hundreds of programming jobs at **HP** and **Agilent**, but the only job advertised for Americans is a \$10 temp job to assist in processing H-1B visa applications.

All of these companies have LCAs for H-1B workers, providing a motive to run RIR ads:

- The Ballard Group
- Biddle
- Cognitim
- Health Net
- InsWeb
- R-Systems
- Salu

REQUEST

- 1) Will your office please state whether the above employers were or are engaged in RIR recruitment, and submitted these ads as evidence of a test of the job market, finding no qualified U.S. workers?**
- 2) Will your office please disclose the reasons that these employers gave for not hiring the U.S. worker applicants?**
- 3) Will your office please provide records of the 10,000 RIRs that are currently pending in California, so that displaced U.S. workers may have a due process opportunity to challenge these applications?**
- 4) Will your office please provide evidence of a labor shortage of computer programmers in California? Please explain why CSU and UC campuses report that their graduates cannot find jobs.**
- 5) Will your office please explain how the RIR process is assuring that qualified applicants are considered for the advertised position, since DOL does not ask for any evidence of received resumes nor interviews?**
- 6) Will your office please provide the evidence that Bill Carlson presented in July 2003 which persuaded you to cancel the remand of RIRs? Specifically what evidence did he provide to assure you that this action would not result in the displacement of thousands of qualified U.S. workers? The law firm was representing the interests of corporations and foreign workers. What legal representation did U.S. workers have?**








In the current job market, every RIR that your office rubberstamps represents another destroyed career of a U.S. worker. Many of my colleagues have not been able to find work in over a year. Most are unaware that in a significant number of cases, the intent of “help wanted” ads is not to find qualified American workers, but rather are run with the deliberate intent to exclude them.

This is an unconscionable constitutional harm, denying Americans their liberty and property interests to work within their chosen professions. Since under RIR the Americans have no opportunity to rebut the employers’ claims, this denial is done without due process.

Sincerely,

Mr. Kim Berry
President, Programmers Guild
6465 Aspen Gardens Way
Citrus Heights, CA 95621
Cell: 916 213-0492
kim@prestwood.com

APPENDIX A – POSITIONS APPLIED FOR JANUARY 6, 2004

 	stars@cognitim.com	interested in Software Engineering posi...	Jan 6 1KB
 	admin@theballardgrou...	Applying for system analyst position	Jan 6 1KB
 	staff@biddle.com	Interest in .NET position	Jan 6 1KB
 	applications4000@yah...	Interest in computer programming position	Jan 6 1KB

Senior Software Engineer

Folsom, CA. Job entails and req's exp. in design & development of applications using Oracle, PL/SQL, PowerBuilder, Sybase, Java, JSP, Java Servlets and HTML. Master's w/ 1 yr exp. or Bachelor's w/ 6 yrs exp. Software Engineer Exp. in design and development of comm'l web applications using Visual Basic, Visual FoxPro and SQL Server and client-server development using FileMaker Pro, PowerBuilder and Sybase. Relocation within USA possible. Attractive compensation package. Send resume to: **Cognitim, Inc. P.O. Box 1551 Folsom, CA 95763**
stars@cognitim.com

Computers Systems Analyst

To apply, send resume to **The Ballard Group**, Inc., 9450 Swan Lake Dr., Granite Bay, CA 9450 Swan Lake Dr., Granite Way, CA 95746. Attn: HR
admin@theballardgroup.net

COMPUTER PROGRAMMER

.NET soft. eng. for managing .net/c# app. devel.
staff@biddle.com

APPENDIX B – RANDY NEILSON RESUME

Randy Neilson

[street removed for this document]

Citrus Heights, CA 95621

916 xxx-xxxx - randyneilson001@hotmail.com

INTRODUCTION

Randy is a programmer/analyst with 12 years experience, after graduating at the top of his class from CSUS with a B.S. in Computer Science in 1990. He has performed a wide range of tasks from analysis to coding firmware, but in the past few years has specialized in developing web applications using ASP, Javascript, Visual Basic, Delphi, ADO, SQL 2000, and Access. He has formal training in object-oriented analysis and design. His interests include Macromedia Flash, .NET, XML, usability, and graphics.

EXPERIENCE

Computer Skills	
<u>Operating Systems:</u>	Windows 98, NT, 2000, IIS 5.0, MS DOS, HP-UX, Novell
<u>Databases:</u>	Microsoft SQL Server (7.0, 2000), Microsoft Access
<u>Dev Platforms:</u>	Delphi, Visual Basic 6.0, Visual Interdev, And Visual SourceSafe
<u>Languages:</u>	Delphi, ASP, VBA, Javascript
<u>Applications:</u>	Macromedia Fireworks, FrontPage, and other computer and software skills.

EXPERIENCE HIGHLIGHTS

As Programmer/Analyst for Prestwood Software:

- Analysis and implementation of web applications, such as www.fireandrescuetraining.ca.gov; maintenance of Republican Senate website, development of large Delphi/SQL 2000 project to manage a law firm; Design and development of small websites, such as www.pkwillis.com; Reports requiring several SQL 2000 stored procedures for www.reporemarketing.com. Delphi application to load-balance HTTP requests among single-threaded Paradox web-servers.

- Systems: Microsoft Windows 2000 Server, IIS 5.0, Javascript, Visual Interdev, Visual SourceSafe, ADO 2.5-2.6, SQL 7.0-2000. WithClass to create and reverse-engineer UML documentation. Employment dates February 2001 to July 2002

As a Software Developer for Activesoft Technologies:

- Worked with team members to develop a web-based, AVM (Automated Valuation Model) system, with proven accuracy, with over 300 counties in the online database, full user/company login and management, integral accounting, rapid response to single requests, and able to process 1000 valuations per hour in batch mode. Responsible for systems analysis to gather requirements to expand the existing prototype Visual Basic, Visual Interdev, and MS SQL 7.0 project into a fully operational system with a large database. Integrated third-party products "AspUpload" to upload Excel files for batch processing, and "Persits" to generate email from the site. www.homevaluations.com.
- Systems: Microsoft Windows 2000, Visual Basic 6.0 as COM web objects, Java Script, Visual Interdev, Visual SourceSafe, ADO 2.5, SQL 7.0-2000.

Employment dates February 2000 to January 2001

As a Software Engineer for Hewlett-Packard:

- Designed and developed firmware for the [Superdome](#) server as a member of a 10-person team. Interfaced with various CEC (ASIC chip) groups to specify then code initialization and O/S support functions. Debugged on a simulator. Conducted and participated in design and code reviews. Environment was 64-bit C on HP-UX. Maintained the team website, and was instrumental in getting design and maintenance specifications on the web.
- Systems: HP-UX and Unix development tools.

Employment dates August 1997 to January 2000.

As an Analyst/Programmer for NEC Electronics

- Developed and enhanced factory automation subsystem programs. Development included: Interfacing TIBCO middleware to IPX and TCP/IP; Developed transaction processes in Delphi for mainframe backup project; Conducted code walk-throughs, and prepared formal test plans to test code. Project development was team-oriented, with an emphasis on object-oriented methodologies.
- Systems: Microsoft Visual C++, Borland Delphi, Rational Rose, PVCS version control, TIBCO Middleware, and Bounds Checker.

Employment dates August 1992 to August 1997.

APPENDIX C – THE RIR PROCESS – INTENT IS TO EXCLUDE AMERICANS

See Appendix J and K for statements by law firm that arranged and conducted the secret meeting with DOL. A report of the result is at this legal website:

<http://www.morganlewis.com/RIR.pdf>

INSTRUCTION ON HOW TO DRAFT BOGUS JOB ADS – **No requirement to consider qualified U.S applicants.** The Ad is crafted to match the foreign worker and exclude U.S. workers.

<http://www.usavisanow.com/lcgreencard-rir.html>

DOL puts more effort into clearing backlog of foreign work visas than on protecting U.S. workers from displacement:

<http://www.usavisanow.com/10-29-03.html>

RIR Info - p.4 "con" - the bogus ads "will result in many applicants." **Why would a job ad that "results in many applicants" be a "con"?**

<http://www.bakerlawcorp.com/Newsletter/2003-August%20Vol-1%20Issue-6.pdf>

<http://www.naea.us/legislation.asp>

On July 10, 2003, DOL Chief of Foreign Labor Certification Bill Carlson wrote in response to 125 displaced IT workers:

"As indicated in our previous letter to you, the Department has recommended substantial reform of the H-1 B program for temporary foreign professionals, including requiring employers to make bona fide efforts to recruit and retain U.S. workers before hiring temporary foreign workers, and prohibiting the displacement of U.S. workers with temporary foreign workers." (page 2)

The letters link from this page:

<http://www.naea.us/documents.asp> (see the testimonials in the original letter)

Again, the Employer does not have to interview nor otherwise consider any of the candidates – just run some ads:

www.visanow.com/US_IMMIGRATION_VISA/visadirectory/visas/rir.asp

RIR EXPLAINED ON DOL WEBSITE

<http://www.doleta.gov/regions/reg03/flc.cfm>

APPENDIX D – EMAIL TO INSWEB

-----Original Message-----

From: Kim Berry [mailto:kim@prestwood.com]
Sent: Monday, March 29, 2004 1:37 PM
To: ProgrammersGuild@yahoogroups.com
Cc: 'jo.crawford@simmonsungar.com'; 'info@simmonsungar.com';
'michael.ungar@simmonsungar.com'
Subject: INSWEB favoring foreign workers?

While getting LCAs for H-1B programmer positions paying \$71-97k, INSWEB in Sacramento, CA is having trouble filling highly skilled position. The salary range - not mentioned in their website nor in the initial classified ads is \$50-60k.

INSWEB refused to explain what technical differences in the positions justified the salary differential. They also did not deny that the H-1B positions were never advertised in the Sacramento Bee. (They might have been, I don't see everything.)

More info here:

http://63.135.107.234/docs/insweb_h1b.html

I **allege** that INSWEB has hired nonimmigrant workers without considering qualified U.S. workers, has a double-standard against U.S. workers based on national origin, has ignored qualified applicants for this position who are over 40 years old, and has or will be running fake job ads under the RIR program to secure greencards for their staff of nonimmigrant workers.

I will CC Jo Crawford and Michael Ungar of www.simmonsungar.com - the law firm that processed the H-1Bs, and will forward any comment or denial to the BCC recipients of this email - as well as post their statement at the above URL.

The firm's webpage explains the requirements for an RIR (greencard process) being granted without the need to interview U.S. workers:

http://www.simmonsungar.com/news/11_20_RIR.html

The current H-1B and RIR programs deny Americans of their liberty and property interests in their chosen careers. Industry has flooded 500,000 foreign workers during a period when the total number of available jobs has declined.

Sincerely,
Mr. Kim Berry
Sacramento, CA
private cell: 916 213-0492



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Technology: Software Developer

Location: Sacramento, CA

Primary Responsibilities

With InsWeb, you'll leverage your technology skills with the power of the Internet. Our e-commerce solutions bring consumers and insurance companies together in the world's largest real-time Insurance Marketplace. In this position you will be responsible for developing technical design specifications and implementing product enhancements to InsWeb product lines and support the integration of insurance carrier, financial and non-financial partners.

Requirements

You must have a BS in Computer Science or a related field (MS preferred), 2-4 years of software development experience, especially in MS Visual C++, DCOM and MS SQL as well as Web development experience (HTML, JavaScript, XML). You must be a detail oriented individual with excellent communication skills and the ability to interact effectively with team members. **Candidates must include salary requirements with resume in order to be considered.** InsWeb offers competitive compensation, comprehensive benefits including medical, dental, vision, flex spending, 401(k), stock purchase plan, holidays and time off programs.

Skills

Insurance industry knowledge highly desirable.

Date Posted: 01/09/2004

How to Apply

If you are interested in this position, you can submit your resume via our [online form](#) (*preferred*)

You can also **fax** or **mail** it to: *

Contact: Margaret Robinson (916 853-3356)

Fax: 916-853-3325

Address:

InsWeb Corporation
11290 Pyrites Way, Suite 200
Gold River, CA 95670

APPENDIX E – INSWEB LCA’S FOR H-1B’S

H1B.info

Learn how the H1B technical visa program is costing American jobs and undercutting your wages.

H-1B Database > [Search](#) > [Employer List](#) > [Job List](#)



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H-1B LCAs filed by **INSWEB CORPORATION** in CA
 Approved LCAs: **17** Total H-1B Workers: **44**

Job title	Workers	Wage	Begin Date	Location(s)
Database Administrator	1	\$91,670/year	10/01/2002	Gold River, CA
QUALITY ASSURANCE ENGINEER	1	\$36,000/year	03/13/2001	GOLD RIVER, CA
QUALITY ASSURANCE ENGINEER	1	\$36,000/year	04/06/2001	GOLD RIVER, CA
QUALITY ASSURANCE ENGINEER	1	\$36,000/year	03/24/2001	GOLD RIVER, CA
QUALITY ASSURANCE ENGINEER	1	\$36,000/year	03/27/2001	GOLD RIVER, CA
Quality Assurance Engineer	1	\$36,000/year	09/16/2002	Gold River, CA
SENIOR SOFTWARE ENG	1	\$100,000/year	01/16/2001	REDWOOD CITY, CA
Senior Software Engineer	1	\$97,500/year	11/10/2003	Gold River, CA
Senior Software Engineer	1	\$82,400/year	11/10/2003	Gold River, CA
Senior Software Engineer	1	\$71,000/year	11/10/2003	Gold River, CA
SOFTWARE ENGINEER	10	\$50,000/year	11/27/2000	RANCHO CORDOVA, CA
Software Engineer	1	\$58,800/year	02/01/2002	Gold River, CA
Software Engineer	1	\$57,750/year	12/01/2002	Gold River, CA
Software Engineer	1	\$57,750/year	12/01/2002	Gold River, CA
SOFTWARE ENGINEER	1	\$80,855/year	04/01/2003	GOLD RIVER, CA
SR SOFTWARE ENGINEER	10	\$72,000/year	11/27/2000	RANCHO CORDOVA, CA
SYSTEM ANALYST	10	\$39,894/year	11/27/2000	RANCHO CORDOVA, CA

www.h1b.info - Learn how the H-1B technical visa program is costing American jobs and undercutting your wages.

APPENDIX F – LCA’S FOR COGNITIM

H1B.info

Learn how the H1B technical visa program is costing American jobs and undercutting your wages.

[Home](#) | [About H1B](#) | [Outsourcing Connection](#) | [Bookmarks](#) |  [LCA database](#) | [Feedback](#)

H-1B Database > [Search](#) > [Employer List](#) > [Job List](#)

 [About](#) |  [Reports](#) |  [Search](#)

H-1B LCAs filed by **Cognitim, Inc.** in **CA**
 Approved LCAs: **10** Total H-1B Workers: **60**

Job title	Workers	Wage	Begin Date	Location(s)
Computer Programmer	10	\$42,000/year	07/17/2002	Folsom, CA & Folsom (Sacramento PMSA), CA
Computer Related Project Manager	2	\$62,000/year	10/22/2002	Folsom, CA & Sacramento PMSA, CA
PROJECT MANAGER	5	\$79,000/year	12/18/2001	FOLSOM, CA
SENIOR SOFTWARE ENGINEER	10	\$78,329/year	12/18/2001	FOLSOM, CA
Software Engineer	1	\$60,000/year	06/01/2002	Folsom, CA
Software Engineer	10	\$55,000/year	08/12/2002	Folsom, CA & Sacramento PMSA, CA
SOFTWARE ENGINEER	1	\$60,000/year	06/01/2002	FOLSOM, CA & FOLBOM, CA
SOFTWARE ENGINEER	1	\$58,140/year	03/07/2002	FOLSOM, CA & SAN JOSE, CA
SOFTWARE ENGINEER	10	\$48,000/year	12/18/2001	FOLSOM, CA
Software Engineer	10	\$60,000/year	02/17/2003	Folsom, CA & Sacramento PMSA, CA

www.h1b.info - Learn how the H-1B technical visa program is costing American jobs and undercutting your wages.

APPENDIX G – SALU APPLICATION IGNORED

----- Original Message -----

From: <jobs@salu.com>

To: <kimberry007@hotmail.com>

Sent: Tuesday, June 10, 2003 10:02 PM

Subject: Autoreply re: HTML/ASP Production Specialist (IT0603)

> Dear Applicant:

>

> We have received your resume, which is being reviewed in conjunction with
> our requirements. You will be contacted within three weeks if your
> qualifications closely match the requirements for an active position. Thank
> you for giving us the opportunity to consider you for employment and we wish
> you the best in your job search.

>

> Human Assets

> SALU, Inc.

> Portland, OR

>

=====

H-1B LCAs filed by **SALU, INC.**

Approved LCAs: **3** Total H-1B Workers: **18**

Job title	Workers	Wage	Begin Date	Location(s)
WEB DEVELOPER	6	\$53,600/year	07/01/2001	GRANITE BAY, CA & PORTLAND, OR
WEB DEVELOPER	6	\$53,600/year	07/01/2001	GRANITE BAY, CA & PORTLAND, OR & GANNITE BAY, CA
WEB DEVELOPER	6	\$53,600/year	07/01/2001	GRANITE BAY, CA & PORTLAND, OR

<http://www.salu.com/salu/careers/granitebayjobs.html>

Larry Miller - Director of Human Resources - 916-789-4182

Bryan Curnutt, Director of I.T.

Salu, Inc.

4160 Douglas Boulevard

Granite Bay, California 95746

Phone: 916.789.4160

APPENDIX H – HEALTH NET LCA’S

H1B.info

Learn how the H1B technical visa program is costing American jobs and undercutting your wages.

H-1B Database > [Search](#) > [Employer List](#) > Job



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H-1B LCAs filed by **HEALTH NET INC**, in CA
 Approved LCAs: **22** Total H-1B Workers: **72**

Job title	Workers	Wage	Begin Date	Location(s)
ACTUARIAL ANALYST	1	\$66,000/year	03/04/2002	WOODLAND HILLS, CA
ACTUARIAL ANALYST	1	\$66,000/year	03/04/2002	WOODLAND HILLS, CA
DATABASE ADMINISTRATOR	1	\$69,000/year	11/15/2001	WOODLAND HILLS, CA
DATABASE ADMINISTRATOR	10	\$69,000/year	11/15/2001	WOODLAND HILLS, CA
PROGRAMMER ANALYST	1	\$80,000/year	09/01/2001	WOODLAND HILLS, CA
PROJECT MAN FINANCE PROCESS	5	\$6,250/month	06/05/2001	WOODLAND HILLS, CA
SAP ADMINISTRATOR	1	\$105,000/year	11/01/2001	RANCHO CORDOVA, CA & WOODLAND HILLS, CA
SR TECHNICAL SPECIALIST	10	\$62,712/year	11/15/2001	WOODLAND HILLS, CA
Sr. Programmer Analysts	3	\$68,202/year	02/08/2003	Rancho Cordova, CA
Sr. Auditor	1	\$64,304/year	10/05/2002	Woodland Hills, CA
Sr. Auditor	1	\$64,304/year	09/30/2002	Woodland Hills, CA
Sr. Oracle Database Administrator	1	\$77,000/year	06/01/2002	Rancho Cordova, CA
SR. ORACLE DATABASE ADMINISTRATOR	1	\$77,000/year	08/31/2003	RANCHO CORDOVA, CA
SR. PROGRAMMER ANALYST	10	\$60,000/year	05/31/2001	WOODLAND HILLS, CA
SR. PROGRAMMER ANALYST	10	\$60,000/year	06/04/2001	WOODLAND HILLS, CA
Sr. Programmer Analyst	1	\$73,351/year	07/10/2003	Rancho Cordova, CA
Systems Analyst	1	\$67,350/year	09/30/2002	Woodland Hills, CA
Technical Specialist	1	\$80,000/year	05/30/2002	Woodland Hills, CA
TECHNICAL SPECIALIST	5	\$62,700/year	04/22/2002	WOODLAND HILLS, CA
Technical Specialist-Siebel System Administrator	1	\$95,000/year	10/14/2002	Woodland Hills, CA
Technical Specialist-Siebel System Administrator	1	\$95,000/year	10/14/2002	Woodland Hills, CA
WEB DEVELOPER	5	\$73,500/year	04/15/2002	POINT RICHMOND, CA

APPENDIX I – TEKNET POSTS \$10/HOUR AD TO PROCESS H-1B'S

I phoned “Tami” in the ad below. He has an Indian accent. (Teksoft has an office in India: <http://www.teksoft.net/contactus.html>) Tami told me these jobs are placed at HP and Agilent in Roseville, among other places. (HP/Agilent Roseville has cut over 2000 worker in the past few years.)

SAP is not trivial. Still, American workers can and have been trained to work in these positions. But Americans are never given an opportunity, because Congress and DOL provide employers an unlimited supply of underpaid foreign workers.

In the past two years neither HP nor Agilent has run a single ‘help wanted’ for SAP programmers in the Sacramento Bee. Yet DOL approves over 200 H-1Bs to fill these positions.

See the LCA applications below. Dozens of these highly-skilled positions are paying \$44k per year. But the only opening for Americans is a \$10/hour temp job to assist in processing the H-1Bs that are displacing them.

<http://sacramento.craigslist.org/lgl/23038252.html>

IMMIGRATION PAPERWORK EXP. PERSON NEEDED

Reply to: tami@teksoft.net

Date: 2004-01-24, 8:30AM PST

EXPERIENCE IN IMMIGRATION VISAS FILING THAT INCLUDES H-1B, GREEN CARDS & OTHER VISAS FOR OUR EMPLOYEES IN I.T CONSULTING FIRM.

LAW SCHOOL STUDENT INTERNS WELCOME TO APPLY.

FLEXIBLE HOURS. CALL 470-0909 FOR MORE JOB DETAILS.

Compensation: Upto \$10 plus BASED ON EXPERIENCE

This is a part-time job.

This is a contract job.

This is an internship job.

OK for recruiters to contact this job poster.

Phone calls about this job are ok.

Please do not contact job poster about other services, products or commercial interests.

Reposting this message elsewhere is OK.

this is in or around ROSEVILLE

http://www.h1b.info/lca_job_list.php?name=TEKSOFT+INC&company=teksoft&city=&state=CA&year=ALL

H-1B Database > Search > Employer List > Job List



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H-1B LCAs filed by **TEKSOFT, INC** in CA
Approved LCAs: **30** Total H-1B Workers: **206**

Job title	Workers	Wage	Begin Date	Location(s)
computer analyst	10	\$60,000/year	03/07/2002	Roseville, CA
Computer analyst	10	\$60,000/year	06/06/2002	Roseville, CA
Programmer analyst	10	\$60,000/year	03/08/2002	Roseville, CA
PROGRAMMER ANALYST	1	\$60,000/year	06/01/2002	ROSEVILLE, CA & HOUSTON, TX
PROGRAMMER ANALYST	10	\$45,000/year	04/30/2001	HOUSTON, TX & FREEMONT, CA
PROGRAMMER ANALYST	5	\$45,000/year	04/11/2001	HOUSTON, TX & FREMONT, CA
PROGRAMMER ANALYST	10	\$45,000/year	03/23/2001	HOUSTON, TX & FREEMONT, CA
Programmer Analyst	2	\$47,882/year	03/03/2003	Roseville, CA & Stamford, CT
Programmer Analyst	10	\$60,000/year	03/14/2003	Roseville, CA
Programmer Analyst	2	\$60,000/year	04/01/2003	Roseville, CA
Programmer Analyst	2	\$60,000/year	04/15/2003	Roseville, CA
Programmer Analyst	2	\$60,000/year	05/15/2003	Roseville, CA
Programmer Analyst	1	\$60,000/year	05/20/2003	Roseville, CA
Programmer Analyst	1	\$60,000/year	10/01/2003	Roseville, CA
Programmer/Analyst	5	\$60,000/year	04/01/2003	Roseville, CA
SYSTEMS ANALYST	8	\$44,000/year	06/06/2002	Roseville, CA & Houston, TX
Systems Analyst	8	\$44,000/year	06/04/2002	Roseville, CA & Houston, TX
Systems Analyst	8	\$44,000/year	06/10/2002	Roseville, CA & Houston, TX
Systems Analyst	8	\$44,000/year	07/08/2002	Roseville, CA & Houston, TX
SYSTEMS ANALYST	8	\$44,000/year	04/15/2002	ROSEVILLE, CA & MIDDLETON, WI
SYSTEMS ANALYST	8	\$44,000/year	04/15/2002	ROSEVILLE, CA & NEW ORLEANS, LA
SYSTEMS ANALYST	8	\$44,000/year	04/15/2002	ROSEVILLE, CA & HOUSTON, TX
SYSTEMS ANALYST	8	\$44,000/year	04/15/2002	ROSEVILLE, CA & WILMINGTON, DE
Systems Analyst	8	\$44,000/year	05/30/2002	HOUSTON, TX & ROSEVILLE, CA
SYSTEMS ANALYST	20	\$60,000/year	10/22/2001	HOUBTON, TX & ROSEVILLE, CA
Systems Analyst	8	\$44,000/year	11/11/2002	Roseville, CA & Houston, TX
SYTEMS ANALYST	8	\$44,000/year	03/26/2002	HOUSTON, TX & ROSVILLE, CA
SYTEMS ANALYST	8	\$44,000/year	03/26/2002	HOUSTON, TX & ROSVILLE, CA

APPENDIX J – LETTER BY LAW FIRM FOR EMPLOYER TO SEND TO DOL

Source: <http://www.jackson-hertogs.com/issues/12000it.doc>

This is the law firm that met privately with Mr. Carlson, after which he ordered 10,000 American jobs given to foreign workers, in spite of DOL regional offices finding that no labor shortage existed.

**[PRINT ON COMPANY LETTERHEAD AND SEND
DIRECTLY TO THE DOL AND/OR TO Jackson & Hertogs]**

July 13, 2003

Mr. William J. Carlson
U.S. Department of Labor
Office of National Programs
200 Constitution Ave. NW, Room C4318
Washington, DC 20210

Re: 12,000 Information Technology Labor Certifications in Region VI

Dear Mr. Carlson:

The Certifying Officer (CO) in the Department of Labor's (DOL) Region VI office, located in San Francisco, has said that he will be "remanding" about 12,000 of his office's information technology (IT) Reduction in Recruitment (RIR) labor certification applications to the State Workforce Agencies (SWAs), for supervised recruitment. These are applications for which pre-filing recruitment was conducted in accordance with guidelines in place at the time of filing. For many of them, a recent re-test of the market was also conducted, at the request of the DOL. It is unknown how many others are being returned to other state agencies throughout Region VI. It is requested that you intervene and halt the transfer of these files.

[Name of company] is strongly opposed to the wholesale remanding of these cases. There are a number of compelling reasons for not remanding these applications, many of which have been pending for more than two years.

These labor certification applications were filed according to the DOL's RIR procedures, a system which the DOL encouraged employers to use. Each application involves considerable recruitment including ads in newspapers, journals, and Internet sites as well as internal and other recruitment. The per application cost of this recruitment to the employer often is \$1000 to \$3000 or more. At an average cost per application of \$2000

for recruiting, these employers have spent about \$24 million which will be for naught upon remand of these 12,000 applications.

Each of these cases has already been reviewed by a State Workforce Agency (SWA). The SWAs are terribly understaffed and under-funded. Reprocessing 12,000 cases is needlessly creating confusion, overwhelming staff and adding to the cost of clearing up the backlog. For example, in California there are currently 32,000 pending applications in addition to the RIR remands. Currently, the SWA processes 550 regular cases each month. Just catching up with the existing caseload will take 4.8 years but with the addition of 12,000 more cases, all of which the SWAs have already reviewed, it will take nearly 7 years to clear up the RIR remand backlog.

Many employers wonder why they were not told two years ago when these applications were filed to stop filing RIRs applications for certain occupations and in some geographic areas. Indeed, employers were encouraged to continue filing RIR based applications and were also encouraged to convert pending non-RIR cases to the RIR track. Today, there is still no clear or consistent guidance being given to the business community. In fact, the DOL/ETA website and many SWAs continue to encourage employers to use RIR processing in order to expedite case processing.

The IT industry is one of America's most powerful economic engines providing for much of our economic activity and growth. It is a diverse industry with many distinct occupations with different job requirements which cannot all be treated the same because the companies and positions are so divergent.

Employers have spent a great deal of time and expense in submitting these applications. It is not efficient, economical, or fair to force these employers to start the process all over again. And, when the DOL is choked for funds to move forward, it is nonsensical to ask the SWAs to repeat work already completed and needlessly increase those offices existing workloads by more than 30% in one simple act.

Sincerely,

[Name]
[Title]

APPENDIX K – STATEMENT BY LAW FIRM THAT MET WITH DOL

Who was representing the interests of U.S. workers at this meeting?

Meeting with the Department of Labor

The national Foreign Labor Certification Division of the Department of Labor (DOL) had a meeting with lawyers representing the American Immigration Lawyers Association (AILA) last week in San Francisco. Among the topics discussed was a solution to the large number of high tech cases remanded by DOL in the region covering California (Region VI) to the Employment Development Department (EDD) in Sacramento. Over the last couple of months, several hundred alien employment certifications filed under RIR with EDD and other state employment offices within Region VI for high tech positions, have been remanded by DOL to EDD. The effect of this is that not only will EDD be even more backlogged than it already is but these cases may sit on the shelves at EDD for several years before they are processed under “supervised recruitment”.

Bill Carlson (Chief, Foreign Labor Certification Unit) and Harry Sheinfeld (Litigation Counsel, Employment and Training Legal Services) of the DOL national office went to San Francisco to meet with Region VI Certifying Officer Martin Rios and his staff. Mr. Carlson and Mr. Sheinfeld also asked to meet with AILA representatives to discuss the issues. On the AILA side, the meeting was attended by both National and Region VI AILA/DOL committee members. On the DOL side, Mr. Carlson and Mr. Sheinfeld attended along with Regional Administrator Armando Quiroz (Regional Administrator for Region VI) and John Humphrey (Regional Director, Pacific-Western Region). The meeting was hosted by Jackson & Hertogs’ office. Norman Plotkin is on the National AILA DOL liaison committee and also is a co-Chair for the Northern California Chapters liaison to Region VI.

After much discussion, the AILA representatives prepared a written summary of the proposals and presented them to DOL. The proposals include:

- (a) an immediate freeze on RIR remands until a resolution is reached on processing criteria;
- (b) for cases currently pending at DOL:
 - DOL would adjudicate non-entry level positions according to standards that existed at the time of filing;
 - if a job appears to be entry level, DOL would offer the employer an opportunity to provide supplemental evidence showing the position's true duties and requirements;
 - if specific recruitment evidence exists, the employer could provide such information;
 - if specific recruitment evidence does not exist, the employer would be permitted to retest the market with the specific position requirement;
 - for cases already remanded to the SWA, employers may request reconsideration and re-
 - adjudication based on the above standards.

This of course was AILA's proposal and we are not sure whether DOL will put a freeze on the remands and/or adopt any of the other proposals made by AILA. We will keep you updated on any future developments regarding DOL policies.