

News Release

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US Labor Department obtains consent order to recover more than \$638,000 in back wages from Newark, NJ, computer consulting company

Company debarred for 1 year from participating in H-1B program

NEWARK, N.J. — Following a consent order obtained by the U.S. Department of Labor, Peri Software Solutions Inc. and its owner, Saravanan Periasamy, have agreed to pay \$638,449 in back wages and interest to 67 workers for violating the H-1B provisions of the Immigration and Nationality Act.

The Newark company sponsored the H-1B non-immigrant workers to work as programmer analysts across the country.

Under the order, Peri Software Solutions Inc. and Periasamy also must pay \$126,778 in civil money penalties and interest for failing to provide notice of the filing of labor condition applications at each place where any H-1B worker was to be employed and for filing lawsuits against H-1B workers for early cessation of employment. The company and Periasamy will be debarred from participating in the H-1B program for one year.

"Peri Software not only took advantage of these workers by not properly compensating them, it also violated the part of the law that provides the greatest protection to the American workforce," said Nancy J. Leppink, deputy administrator of the department's Wage and Hour Division. "When companies participating in the H-1B program do not post filed labor condition applications, they clearly undercut American workers who may be qualified for available employment but aren't aware of it."

Since 2005, investigations conducted by the department's Wage and Hour Division have resulted in more than \$5.6 million in back wages and \$300,000 in civil money penalties in New Jersey, not including this case. The most common violations found were the employers' failure to post notice of the filing of labor condition applications at every worksite where an H-1B worker may be employed, and failure to pay non-immigrant workers the required wage rate for all nonproductive time caused by conditions related to employment, such as lack of assigned work, lack of a permit or studying for a licensing exam.

The H-1B visa program permits employers to temporarily hire foreign workers in professional occupations such as computer programmers, engineers, physicians and teachers. H-1B workers must be paid the same wage rates paid to U.S. workers who perform the same types of work or the prevailing wage rate in the areas of intended employment, whichever is higher. For more information about the requirements of the H-1B program, visit <http://www.dol.gov/whd/regs/compliance/FactSheet62/whdfs62.pdf>.

The Wage and Hour Division enforces the H-1B wage provisions of the Immigration and Nationality Act, in addition to other federal laws pertaining to wage payments. For more information call the division's toll-free helpline at 866-4US-WAGE (487-9243) or visit <http://www.dol.gov/whd/>.