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# Special Report for HR Professionals

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The Management Advantage, Inc., PO Box 3708, Walnut Creek, CA 94598  
www.hrwebstore.com newsletter@management-advantage.com 925-671-0404

## EMPLOYERS NOW THE TARGET FOR IMMIGRATION ENFORCEMENT

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On April 30, 2009, the U.S. Department of Homeland Security (DHS) issued a fact sheet with guidelines for its Worksite Enforcement Strategy. All Immigration and Customs Enforcement (ICE) employees have received a copy of the new guidelines. "Effective immediately, ICE will focus its resources in the worksite enforcement program on the criminal prosecution of employers who knowingly hire illegal workers in order to target the root cause of illegal immigration."

For a copy of the Fact Sheet go to <http://www.management-advantage.com/media/ICEGuidelinesforWorkplaceEnforcement4-30-2009.pdf>

On May 6, 2009, the owner of a Chinese restaurant in DePere, Wisconsin was sentenced in federal court to 15 months in prison for harboring illegal aliens to work at his restaurant. He was also ordered to forfeit the residence he used to harbor the illegal workers. The sentence came following an investigation conducted by ICE. Yu Tian Li was convicted in January. He owned the "China King Buffet." The jury found that Li harbored two Chinese nationals in his DePere residence. Evidence also pointed out that he underpaid his workers and failed to report them to the Wisconsin Department of Workforce Development.

One of the most policy-revealing portions of the new agency guidelines is one that instructs agents to "obtain indictments, criminal arrest or search warrants, or a commitment from a U.S. attorney's office to prosecute the targeted employer before arresting employees for civil immigration violations at a work site."

Clearly, employers are now the target for enforcement efforts. According to the New York Times the agency will "seek civil penalties, including fines and disbarment from federal contracts, in cases where they do not have enough evidence to press criminal charges."

(<http://www.nytimes.com/2009/04/30/us/politics/30immig.html>)

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The article continues, “And they will require that at least 14 days before conducting a raid, the relevant field office notify ICE headquarters with information including a proposed strategy for prosecuting the employer.”

On its web site, ICE says about its worksite enforcement policy, “Worksite enforcement investigations often involve egregious violations of criminal statutes by employers and widespread abuses, and by uncovering such violations, ICE can send a strong deterrent message to other employers who knowingly employ illegal aliens. These worksite enforcement cases often involve additional violations such as alien smuggling, alien harboring, document fraud, money laundering, fraud or worker exploitation.”  
(<http://www.ice.gov/pi/worksite/index.htm>)

While it is true that some HR professionals have been sentenced in such cases, most offences have been conducted by owners and senior corporate managers. That doesn’t mean HR professionals can escape penalties if they know about illegal activities and do nothing to stop it.

This is an evolving story. You should monitor developments as they unfold in the future. Clearly, the Obama administration believes the root cause of illegal immigration rests with employers and it intends to hold employers accountable for any violations it finds.

*Of the more than 6,000 arrests related to worksite enforcement in 2008, only 135 were employers. That emphasis is about to change.*

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## ***NEW EMPLOYEE VERIFICATION ACT BEING CONSIDERED BY CONGRESS***

If passed, the *New Employee Verification Act of 2009* (H.R. 2028) would create an “Electronic Employment Verification System (the ‘EEVS’) using the employer data entry infrastructure of the National Directory of New Hires.” Such a directory doesn’t now exist, but would be created by this legislation. The EEVS proposal would replace the current E-Verify system that has raised so much concern among employers and community action groups alike.

The legislation was proposed by Rep. Sam Johnson of Texas. It was introduced on April 22, 2009, and has been referred to the Committee on the Judiciary, the Committees on Education and Labor, Rules, and Ways and Means have also received the Bill for review.

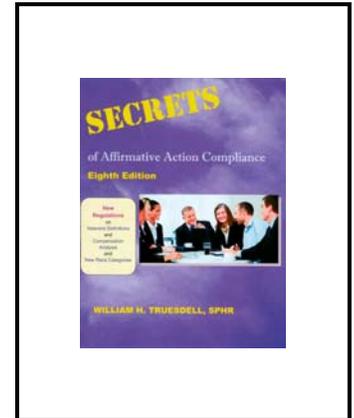
In addition the Bill would amend the *Social Security Act* to prevent unauthorized earnings from being credited toward social security benefits.

For a copy of the 92-page Bill go to [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h2028ih.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h2028ih.txt.pdf)

## *SECRETS of Affirmative Action Compliance*

Here is the definitive resource for federal contractors interested in preparing and implementing an affirmative action plan. It starts from the beginning and guides you through the development process, explaining what is required and what suggestions might benefit employers. All of the statistical analysis is clearly outlined and examples help correct many myths that surround the affirmative action issue. Available in hard copy and in eBook PDF format.

<http://www.management-advantage.com/products/AAP8.htm>



## LINK FROM EMPLOYEE ENGAGEMENT TO OUTCOMES

Some would say it is logical. Others might be surprised. The Merit Systems Protection Board (MSPB) has found a link between employee engagement and federal agency program outcomes.

The MSPB defines engagement as a heightened connection between employees and their work, their organization, or the people they work for or with and says it corresponds to improved program results, the use of less sick leave, and fewer equal employment opportunity complaints and cases of work-related injury or illness.

An HR office can improve the engagement level of employees by assisting managers in identifying individuals with supervisory ability during the hiring process. A common complaint is that supervisors have the technical know-how for their roles but fail when it comes to people skills.

MSPB said HR staffs should work with line managers to ensure a good person-to-job fit within their organizations, starting with improving the marketing of jobs to entice the right candidates to apply and helping managers assess job candidates more intensively. It also called upon HR staffs to assist managers in developing orientation and mentoring programs to effectively assimilate new employees, and said they could promote the use of job rotations so employees understand more about the wider organization and have greater opportunity to match their competencies with organizational needs.

[SOURCE: Federal Manager's Daily Report, May 5, 2009, [www.fedweek.com](http://www.fedweek.com)]

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## OSHA OFFERS HAZARD ASSESSMENT ANALYSIS TOOL

The Occupational Safety and Health Administration (OSHA) has posted on its web site a tool to help employers assess hazards in the workplace. It includes a list of common hazards like trips, falls, electrical, to more exotic hazards like chemical, ergonomics and radiation.

There is a sample Job Hazard Analysis Form employers can use when conducting their own workplace assessment as required by safety regulations.

The document is in PDF form and is 50 pages long. You can get a free copy by going to:

<http://www.osha.gov/Publications/osha3071.pdf>

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### The Management Advantage, Inc.

PO Box 3708  
Walnut Creek, CA 94598  
925-671-0404

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Editor: William H. Truesdell, SPHR  
[billt@management-advantage.com](mailto:billt@management-advantage.com)

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