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## PRACTICE AREAS

### BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries

Australia

Chile / Singapore E-1

E-1 Visas

E-2 Visas

PERM Labor Certification

### HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

### FAMILY

Spouse / Fiancee Visas

Permanent Residence for Family  
Within U.S.

Naturalization / Citizenship

### AMNESTY

## DOL Scrutinizing H-1B Employees

Posted: October 8th, 2010

Near the end of this summer, Smartsoft International, Inc. agreed with the Department of Labor ("DOL") to pay nearly \$1 million to 135 of its foreign specialist workers who were temporarily employed by the company pursuant to the federal H-1B visa program. The compensation was in settlement of DOL charges that those employees were paid less than prevailing wages and/or were paid on a part-time basis despite being hired under a full-time agreement.

The IT solutions and systems integration company said in a press release that there was no proof of any intentional or systemic violation of law, and admitted no wrongdoing, referring to the settlement as a "compromise" concerning charges arising from a very complex area of law subject to varying interpretations.

This incident is indicative of the trend this year toward increasing employer file audits and unannounced site inspections by DOL and other enforcement agencies in connection with the H-1B program, especially with regard to companies in the technology services sector.

It also illustrates the importance of doing periodic self-audits and checks with counsel in the event of any possible doubts about compliance with applicable immigration and employment laws.

If you have any concerns about whether your H-1B employment programs comply with applicable regulations, or if you have general questions about initiating, maintaining or auditing your own program for employment of non-immigrant foreign workers, check out the pertinent section of our Website and/or call our office at (847)564-0712.