



Serving the HR Communities of Southern NJ, Northern DE, Southeastern PA
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PRESIDENT'S MESSAGE

Louis R. Lessig, Esq., SHRM-SCP, SPHR, President, Tri-State HRMA



Hello Tri-State Members,

A Final Thank You & A Call to Action

"Cause Something to Happen" – Bear Bryant.

That is the quote on every Tri-State Board members' portfolio. Why you may ask – because every day that we volunteer for this amazing organization you and I have a choice to allow events to just occur organically or take action to cause something to happen. To be engaged in the process of making our chapter better with each passing day, program, tweet, newsletter or conference. Over the past almost two years we have all worked together in a successful effort to keep our chapter on the forefront of what we need to do our jobs better.

Consider for a moment what you have done to work with myself, the Board and all of our volunteers to have a good time, learn, share and prosper together. We have come a long way in a relatively short period of time. We have supported one another and our larger community. As I consider my final note to you my fellow members, I am humbled by the fact that you have all been so supportive of our efforts and the "fireside [video] chats" (Thank you Mr. Baldino). If for whatever reason our paths do not cross before my term officially ends allow me a moment of reflection, merely to say thank you to each and every Board member, committee chairs, PD Jones & Associates (Hanker & Associates) and most of all to YOU, our member, friend, supporter, partner, student and Tri-State HRMA evangelist. Each of you whether you realize it or not has been a part of our success and while it may not be in person, I thank you for all that you have done and will do.

But Wait, There is MORE! Because we have expanded our reach via twitter (& our #Tristatehr), and just as exciting, we have further developed our web presence by regularly sending in our photos that appear all over our platforms by emailing them to photos@tristatehr.org. I want to encourage you to not rest on what we have done together, but look ahead, "cause something to happen" and get involved! Stepping up to a leadership role for myself has been incredibly personally rewarding and I bet it would be for you as well. My term may be coming to an end, but only as President, because I am not going anywhere and there is nothing that I would like to do more than be a Tri-State HRMA evangelist for YOU! So get tweeting. Send in those photos.

Stand up and be counted by our talent scouts and join us as we continue to pave the future for HR, together.

Tri-State HRMA
31st Annual
Conference
Thursday,
May 4th, 2017

HR...The Power
of the Past and the
Force of the Future

More Information see page 5

HR Leaders: Watch out for USCIS surprise site visits for I-9 compliance!

By: David Nachman, Esq., Michael Phulwani, Esq. and Ludka Zimovcak, Esq. of NPZ Law Group, P.C.

Business Immigration Compliance issues are complex; however an employer can prepare itself for a site visit from the U.S. Department of Homeland Security (DHS); Fraud, Detection and National Security (FDNS) or even an I-9 Form investigation by Immigration & Customs Enforcement (ICE). A few years ago, the DHS stepped up its efforts to identify fraud in the H-1B program and the FDNS conducted "site visits" of H-1B petitioner worksites throughout the U.S. And now, FDNS site visits/investigations have become a mandatory part of the religious worker R-1 visa process and the L-1 intracompany transfer visa petitions, especially for "new company" L-1A visas.



Why should employers be concerned about the site visit? Any employer who sponsors a foreign national worker for an H-1B professional and specialty occupation work visa, religious worker R-1 visa or an L-1 intracompany transfer nonimmigrant work visa can be subject to an unannounced site visit. An FDNS investigator (and/or a DOL or CIS or DOS investigator) can randomly show-up at a worksite and demand to see a copy of the petition, interview the person who represented the company in connection with the petition as well as the employee/beneficiary or other employees presently at the proposed or intended worksite specified in the petition. Any inconsistencies in the information represented in the petition submitted to the government can result in a potential headache for the employer.

What is an employer to do? From a practical standpoint employers and employees should do everything that they can to always comply (as much as possible) with any investigative agency that seeks information. Failure to do so may result in the issuance of a "Notice of Intent to Deny" (NOID), which, if issued, can result in the employers need to prepare a formal response or rebuttal to the NOID.

Some common questions that have been raised by employers about the site visit process include: (1) "how are companies selected to be investigated," and (2) "if I am visited, should I be concerned," and (3) "what type of violations are the investigators looking for," and (4) "how can I prepare for a site visit from a USCIS/FDNS investigator?"

First, any employer who has filed an H-1B or an L-1 or an R-1 (or an EB-4 Religious Worker Visa) petition can be subjected to a site visit. For religious worker visas, site visits are mandatory. For the H-1B and L-1 visa petitions, CIS claims the employers are chosen at random.



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You can submit your articles, photos, and news items to Diane Irwin, at her email address below. Feel free to contact her with any questions about publishing in our newsletter. Your comments and suggestions are welcome.

▶ Diane Irwin, diane@dynamicresumesofnj.com

Articles of interest would include but are not limited to:

- Legislative Issues
- HR News
- Best Practices
- Upcoming Events
- Community Involvement
- Awards that any of our Tri-State Members have received

DEADLINES:

- July 30 for September 1st publication
- October 15 for November 1st publication

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HR Leaders: Watch out for USCIS surprise site visits for I-9 compliance!

If your company receives a site visit and all of your records are in order, you have nothing to worry about. That being said, if the investigators uncover any inconsistencies or instances of fraud, the case may be referred to U.S. Immigration and Customs Enforcement (ICE), or the Department of Labor (DOL) or another administrative agency (such as the U.S. Department of Justice) for further investigation depending upon the issue. This could mean there could be monetary, and if egregious offenses, possible criminal penalties for the employer.

The objective of the site visit program is clear. The CIS is seeking to detect fraud and abuses in its visa programs. According to USCIS, offenses can range from technical violations to outright fraud, with the most common violation being the non-payment of a prevailing wage to the H-1B beneficiary. More specifically, for an H-1B nonimmigrant employer, the FDNS investigators may be looking for the following types of violations: (1) job location not listed on the H-1B petition and/or LCA; (2) H-1B worker not receiving the required wage; (3) fraudulent H-1B documents or H-1B worker credentials; (4) non-existent business or office location; (5) job duties significantly different from those listed on H-1B petition/LCA; (6) misrepresentation of H-1B status by the H-1B worker (e.g., had been terminated from previous H-1B position prior to new employer H-1B being filed); and (7) H-1B worker paid the \$1500 ACWIA fee. Many of these same issues can be the focus in an L-1 and religious worker site visit context.

How can an employer prepare for a possible site visit? For the H-1B employer, the first step would be to ensure that the organization is maintaining accurate and up-to-date Public Access Files (PAF) for each H-1B worker.

Another important step in the site visit process is for the employer to designate a specific individual at each H-1B worker location to meet an investigator or government official should he/she arrive. The person who greets the site visit officer from the FDNS should be prepared to give the investigator a quick list of facts about the company and also a listing of H-1B workers, work locations, title and salary information so that the employer does not need to search frantically for this information while the investigator is there. The same information and documentation is also important for the religious worker R-1 and the L-1 employer. By ensuring compliance with documentation and assigning a qualified on-site staff member, your team will be as prepared as possible for any surprise site visits and I-9 investigations.

How to get the most out of HR Conferences

Dina Cooper-Williams, SHRM-CP, PHR

The days are getting longer, the air is getting lighter, flowers are starting to bloom; spring is but a hop, skip and a jump away. And so is the HR Conference season.

Many of us are preparing for the season of HR conferences. Whether you will be attending Tri-State's annual conference, SHRM, Garden State Council, or one of the other many offerings this year, if you do not create and execute a plan, your time could be unproductive and exhausting.

Most of us attend conferences for one (if not all three) of the following reasons:

1. Obtain Information
2. Meet credential requirements
3. Network

You may be seeking to take advantage of the limitless opportunities to network with peers, listen to innovative presentations or participate in unparalleled dialogue with industry leaders. No matter what your reason for attending an HR conference, you should strategically select both the conference and the conference sessions that you will attend; as well as plan your day(s) in advance of the start of the conference.

Obtain information

If you are attending a conference to obtain information that will assist you in your role or be beneficial to your company, make sure that you look at the conference agenda, preview the types of sessions being offered to ensure that you are prioritizing to attend those most relevant to the information you need to obtain. You may be interested in increasing employee engagement, optimizing talent or creating metrics.

Meet credential requirements

If you have a SHRM or HRCI certification, you are always looking for ways to obtain recertification credits. For both SHRM and HRCI you must earn 60 credits within a 3-year recertification period or retake the exam. So seek opportunities to maximize available credits.

Networking

Conferences are a great way to connect with other human resources professionals, vendors, etc. If you are a job seeker, need to expand your network or are seeking ways to brand or rebrand yourself, consider breaking out of your comfort zone. One of the best ways to expand your network at a conference is to sit with new people. While it's great to reunite with fellow professionals that you may not have seen or spoken to in a while, seek out new faces, exchange contact information and grow your network.

Here are few more tips to assists you in maximizing your conference experiences.

Days leading up to the conference

- Read the conference schedule (start and end times).
- Review sessions and make your selections.
- Stock up on business cards and don't forget to bring them.
- Purchase your Moleskin Notebook, charge up your iPad, Surface Pro or whatever you will be using to take notes.
- Pack hand sanitizer and tissues.
- It will be a long day so pack any medications that you may need to take during the course of the day.

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