

Related Services

Immigration

Justice Dept. Settles with Construction Company to Resolve Discrimination Claims

Legal Update

11.14.2021

By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

The Department of Justice (DOJ) reached a settlement agreement with Priority Construction Corporation, based in Baltimore, Maryland. The settlement resolves claims that Priority Construction violated the anti-discrimination provision of the Immigration and Nationality Act (INA) by failing to consider workers in the United States (such as U.S. citizens, U.S. nationals, asylees, refugees and recent lawful permanent residents) for employment opportunities.

DOJ's investigation determined that for at least several months in 2019, Priority Construction discriminated against applicants in the United States by failing to fully and fairly consider them for temporary laborer positions, due to the company's preference for H-2B visa workers. Specifically, Priority Construction claimed that it could not find sufficient qualified U.S. workers, when in fact it had not fairly assessed the local applicants who had applied. The company also attempted to discourage U.S. workers from applying by putting unnecessarily restrictive job requirements in a 2019 job announcement, DOJ said, such as three months of experience, when it would have accepted workers with one month of experience.

Under the settlement, Priority Construction will pay \$40,600 in civil penalties and conduct enhanced U.S. worker recruitment and advertising for future positions. The settlement also requires Priority Construction to be subject to monitoring and reporting requirements and train employees on how to avoid discrimination under the INA.