

Appendix II

U.S. Department of Labor

Employment Standards Administration
Wage & Hour Division



We are making an investigation of the firm, ABC COMPANY, to determine if it is complying with the requirements of the H-1B provisions of Immigration Nationality Act (INA). In doing so, it is customary to ask some of the present and former employees for certain information by direct correspondence. The fact that we are asking for this information does not imply that this firm has violated any law.

While you are not required to respond, we ask that you assist us by answering the questions below. Our investigation is limited to the past two years; for this reason, your answers should refer only to the period or periods during which you worked for this firm **within the past 2 years**.

Your identity will be kept confidential to the maximum extent possible under existing law. Please do not ask the employer to fill out this form for you.

Your prompt response is appreciated.

PLEASE ANSWER THE FOLLOWING QUESTIONS AS BEST AS YOU CAN

Name: _____ Phone Number: _____

Home Address: _____

E-mail Address: _____

Date of Hire: _____ Date of Separation (if current employee, enter current): _____

Date you began working for a new H-1B employer if your H-1B was transferred from ABC COMPANY to new H1-B employer and the name of the new H-1B employer

1. Are you currently an H-1B worker, or were you an H-1B worker during the past two years?
2. If your status is no longer H-1B, when did it change?
3. What is your educational background (field of study and type of degree)?
4. How did you hear of ABC COMPANY and who hired you?
5. If you were outside the United States when ABC COMPANY petitioned to hire you, answer the following questions:
 - a. On what date did you arrive in the United States?

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- b. On what date did you begin working for ABC COMPANY?
 - c. Would you have been available to begin working for ABC COMPANY sooner?
If yes, why was your employment with ABC COMPANY delayed and were you paid your full wages during this delay?
6. If you were inside the United State when you were hired by ABC COMPANY, answer the following questions:
- a. On what date did you begin working for ABC COMPANY?
 - b. Would you have been available to begin working for ABC COMPANY sooner?
If yes, why was your employment with ABC COMPANY delayed and were you paid your full wages during this delay?
7. Do you have copies of your LCA, I-129, I-797, I-94, and petition letter?
If yes, please e-mail copies of the documents you have to (*e-mail address redacted*) or mail them to the address listed on the first page of this questionnaire.
8. Were you required to sign an employment agreement when you began working with ABC COMPANY?
If yes, please e-mail a copy to (*e-mail address redacted*) or mail a copy to the address listed on the first page of this questionnaire.
9. Were you required by ABC COMPANY to pay an early termination fee or were you required to pay “liquidate damages” for ending your employment with ABC COMPANY before a pre-determined date?
If you paid an early termination fee or a liquidated damage amount, please provide an explanation.
10. For what periods of time and at what locations did you work for ABC COMPANY or their clients during the past two years?
11. What was your position title(s) while working for ABC COMPANY or its clients and what were your duties?
12. Did you always perform the type of work specified on your LCA?
If not, for what period of time did you perform different duties, what type of work did you do, and at what rate were you paid for those duties?
13. What was your rate of pay (i.e. \$30 per hour, \$60,000 per year, etc)?
- a. Was it the same rate that you were told your rate would be?
 - b. If not, explain.
 - c. Please e-mail copies of your pay statements for the past 2 years to (*e-mail address redacted*) or mail them to the address listed on the first page of this questionnaire.

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14. Did you receive any other kind of pay (bonuses, travel expenses, per diem etc.)?
If yes, how much and why?
15. Have you ever received any deductions (non-statutory) from your pay?
 - a. If so, what were they for and what were the amounts?
 - b. Did you voluntarily agree in writing to these deductions or were they a condition of your employment?
16. Did ABC COMPANY charge you any of the fees associated with obtaining your H1B visa (i.e. change of status fees, filing fees, attorney expenses, etc.)?
 - a. If so, when, how much and what was it for?
 - b. How were these fees paid by you?
 - c. If you have copies of documents that support your payment/reimbursement of those fees, please e-mail copies to (*e-mail address redacted*) or mail a copy to the address listed on the first page of this questionnaire.
17. How many hours did you work per week?
18. Did you keep a record of the hours you worked?
If you have copies of your hours worked records for the-past 2 years, please e-mail copies to (*e-mail address redacted*) or mail copies to the address listed on the first page of this questionnaire.
19. If you worked more than 40 hours per week, were you paid a premium for overtime hours?
If yes, please explain how overtime hours were paid.
20. Was all of your vacation/personal time off taken voluntarily at your request?
 - a. Please identify the dates you were on voluntary vacation/personal time during the past two years.
 - b. If vacation/personal time was not taken at your choice, what were the reasons and the time periods for which you were on involuntary vacations (i.e. layoff, client site closures, holidays, etc.)?
21. Identify periods or days when you were not paid by ABC COMPANY due to having no project, site shut downs, holiday closures, or other reasons not by your choice?
22. Were you offered the same fringe benefits as other ABC COMPANY workers?
23. Did you ever work in a geographic area different than the one specified on the LCA?
 - a. If yes, when and where?
 - b. How were you paid for the work at the other location?

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- c. Did you receive per diem or payment for travel to a temporary assignment?
- 24. Do you know if ABC COMPANY or their clients posted notice at your worksite of filing for an LCA or placing an H-1B worker at the work site?
- 25. Is there a collective bargaining agreement between employees and ABC COMPANY?
If so, do you know if they were notified of the hiring or placing an H-1B worker?
- 26. Are you aware of the displacement of any U.S. workers due to the placement of an H-1B worker?
If yes, please provide names, dates, locations, etc.
- 27. If you no longer work for ABC COMPANY, please answer the following questions:
 - a. When did you stop working for ABC COMPANY?
 - b. Did you resign or were you terminated?
 - c. How were you notified of your termination?
 - d. Did you go back to work for ABC COMPANY? If so, when?
 - e. Were you paid in full for your final pay period of employment?
 - f. Did you return to your home country?
If yes, did ABC COMPANY offer you return travel expenses?
If no, how much was your airfare to return home?
If you have documentation of the airfare cost, please e-mail that documentation to (*e-mail address redacted*) or mail copies to the address listed on the first page of this questionnaire.
- 28. If you are currently working at a client site for ABC COMPANY, or worked at an ABC COMPANY client site during the past two years, please answer the following questions (note: a client site is a work location other than office space occupied by ABC COMPANY):
 - a. Client name and address
 - b. Dates you worked at the client site
 - c. Did you work on the client's project or a project/service sold to the client by ABC Company?
 - d. Is your supervisor employed by the client or ABC COMPANY?
 - e. Was the person who assigned your work, set your hours of work, and directed your work an employee of the client or ABC COMPANY?
 - f. Who supplied your work materials (computer, telephone, paper, pens, desk, etc.), the client or ABC COMPANY?
 - g. Who could assign additional projects or make changes to the project on which you were working; the client or ABC COMPANY?