

Immigration Advisor

Practical Coverage of Developments Impacting HR Professionals

VOLUME 1, ISSUE 12

JUNE 1996

New & Noteworthy

The R-1 Moral: Documented Petitions, Legal Persistence Pay

Tenacre Christian Science Foundation "won for losing," in the words of the Court, in its battle to stop the INS from denying R-1 visas to entry-level Christian Science nurses. While the decision directly affects religious organizations, employers generally can learn from Tenacre's experience.

Last fall, Tenacre appealed a Washington, D.C. federal court's decision to deny the Foundation a preliminary injunction to prevent the INS from denying the Christian Science nurse-trainees entry under the R visa.

In April, the United States Court of

(See TENACRE on page 6)

What Would You Do?

One of your company's managers is about to fire three employees who told the Justice Department that he was asking for improper documentation. What do you tell him?

Answer: See page 2 for this and other tips from the Justice Department's Office of Special Counsel for Immigration related Unfair Employment Practices.

The 'Hathaway' Fix: Is It or Isn't It? DOL Reg Leaves H-1B Question Open

When the Department of Labor published its proposal two months ago to clarify a two-year-old Board of Alien Labor Certification Appeals decision on prevailing wage, nonprofit universities and medical centers rejoiced. The decision being clarified, *Matter of Hathaway*, wiped out a prior Board decision that allowed state employment service agencies to distinguish between profit and nonprofit employers when determining an appropriate prevailing wage. As a result, *Hathaway* required university centers that relied heavily on government-funded research to pay the same wages as private for-profit employers, such as pharmaceutical companies, which in many cases, offer salaries five to 10 times higher than the research and university centers can afford.

The research community quickly realized that the DOL proposal, published April 22 in the *Federal Register* and available in full text

(See HATHAWAY on page 8)

In This Issue...

What Would You Do?

Counseling a manager who wants to get back at employees who squeal to the OSC 2

Visa Talk

A summary of crucial procedures for employing Canadians under NAFTA 3

TN Occupational Categories and Educational Requirements 4

BALCA Summaries

Client list won't support foreign language requirement 7

Hospital's size is not relevant to wage offer 7

You can't change the job description to justify a lower wage 7

Expatriate Management

International employment lawyer provides tips on setting up European offices 9

EU Commissioner discusses future of Europe's labor laws 10

Capital Watch

Issues of concern when the bills go to conference 13

WHAT WOULD YOU DO?

Employees Have a Right To Complain to OSC

A If your manager wants to get back at employees because they told the OSC about the company's questionable verification procedures, the company would be engaging in an illegal action if it supported any retaliatory action. That's what happened in a recent case, *United States v. Hotel Martha Washington Corp.* The New York City hotel filed a lawsuit against three employees who allegedly provided the OSC with information about possible document abuse violations. Despite a cease and desist order and a \$6,000 civil penalty, which the hotel paid, it refused to withdraw its lawsuit. The OSC filed a second complaint against the hotel for its retaliatory actions. The OSC also sought another cease and desist order and additional penalties.

Identifying the Four Kinds Of I-9 Discrimination

National Origin Discrimination

This takes place when an employer treats a job applicant or employee differently because of where the individual was born, where his or her ancestors were born or because of physical, cultural or linguistic characteristics of a particular nationality.

Citizenship Status Discrimination

This takes place when an employer rejects a job applicant, fires an employee or retaliates against an employee because of his or her citizenship or immigration status.

Document Abuse

This happens when an employer refuses to accept docu-

ments that reasonably appear to be genuine and that pro identity, work authorization, or both. The employer w also be engaging in document abuse if it requires more specific documents to prove an employee's identity ar or work authorization.

Retaliation

Here, an employer is prohibited from retaliating agai any individual who files a complaint alleging any of above or cooperates in an OSC investigation or testif at a hearing as to any of the above charges.

For more information about illegal employer actio contact the OSC at (800) 255-7688.



New York Company Fined \$1.5 Million for Hiring Illegals

INS recently fined a Westchester County janitorial : vice company \$1.5 million, the largest civil fine INS levied against a business. The company, Colin Cares, p vides janitorial services to clients in seven states and District of Columbia. Specifically, INS fined Colin C: \$37,500 for knowingly hiring illegal individuals; \$201, for continuing to employ the illegals after it had b notified they were here without proper documentat: \$18,040 for accepting documentation that did not reas ably appear to be genuine or wasn't representative of individual applying for the job; \$184,900 for failin update the I-9 and reverify employees' documentat \$182,000 for failing to prepare I-9s for inspect \$648,460 for errors on the I-9 form; and \$234,000 failing to complete the I-9 in time.

IMMIGRATION ADVISOR

President: Kenneth F. Kahn, Esq.
Associate Publisher: Joanne E. Fiore, Esq.
Managing Editor: Laurel Kalser, Esq.

V.P. Marketing & Customer Service: Jana Shellington
Product Group Mgr. Karen Steele
Production Mgr. Karen Hackendahl

Washington Correspondent: Steve France, Esq.



Copyright © 1996 LRP PUBLICATIONS

All rights reserved.

This publication is designed to provide accurate and authoritative information regarding the subject matter covered. It is provided with the understanding that the publisher and editor are not engaged in rendering legal counsel. If legal advice is required, the service of a competent professional should be sought.

IMMIGRATION ADVISOR (1086-1343) is published monthly for \$140 per year by LRP Publications, 747 Dresher Road, P.O. Box 980, Horsham, PA 19044-0980, (215) 784-0860. Second class postage pending at Horsham Pa. Editorial offices at 580 Village Blvd., Suite 140, West Palm Beach, FL 33409, (561) 687-1220 ext. 714, FAX: (561) 687-9410. POSTMASTER: Send address changes to IMMIGRATION ADVISOR, P.O. Box 980, Horsham, PA 19044-0980. Copyright 1996 by LRP Publications, Inc. It is illegal to photocopy this newsletter without permission. Permission to copy for internal use is granted through the Copyright Clearance Center (CCC) for a \$2-per-document fee and \$1.50-per-page fee to be paid directly to CCC, 222 Rosewood Drive, Danvers, MA 01923. Fee Code: 1086-1343/96/\$2 + \$1.50.

VISA TALK

Canadians Entering the United States Under NAFTA: A Summary of Procedures You Need To Know

by Lawrence P. Lataif, Esq. of Fort Lauderdale, Fla.

Editor's note: At our readers' request, IA Editorial Board of Advisors member Lawrence Lataif has provided valuable procedural and processing tips to help HR managers when employing Canadian citizens.

Implemented January 1, 1994, NAFTA, (North American Free Trade Agreement) superseded FTA, (Free Trade Agreement) between the United States and Canada, and added provisions for entry of Mexicans into the United States. Both NAFTA and FTA included reciprocal provisions facilitating the employment of Canadian nationals in the United States in a variety of professional specialty occupations. This specialty occupation status is termed TN (Trade NAFTA).

The TN category of nonimmigrant status provides for the temporary entry of Canadians to "engage in activities at a professional level." (See 8 CFR § 214.6) Generally, this means that the professional position in question requires at a minimum a Bachelor's degree. TN eligibility is also restricted to 63 specific occupations, which are listed under Appendix 1603.D.1 at 8 CFR § 214.6. (This list, set forth on p. 4, provides both the occupations and the minimum requirements under NAFTA.)

Management Consultant and TN Categories

One occupation used frequently is that of "Management Consultant." A Management Consultant provides services with an aim toward improving an organization's objectives through strategic policy management, administration and operation. Usually considered an independent contractor, a Management Consultant is salaried in the United States and is remunerated by the organization on which behalf she/he provides his/her services.

Canadian citizens may be eligible for a Management Consultant position if they hold a baccalaureate degree and if they have five years of experience in the field of management consultant, or if they have five years experience in a field of specialty relating to the consulting agreement. Naturally, they must have a prearranged job offer from a U.S. organization.

A TN applicant under NAFTA may apply for admis-

sion into the United States at a Class A port of entry (POE), a United States international airport or a United States pre-clearance/preflight station. To be considered eligible for TN status, a Canadian citizen must present the following:

- Proof of Canadian citizenship using a birth certificate, passport or Certificate of Naturalization;
- Evidence of professional employment activity and documentation of qualification in a listed occupation in which she/he will be employed in a temporary basis; and
- This documentation may be in the form of a letter from the employer (supported by licenses if required, diplomas, degrees, certificates), which states the activities to be performed, the length of stay, beneficiary's credentials, compliance with any state's laws or licensing requirements, and financial remuneration.

Eligible Canadians may be granted up to one year in TN status in the United States. Evidence of TN status is found on Form I-94, the Arrival/Departure Card.

10 Tips for Getting the TN Work Visa For the Employee

Important facts to remember regarding TN status include the following:

1. No advance approval from INS is required for TN status to be granted;
2. TN status extensions in one year increments are permitted with no maximum limit on the time an individual can remain in TN status;
3. No visa is necessary;
4. \$50 must be paid at the time of entry;
5. TN extensions may be granted while the alien is in the U.S. using Form I-129, which is filed at the Northern Service Center;
6. TN applicants may not be self-employed. This represents a major departure from FTA provisions;
7. Family members are granted "TD" (Trade Derivative) status and are not permitted to accept employment;
8. Copies, as well as originals, of all documentation should be brought to the POE at the time of application;

(See CANADIANS on page 4)

Documentation may be in the form of a letter from the employer, which states the activities to be performed, the length of stay, beneficiary's credentials, compliance with any state's laws or licensing requirements, and financial remuneration.

Occupational Categories for Canadians Under NAFTA

MEDICAL/ALLIED PROFESSIONALS

TN Categories	Educational Requirements
Dentist	D.D.S., D.M.D., Doctor en Odontologia or Doctor en Cirugia Dental; or state/provincial license
Dietitian	baccalaureate or licenciatura degree; or state/provincial license
Medical Laboratory Technologist	baccalaureate or licenciatura degree; or post-secondary diploma or post-secondary certificate, and three years' experience
Nutritionist	baccalaureate or licenciatura degree
Occupational Therapist	baccalaureate or licenciatura degree; or state/provincial license
Pharmacist	baccalaureate or licenciatura degree; or state/provincial license
Physician (teaching or research only)	M.D., Doctor en Medicina; or state/provincial license
Physio/Physical Therapist	baccalaureate or licenciatura degree; or state/provincial license
Psychologist	state/provincial license or licenciatura degree
Recreational Therapist	baccalaureate or licenciatura degree
Registered Nurse	state/provincial license or licenciatura degree
Veterinarian	D.V.M., D.M.V., or Doctor en Veterinaria; or state/provincial license

SCIENTISTS

The following job categories require a baccalaureate or licenciatura degree:

Agriculturist (Agronomist)	Entomologist	Physicist (Oceanographer in Canada)
Animal Breeder	Epidemiologist	Plant Breeder
Animal Scientist	Geneticist	Poultry Scientist
Apiculturist	Geochemist	Soil Scientist
Astronomer	Geologist	Zoologist
Biochemist	Geophysicist (Oceanographer in U.S. & Mexico)	Teacher
Biologist	Horticulturist	College
Chemist	Meteorologist	Seminary
Dairy Scientist	Pharmacologist	University

CANADIANS (continued from page 3)

9. While advance review of a TN application is possible by sending the application to the adjudicating location in advance, most applications are processed at the time of entry into the United States. Advance review may be useful if the applicant's credentials are not clearly applicable to the job offered; and

10. If a TN application is refused at a POE, the applicant may withdraw the application and, after the defects have been remedied, may reapply, or the applicant may

be placed in exclusion proceedings for determination of admissibility before an Immigration Judge.

Mr. Lataif has more than 20 years of employment-related immigration experience in Washington, D.C., Boston, Virginia and South Florida. He has headed up the business immigration practices of two national law firms, Jones Day and McDermott Will & Emery. Mr. Lataif regularly lectures to employers on topical immigration issues. His article "Ten Rules for Hiring Foreign Nationals" appeared in the November 1995 issue of Immigration Advisor.

Occupational Categories for Canadians Under NAFTA

GENERAL

TN Categories	Educational Requirements
Accountant	baccalaureate or licenciatura degree; or C.P.A., C.A., C.G.A., C.M.A.
Architect	baccalaureate or licenciatura degree; or state/provincial license
Computer Systems Analyst	baccalaureate or licenciatura degree; or post-secondary diploma or post-secondary certificate, and three years experience
Disaster Relief Insurance Claims Adjuster	baccalaureate or licenciatura degree; and successful completion of training in disaster relief insurance adjustment; or three years experience in claims adjustment and successful completion of training in disaster relief insurance adjustment
Economist	baccalaureate or licenciatura degree
Engineer	baccalaureate or licenciatura degree; or state/provincial license
Forester	baccalaureate or licenciatura degree; or state/provincial license
Graphic Designer	baccalaureate or licenciatura degree; or post-secondary diploma or post-secondary certificate, and three years experience
Hotel Manager	baccalaureate or licenciatura degree in hotel/restaurant management; or post-secondary diploma or post-secondary certificate in hotel/restaurant management, and three years experience
Industrial Designer	baccalaureate or licenciatura degree; or post-secondary diploma or post-secondary certificate, and three years experience
Interior Designer	baccalaureate or licenciatura degree; or post-secondary certificate, and three years experience
Land Surveyor	baccalaureate or licenciatura degree; or state/provincial/federal license
Landscape Architect	baccalaureate or licenciatura degree
Lawyer (Notary in Province of Quebec)	LL.B., J.D., LL.L., B.C.L., or licenciatura degree (5 years); or membership in a state/provincial bar
Librarian	M.L.S., or B.L.S. (for which another baccalaureate or licenciatura degree is a prerequisite)
Management Consultant	baccalaureate or licenciatura degree; or five years' experience in consulting or related field
Mathematician (Statistician)	baccalaureate or licenciatura degree
Range Manager/Conservationist	baccalaureate or licenciatura degree
Research Assistant (in post-secondary educational institution)	baccalaureate or licenciatura degree
Scientific Technician/Technologist	must possess theoretical knowledge of any of the following disciplines: agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology, or physics; and the ability to solve practical problems in the discipline, or apply principles of the discipline to basic or applied research
Social Worker	baccalaureate or licenciatura degree
Sylviculturist (Forestry Specialist)	baccalaureate or licenciatura degree
Technical Publications Writer	baccalaureate or licenciatura degree; or post-secondary diploma or post-secondary certificate, and three years experience
Urban Planner (Geographer)	baccalaureate or licenciatura degree
Vocational Counselor	baccalaureate or licenciatura degree

TENACRE (continued from page 1)

Appeals for the District of Columbia denied Tenacre's appeal, but during the oral arguments, attorneys for INS conceded, "the major points Tenacre was making," says Tenacre's attorney Lawrence Lataif. In order to avoid making a decision on the constitutional issues presented — the first amendments of religious organization to hire employees of their own choosing — the court made 13 different references to the numerous concessions by the INS.

Raising Employers' Consciousness

Lataif says the case provides three general lessons about dealing with INS. First, "employers must be very careful to document fully and adequately the visa request when they initially file the petition because, once the Immigration Service adopts a negative view of a filing, very seldom can it be convinced to change its mind." Through prior legal counsel, Tenacre had initially sought an R-1 visa to employ a Kenyan foreign national as a "nurse's aide in training to be a nurse."

That petition not only failed to explain what Tenacre meant by "nurse's aide," but it also failed to adequately explain how Tenacre actually trained Christian Science nurses, a point that would have prevented delays later on. As a result, the INS argued that the court record was confusing on the question of whether the nurse seeking R-1 status was working in a religious occupation or merely preparing for one, even though Tenacre, after retaining Lataif, subsequently clarified the petition to explain that the applicant would be functioning as a nurse while he completed his training.

Throughout the litigation, INS hung on to the concept of "nurse's aide," claiming that someone who was preparing for an occupation could not be working in it. At oral argument, INS finally acknowledged that, based on the record since 1993 when the petition was first filed, the applicant was, in fact, performing within a religious occupation.

Second, "when an employer is convinced that it has met all the requirements for a particular visa classification, it may have to be prepared to appeal and litigate in order to get what it is entitled to under the law." Third, Lataif warns, INS tends to question the concept of trainee. Be careful how you define your applicant's position so as not to raise any unnecessary red flags.

It appears that INS has conceded the fact that Christian Science nurses are entitled R-1 visas. However, the broader impact of these concessions has yet to be seen. According to Lataif, "The issue that all religious groups are watching is whether the government has truly rescinded its policy and will now routinely issue R-1 visas

to trainees in religious occupations or whether this was simply a tactical retreat to give INS time to come up with some new justification to exclude trainees in future cases."

Defining Religious Trainee

The Tenacre case involved the Kenyan student seeking to change his status from F-1 to R-1. Tenacre filed the R-1 petition so the student could continue his on-the-job training in Christian Science nursing. Tenacre had employed the Kenyan for close to a year before it filed the petition. Throughout the administrative process, the INS claimed that the Kenyan was a nurse trainee and, as such, could not meet its regulation that he would be "qualified" under the R-1 category to perform services for Tenacre. Tenacre argued that the INS was violating the Immigration and Naturalization Act by continuing to interpret its own regulations so as to require a nonimmigrant R-1 visa applicant to have prior experience as a religious worker.

"Employers must be very careful to document fully and adequately the visa request when they initially file the petition because, once the Immigration Service adopts a negative view of a filing, very seldom can it be convinced to change its mind."

That interpretation, Tenacre argued, violated the INA's provision governing R-1 visas, which require only that the applicant be a member of the bona-fide nonprofit organization for the two years preceding the application and seek entry for a period not to exceed five years to carry on in a religious vocation or occupation.

During oral argument in the U.S. Court of Appeals, INS attorneys agreed to grant the Kenyan his R-1 visa and conceded five main points Tenacre had raised during the entire process, Lataif says. These points, which affect other religious organizations seeking R-1 petitions, are: 1) that trainees are eligible for R-1 visas; 2) that the nurse's spiritual qualifications are sufficient to prove that he or she can perform services for the Foundation; 3) that the R-1 visa does not require prior work experience; 4) that the decision as to who can enter into religious vocations and religious occupations is to be made solely by the religious organizations; and 5) that the decision as to what constitutes a religious occupation or vocation is to be determined by the religious organization, not INS.



Balca Summaries

Beware the Details: Justify Foreign Language Requirements, Wage Offers With Solid Evidence

In this issue, IA highlights recent BALCA decisions emphasizing the importance of tying together job requirements and wage offers with detailed documentation of business need.

List of Clients' Surnames Does Not Justify Foreign Language Requirement

The San Francisco Certifying Officer correctly denied labor certification to a Southern California animal hospital that could not justify the need for the hospital secretary to speak Hindi and Urdu dialects. BALCA held that the employer's list of 14 clients who allegedly spoke the languages and its claim that while only 30 percent of the hospital's clientele can communicate only in Hindi and Urdu, and 50 percent preferred to communicate in them were insufficient to prove that its business necessitated that the secretary spoke the languages. Despite the employer's argument that its doctors normally relayed instructions to clients or patients through staff members, BALCA stated: "Mere statements by the employer that the foreign language is necessary are inadequate documentation of the fact. In addition, a list of clients with Indian surnames is insufficient to establish [that] the clients cannot communicate in English and that Hindu and Urdu are essential to the conduct of the Employer's business." *In the Matter of: Artesa Animal Hospital, Inc.*, No. 94-INA-623, 4/17/96.

In another case, BALCA upheld the CO's decision to deny certification to a California landscaping contractor that tried to justify its Spanish language requirement for a crew supervisor position with a list of six crew members with Hispanic surnames. The employer used the list to show that the language requirement was not restrictive because, "our entire crew is Hispanic and they only speak Spanish as their first language."

Although its decision was not specifically based on this, BALCA found disturbing the CO's finding that the alien had "presumably procured a California's driver's license through fraud....In addition, the fact that the Employer in this case is aware and may have assisted the alien in this fraud demonstrates to this panel Employer's lack of good faith in this process." The CO found that the alien's name as it appeared on the labor certification application was different from the name that appeared on the copy of the California's driver's license that the company submitted to show the alien met the driver's license requirement. In response, the company said that the alien used an "alias"

when he applied for his license because he didn't have status and wouldn't otherwise have been able to get the license. *In the Matter of: Pacific Southwest Landscape*, No. 94-INA-483, 4/11/96.

Wage Offer Based on Similarity Of Position, Not Employer's Size

A hospital cannot offer a wage that was based on its small size, BALCA held in a recent case involving a New Jersey employer. The hospital had filed a labor certification application on behalf of a Philippine national to fill the position of medical technologist at \$15.41/hour. The CO denied the hospital's application because its wage offer was substantially below prevailing wage. On rebuttal, the hospital claimed that the Philippine was receiving a higher salary than the CO had listed. Then, in its request for administrative review, the hospital offered to raise the salary to the prevailing wage and indicated its willingness to readvertise the position.

BALCA agreed with the CO that the wage offered was below the prevailing wage because wage determinations are based on the "similarity of the skills and knowledge required for performance of the job offered," not the employer's size or the nature of the business, as the employer had argued. Therefore, the employer could not base its wage offer on the small number of beds in its hospital, and the CO was correct in determining that the hospital's offer was below prevailing wage. In addition, the employer improperly ignored the CO's initial instruction finding to amend the wage offer and readvertise. It could not cure that error by claiming to follow the instructions only after its certification was denied. *In the Matter of: Columbus Hospital*, No. 95-INA-282, 4/16/96

Changing Job Description Won't Justify Insufficient Job Offer

A Brooklyn medical lab found out it couldn't change its job description of a systems analyst to justify a wage offer the CO determined was below prevailing wage. The lab offered \$520/week for an analyst with a bachelor's degree in computer science and one year of experience in the job offered or as a management trainee in computer systems. The CO found that the offer, \$27,040/year was below the prevailing wage of \$45,643/year. In its first rebuttal, the lab claimed the position was Level I because the foreign national would only monitor the computer system not develop programs or make corrections to them. In its second Notice of Finding, the CO said the lab had changed its job description from that which described heavy responsibilities to justify an inadequate wage offer. The lab then amended the job offer and agreed to readvertise the position. The CO ultimately denied labor certification because the lab had failed to establish why it

(See BALCA on page 8)

BALCA (continued from page 7)

could not accept bachelor degrees in science, math, physics or engineering since the lab had stressed that the position was entry level.

Reasoning: While BALCA found that "there is no question that a computer science degree bears a reasonable relationship to the occupation of systems analyst," here, the lab "failed to establish that the requirement is essential to perform in a reasonable manner the job duties of the position." The lab's distinction between a computer science degree and the other degrees was not relevant because its description of what a person with a computer science degree could do applied to someone who was in a higher level position. Consequently, BALCA said, "[The employer] has not produced any evidence of the requirements in the industry as a whole. A mere statement by an employer that particular job requirements are normal is not sufficient documentation of that factor....In addition, even though every person with an engineering, math or science degree may not have the skills required by employer, there is a strong probability that there are qualified candidates for this position who hold one of those degrees, especially for a position such as this one which

requires very little if any specialized knowledge or skills." *In the Matter of: Modern Medical Labs, Inc., No. 94-INA-121, 4/16/96*

One Phone Call Is Not Enough

Finally, another reminder that leaving one phone message with a U.S. applicant won't fly by BALCA's standards. In this last case, a New York City clothing company wanted to hire a foreign national as a tailor. Following up a resume of a U.S. applicant which indicated that the applicant was qualified, the company left a message on the applicant's answering machine. The company never heard back and never followed up the phone call with a letter or subsequent calls. Instead, it claimed that the applicant's failure to respond himself indicated he just wasn't interested in the position. BALCA disagreed: The company's obligation to make "reasonable efforts to contact and interview the applicant" required it to demonstrate that it followed the phone call with certified letters. Also, "even assuming that the Employer left adequate and timely messages on his answering machine, it has not shown a 'good faith' effort to contact this applicant." The company did not explain when the purported message was left nor what was in it. *Matter of: Big Drop Peoples Sportswear, No. 94-INA-515, 4/17/96.*

HATHAWAY (continued from page 1)

through IA's Documents by Fax service on page 15, sent a mixed message. In its summary of the regulation, DOL explicitly states that the reg applies to "colleges and universities filing H-1B labor condition applications on behalf of researchers since the regulations governing prevailing wage determinations for the permanent program are followed by the State Employment Security Agencies in determining prevailing wage for the H-1B program." Yet, the actual proposal refers only to 20 C.F.R. § 656.40, the provision governing permanent labor certification.

"It's not clear to a person reading this regulation who is not privy to the Labor Department's inner workings whether it also applies to the H category," says Catheryn Cotten, international advisor for Duke University, Medical Center and University Affiliates. Cotten is a member of the government regulations advisory committee of NAFSA: Association of International Educators. NAFSA and the Association of American Universities have been working closely with the Department of Labor since the Hathaway case was decided to get DOL to amend the regulation on which the decision was based. The department rejected the associations' suggestions to reclassify the researcher's job to meet university and medical center needs or create a special Dictionary of Occupational Title code for research associate.

After two years of futile discussion, DOL published a

proposal to overturn *Hathaway* at the same time the Senate adopted an similar amendment and the House voted to keep reforms that would clamp down on employers viewed as being H-1B "dependent" (See p. 13).

In 1994, a full BALCA panel rejected the argument of Hathaway Children's Service that the prevailing wage it paid to a maintenance worker could not be determined by wages paid to workers by business employers. Explicitly overruling *Matter of Tuskegee University*, which involved wages paid to a physics professor, BALCA held, "It follows that the term 'similarly employed' does not refer to the nature of the Employer's business as such: on the contrary, it must be determined on the basis of similarity of the skills and knowledge required for the job offered....(N)either the records in *Tuskegee*, nor the record before us today, suggests that the skills and knowledge required to perform the duties of the job opportunity being offered are any different depending on the employer's financial ability to pay the going rate."

NAFSA and AAU are continuing to meet with DOL officials to clarify the discrepancy. "We, like many other research institutions, have people [on-site] as well as at other locations around the country," Cotten says. This means, in many instances, that the institutions will have to deal with significant discrepancies in salaries for H-1B researchers between those provided by nonprofit centers and for profit corporations.

EXPATRIATE MANAGEMENT

What HR Managers Should Know About Starting Up Corporate Operations in Europe

For those unfamiliar with emerging European law, it is important to understand the relationship between the European Union and the individual countries of which it is comprised. "EU is a federal concept and EU law of employment is just emerging," explains Cincinnati attorney Donald C. Dowling, Jr. The member states, which preceded the federal entity by centuries, still dominate in many areas. "Severance pay is a great example," Dowling says. "That's still determined member state by member state." Dowling, who has practiced international employment law since 1989, points out that in most cases, the EU wants member states to comply with at least a minimum standard of employment conditions, such as providing a wages at a minimum level, and intends to bring those that are below the standard up to that level. Below are particular employment concerns Dowling suggests that American HR managers should address when staffing a European office:

1) **Worker participation laws:** "These are laws found in Germany and the Netherlands that require the company to set up employee groups to discuss wages and terms of employment," Dowling says. "They look like union collective bargaining organizations, but theoretically they are not, according to American understanding. The biggest difference between European worker participation groups and American unions is that the European groups are run in cooperation with management. It's really a difference in philosophy. In the United States, unions say they are not trying to manage the company, they are just sticking up for workers' rights."

Works Councils mandated by the European Union's directive apply only to companies that employ 1,000 people in Europe, with 150 employees in at least two EU member states.

2) **Severance Packages:** Probably one of the most ignored issues for American companies new to the European scene is the issue of severance pay. Why is this something that you should consider up front? Because, Dowling says, unlike in the United States, companies doing business in Europe are obligated to provide employees a certain level of severance pay no matter what the reason for discharge or termination may be. In many circumstances,

U.S. companies will end up having to defend their failure to provide severance in a member state laws court after the termination, a costly alternative to factoring in the cost of severance at the outset of starting up an office.

"If you fire someone who has been working the company for 20 years, that person may be entitled to \$50,000-\$100,000, or higher," Dowling says. "Because the severance obligation is so high and layoffs are so expensive, some companies can't afford to let the employees go. In

many cases, you have to negotiate a package. You save a lot more if you can ease the employee out in a manner that respects European laws, such as working with the employee to accept a severance package or an alternative position. European countries have separate

labor courts set up for these kinds of problems. Most deal largely with severance issues."

Dowling says that in the last five years, U.S. companies have become more sensitive to firing employees working in domestic stateside offices. "To that extent, our practice has become more similar to Europe. Here, in reduction in workforce, we look to make sure that there is a fair distribution among age groups. In Europe, severance pay can apply to anyone, not just those over age 40.,"

To illustrate the point, Dowling compares the strategy of an construction company in Spain with the U.S. way of doing business. An American company builds first, sells afterward, discharging workers when the project is completed. To do that in Spain could put a company under because mandated severance packages in Spain are so high. In Spain, a cautious construction company sells first, then builds to order. It takes years longer, but the company has a better chance of staying in business.

Severance concerns also arise, for example, when a corporation buys out a competitor and wants to fold the competitors' offices into its own. In the U.S., for instance, if one airline bought a competitor, the common practice would be to close the competitor's reservation office and move the workers over to the buyer's office, or let them go. "In Europe, you can't just lay off people in the second office," Dowling says.

(See EUROPE on page 10)

Unlike in the U.S., companies doing business in Europe are obligated to provide employees a certain level of severance pay no matter what the reason for discharge or termination may be.

EXPATRIATE MANAGEMENT

EU Commissioner Flynn Urges Business To Accept Global Impact of Europe's Employment Laws

Last month LRP Editor Stephen M. Ackerman was granted an interview with Social Affairs Commissioner Pdraig Flynn, who signed an historic Memorandum of Understanding with Secretary of Labor Robert Reich last month. During the interview, Flynn discussed a range of issues including upcoming legislative proposals and future challenges for European labor policy. Part of the interview follows.

In your recent policy proposals, you have drawn a clear linkage between macroeconomic policy and employment growth. What has led you to make this linkage?

"We have checked this out, analyzed it over the years and discovered that economic growth on its own is not sufficient. We do not have a good employment rate in the European Union — it stands at about 58 percent. But even if we had strong economic growth, we discovered that it was not going to convert into enough jobs. So, we

focused on structural reforms and got an agreement from all the member states that, in their multi-annual program commitment, they would show both what they were doing in their structural reforms and what they were supposed to do. What we're looking for is union performance, member state performance and social partner performance. Just recently, we finally got agreement on two very important social policies. One is on parental leave and the other one is on the posting of workers.

On the Works Council directive, do you predict there will be full compliance by this September? Do you see any problems with companies being able to fully comply?

"The Works Council has been a great success from our point of view. I believe the question about information and consultation of employees is a key element of its success. It is not a rigid proposal — it never was, and I never intended it to be. It is a legal mechanism to discuss and decide, with employees, the issues that affect their common concerns. In fact, there is no obligation on anybody to create any particular structure if both sides agree. They can decide to have nothing at all, as long as they're both happy. And it's not a harmonized structure by any shadow of means."

So you're not envisioning that the structures among different industries and companies should be the same?

"Not at all. On the very contrary, we're not dismantling anything and we're not seeking a standardized structure in any shape or form. This is a matter of discussion between both sides together to make the best arrangement they can. Where we had a *de jure* situation throughout the 14 member states, it's now *de facto* across the entire 15. In fact, businesses in the United Kingdom say to me every time I meet them that they're voluntarily making these agreements between management and workers' representatives. It's working well."

If, as you explain, it's so flexible and so voluntary, then does it have any teeth?

"Well, I have also said that if companies don't agree — and it's included in the annex of the proposal — they will have to be obligated to resolve the matter. Digital — they're doing their business to satisfy this legislation by having a computer linkup right across their plants, so that people don't feel they have to come together for a meeting at all, or share their information and consultation on the Internet. That gives you some idea as to the flexibility of this piece of legislation. It's certainly not a harmonized structure."

EUROPE (continued from page 9)

As to other corporate benefits, European laws tend to obligate the employer to carry through with compensation packages promised at the start of employment.

3) Wages. Generally, the highest wage rates in the European Union are found in Germany and the Scandinavian countries. The lowest are found in Ireland, Portugal and Greece. Wage differences in Europe are far greater than within the U.S.

4) Pregnancy and family issues. EU member states require employers to provide pregnant workers between 14 and 26 weeks *paid* maternity leave. The EU's Employment and Social Affairs Council passed legislation two months ago guaranteeing workers of either sex a minimum of three months unpaid parental leave to care for a child at any time during the child's first eight years following birth or adoption. (See *IA*, May 1996, p. 5 and chart on p. 16)

Editor's note: Donald Dowling, a partner at Graydon, Head & Ritchey, chairs the American Bar Association's International Employment Law Committee. He also teaches EU law at the University of Cincinnati. His suggestions provide a practical complement to EU Commissioner Flynn's insights into the future of European employment laws.

(continued on next page)

EXPATRIATE MANAGEMENT

(continued from previous page)

What specific areas do you see where harmonization of employment laws between the U.S. and the EU can occur?

"We're not really talking about harmonization here. The memorandum of understanding will be dealing with what we regard as the objectives that we wish to see promoted on both sides of the Atlantic, like high rates of employment and rising living standards — that's what we want to put in place.

"In fact, Secretary Reich was very clear on that today when he spoke to me about the difference between wage levels here in the U.S. Only last year, white-collar workers, their average increased by 0.6 percent, while blue-collar workers went down by 0.6 percent, so there is a big gap here.

"But leaving aside the gaps in your model and leaving aside the gaps in our model, we're trying to talk about a better dialogue between us and we want to intensify that dialogue as far as labor-management cooperation is concerned, as well as the whole question of investment in human resources. I talk about the adaptability of the existing workforce to cater to the demand for new technology, about moving from one job to another. He talks about the employability of the individual. Then there's the in-

Commissioner of EU Proposes 'Transatlantic Labor Dialogue'

European Union Social Affairs Commissioner Padraig Flynn announced last month his intention to create a "Transatlantic Labor Dialogue" between the U.S. and Europe.

The dialogue, similar to the Transatlantic Business Dialogue between the EU and the U.S. on product testing and regulatory standards, will focus on discussions among trade union, employee, corporate and government representatives about strengthening employment levels on both sides of the Atlantic, ultimately providing policymakers with recommendations for potential legislative enactment. In addition to announcing the labor dialogue, Flynn signed a Memorandum of Understanding with U.S. Secretary of Labor Robert Reich to establish a working group of senior officials who will examine employee training, employment security and labor management cooperation.

In an exclusive interview with LRP above, Flynn discusses the broader impacts of the Memorandum and the Transatlantic Labor Dialogue on American and European business.

ternational context, and we're going to review the developments of the OECD, the ILO and the G-7 as to what is going on there."

What are the specific changes you propose to make in terms of hiring, firing and other problems that you see U.S. companies having because of the difference between U.S. and EU employment laws? What problems do you see for U.S. businesses?

"I think what you're really talking about is regulation. It's something that I've stated we're always concerned about and, in fact, we are very anxious to do something positive insofar as regulation is concerned. Very often, the greatest problem for companies in setting up their business is because the documentation is so heavy. I'm always pressing the [member states] that they should revisit all of this documentation in order to make it more simple and more understandable.

"For instance, Germany has very heavy technical regulations, particularly in the building and construction and mechanical engineering sectors. The Netherlands is very strong on food production. So, individual member states, depending on their economic development and their history, are very strong on regulation, whereas we, insofar as the European situation is concerned, consider the wider dimension that applies right across the Union. That is where working time comes in with the works council directive.

I have three pieces [of legislation] that I will be promoting very strongly; one is on the question of the burden of proof, and that's insofar as sex discrimination cases are concerned. I'll be making some proposals in that regard at the end of the year. I'm also very anxious to promote my legislation on part-time workers. That matter is being considered by the social partners right now. From my point of view at this time, I think there is a need to deal with the question of part-time work as the labor market evolves in the EU.

"Overall, however, all questions relating to hiring and firing, and the laws attached to these areas of activity as far as the labor market is concerned, are of national origin. They're at the national level now, we have no competence as far as wages are concerned."

Does that mainly apply to the retail sector, and is it meant to address employment contract problems?

"Right across the board. There are more people involved in this kind of part-time work, short-term contract work, and consequently I want to see that kind of thing properly understood and catered to — 32 percent of all of the EU's labor force are now part-time workers. I want to see a situation evolve there, where they get the same kind of understanding insofar as security is concerned as those in full-time employment."

EXPATRIATE MANAGEMENT

What You Should Know About Doing Business In China (or Anywhere Else Overseas)

By Douglas D. Osterloh, Esq. of Seattle, Washington

I just returned, from my first trip to Taiwan and Hong Kong. I went with a U.S. business client who is interested in setting up business or an office there. As an immigration and business lawyer, I have learned a lot about the international marketplace and doing business overseas in the last several years. What I had learned from my clients did not prepare me at all for actually jumping into the arena and getting things rolling. Even though I had a fairly good grasp of Chinese culture, I was struck by the vast differences in the way of life and doing business.

Prior to leaving for Taiwan we thought we had done our homework, but as it turns out we had just scratched the surface. I had made some preliminary contacts to find out the basics of business requirements. What I did not find out until we got to China, and this was true in both Taiwan and Hong Kong, was that much of what happens is based on relationships, or as the Chinese call it, *gaung-shi*. That is, in China, when you bring parties together you maintain a responsibility to see that the relationship works out.

If you are thinking of opening an office or doing business offshore, whether it be in China, Hong Kong, Chile, Nigeria, or England, consider the following:

- Do your homework; investigate more than the basics of setting up a business or who this potential business partner is. Learn about the people and the culture as well. You may find the latter to be of greater importance in the long run. Something as simple as learning what a typical work week is, or when and how an office breaks for lunch could save you several headaches when you are trying to establish policies in the new office. For example, we found several small companies in Hong Kong that had made arrangements for lunch to be delivered each day to save time for their employees. We often forget that the U.S. is not the center of the world and that not everybody shares the same work culture.

- Establish relationships and start early on finding good local representation. This includes attorneys, business consultants; banks, and, I would add, a shipping agent/customs broker. Local people can be a great help in guiding you through some of the pitfalls that trap an "outsider" in setting up overseas offices. In Taipei we had the good fortune to find a U. S. attorney who had been practicing there for almost 25 years. He is fluent (reading, writing, and speaking) in Mandarin, knows the people and could guide us through the mazes. He was also gracious enough to introduce us to several business contacts

who proved to make our visit even more productive. We also found that having a shipping agent/customs broker on our side helped us get things in and out of the country. There are few things worse than being in a foreign country and needing documents or items that are tied up in Customs or the back room of the shipping agent waiting for someone to get around to handling it.

- On your initial trips have the people along who can ask, and answer, questions about your company's needs. This will include space, personnel, product lines, etc.

You can gather a lot of information from reading and talking to people here in the U.S., but nothing compares to actually going to the site of your next office. If you have not done business overseas this will be a tremendous learning opportunity for you; it was for me. If you have the time and resources to spend a week at the location of the proposed office, do so. You will find it time well spent.

Doug Osterloh is a member of IA's Board of Editorial Advisors. He has also written a series of articles for Immigration Advisor on alternatives to labor certification. These articles appear in the October, November, December 1995 and April 1996 issues.

Editorial Board of Advisors

Dan P. Danilov, Esq., Seattle, Wash.

Allen E. Kaye, Esq., New York, N.Y.

Ernestina Jimenez, Memorial Sloan-Kettering
Cancer Center, New York, N.Y.

Lawrence Lataif, Esq., Fort Lauderdale, Fla.

Edward N. Leavy, Esq., Cohn & Marks
Washington, D.C.

David Morris, Esq., Baker & Hostetler
Washington, D.C.

Douglas D. Osterloh, Esq., Seattle, Wash.

Lawrence Rudnick, Esq., Steel, Rudnick & Ruben
Philadelphia, Pa.

Lisa E. Seifert, Esq., Olympia, Wash.

Ronald F. Storette, Esq., Proskauer Rose Goetz
& Mendelsohn, New York, N.Y.

DOCUMENTS BY FAX

You can access the full text of administrative court opinions, federal regulations, agency reports and other documents through our Documents By Fax service. Whenever we report on workplace-related immigration legislation, regulations or other documents of interest to our readers, we will assign them numbers so you can call and order them for a nominal fee. Simply call 1-800-420-5764 and follow the voice instructions. You will be asked for your customer number (which appears on your mailing label). Nonsubscribers may enter a credit card number. The document can be faxed, sent by regular mail (plus \$5 S&H) or expressed to you overnight (plus \$15 S&H; order by 3 p.m. EST for next day delivery). Documents over 30 pages can only be mailed or expressed.

Document	Order No.	Pages	Price
<p><i>Matter of: Artesa Animal Hospital, Inc.</i> (BALCA) 4/17/96 Employer cannot justify requirement that hospital secretary speak fluent Hindi and Urdu merely by submitting list of 14 clients with Indian surnames.</p>	908-96-1050	5	Subscriber/Non-Subscriber \$10/\$15
<p><i>Matter of: Pacific Southwest Landscape</i> (BALCA) 4/11/96 Certification application denied contractor seeking crew supervisor who spoke Spanish because list of six crew members with Hispanic names doesn't show business necessity.</p>	908-96-1051	5	\$10/\$15
<p><i>Matter of: Big Drop Peoples Sportswear</i> (BALCA) 4/17/96 Good faith recruiting means employer must follow up phone message with letter, documenting dates and contents of both.</p>	908-96-1052	6	\$10/\$15
<p><i>Matter of: Modern Medical Labs, Inc.</i> (BALCA) 4/16/96 Changing job description to reflect lower level position will not cure CO's finding that wage offer was too low.</p>	908-96-1053	5	\$10/\$15
<p><i>Matter of: Columbus Hospital</i> (BALCA) 4/16/96 Hospital's size will not justify offer below prevailing wage.</p>	908-96-1054	5	\$10/\$15
<p>DOL Proposes To Overturn <i>Matter of Hathaway Children's Service (Federal Register)</i> 4/22/96</p>	908-96-1055	9	\$10/\$15

Full Text...At Your Fingertips.

Toll-Free Ordering • 24-Hour Service • Subscriber Discounts

Simply call 1-800-420-5764

Conference Calendar

June 4-7: NAFSA: Association of International Educators 48th Annual Conference, Phoenix, Ariz.

Contact: (202) 462-4811

Topics: Workshops include: Analyzing Financial Ability Documents: What Is Sufficient and Acceptable; J Exchange Visa Consortium: A Case Study; F-1 Update: How Is Governmental Policy Changing and Why; and Credential Evaluation: Diversity in the Fortress Europe

June 5-7: American Council on International Personnel presents its annual Symposium on the Employment of Foreign Personnel in the United States, Ritz Carlton, Arlington, Va.

Contact: (212) 688-2437; fax: (212) 593-4697; via the Internet: <http://www.acip.com/symreg.html>

Topics: Immigration reform proposals: a legislative panel discussion; INS procedures and regulations update; Practical considerations in preparing a labor certification application; Employer sanctions — common paperwork mistakes; Roving H-1B employees; Nonimmigrant visa forms, documentation and filing procedures

June 20-23: American Immigration Lawyers Association Annual Conference, The Pointe at South Mountain, Phoenix, Ariz.

Contact: Michael O'Toole (202) 371-9377, ext. 240

June 23-26: SHRM 48th Annual Conference & Exposition, Chicago

Contact: (800) 283-SHRM or (703) 548-3440; TDD: (703) 548-6999

Topics: International Institute on Human Resource certification program; Issues in compensation management; Conducting an internal investigation; Starting up the human resource function; Union avoidance strategies.

Sept. 11-13: HRMS/Expo, Dallas Convention Center

Contact: (800) 232-3976

Topics: National Human Resources Management Conference and Exhibition

Oct. 6-9: 8th Annual HRE Forum, Westin Mission Hills Resort, Rancho Mirage, Calif.

Contact: HRE Conference Division (800) 727-1227

Topics: TBA

Oct. 19-24: International Human Resource Executive Development Program, Cornell University's Center for Advanced Human Resource Studies, Ithaca, N.Y.

Contact: Robin Remick at (607) 255-9358

Topics: Strategic Perspectives, Globalizing Management, Linking Across Boundaries, International HR Management Activities, Transnational HR Management

Comparing the Salaries of Support Staff Across the World

ECA Windham, headquartered in New York City, specializes in providing information to multinational corporations about housing, cost-of-living and compensation and benefits for their employees' international assignments. Earlier this year, ECA Windham released the following comparison of salaries for office managers and secretaries employed in some of the more common host countries. The figures are based on gross salary per month.

U.S.

Office Manager \$3,325

Secretary \$2,735

Japan

Office Manager \$7,135

Secretary \$4,807

Germany

Office Manager \$5,629

Secretary \$3,930

France

Office Manager \$4,323

Secretary \$2,933

Hong Kong

Office Manager \$4,268

Secretary \$2,347

Singapore

Office Manager \$3,510

Secretary \$1,928

United Kingdom

Office Manager \$3,566

Secretary \$2,299

Italy

Office Manager \$2,951

Secretary \$2,370

Mexico

Office Manager \$1,812

Secretary \$821

Philippines

Office Manager \$1,426

Secretary \$738

Indonesia

Office Manager \$1,313

Secretary \$874

DOCUMENTS BY FAX

You can access the full text of administrative court opinions, federal regulations, agency reports and other documents through our Documents By Fax service. Whenever we report on workplace-related immigration legislation, regulations or other documents of interest to our readers, we will assign them numbers so you can call and order them for a nominal fee. Simply call 1-800-420-5764 and follow the voice instructions. You will be asked for your customer number (which appears on your mailing label). Nonsubscribers may enter a credit card number. The document can be faxed, sent by regular mail (plus \$5 S&H) or expressed to you overnight (plus \$15 S&H; order by 3 p.m. EST for next day delivery). Documents over 30 pages can only be mailed or expressed.

Document	Order No.	Pages	Price
<p><i>Matter of: Artesa Animal Hospital, Inc.</i> (BALCA) 4/17/96 Employer cannot justify requirement that hospital secretary speak fluent Hindi and Urdu merely by submitting list of 14 clients with Indian surnames.</p>	908-96-1050	5	Subscriber/Non-Subscriber \$10/\$15
<p><i>Matter of: Pacific Southwest Landscape</i> (BALCA) 4/11/96 Certification application denied contractor seeking crew supervisor who spoke Spanish because list of six crew members with Hispanic names doesn't show business necessity.</p>	908-96-1051	5	\$10/\$15
<p><i>Matter of: Big Drop Peoples Sportswear</i> (BALCA) 4/17/96 Good faith recruiting means employer must follow up phone message with letter, documenting dates and contents of both.</p>	908-96-1052	6	\$10/\$15
<p><i>Matter of: Modern Medical Labs, Inc.</i> (BALCA) 4/16/96 Changing job description to reflect lower level position will not cure CO's finding that wage offer was too low.</p>	908-96-1053	5	\$10/\$15
<p><i>Matter of: Columbus Hospital</i> (BALCA) 4/16/96 Hospital's size will not justify offer below prevailing wage.</p>	908-96-1054	5	\$10/\$15
<p>DOL Proposes To Overturn <i>Matter of Hathaway Children's Service (Federal Register)</i> 4/22/96</p>	908-96-1055	9	\$10/\$15

Full Text...At Your Fingertips.

Toll-Free Ordering • 24-Hour Service • Subscriber Discounts
Simply call 1-800-420-5764

European Provisions for Parental Leave By Member State

AUSTRIA — Each family receives 24 months' leave, with a flat-rate benefit of 13 ECU (European Currency Unit) per day and a higher rate for a single parent or one with a partner with a low income.

BELGIUM — No statutory leave, but workers can take six-12 months' full-time "career break" or, in the case of childbirth, a 12-week period after the end of maternity leave. The career break is not a right and must be agreed to by the employer. Alternatively, workers can ask to work half-time between six months and five years.

DENMARK — Ten weeks per family. Each parent is entitled to an additional six months' leave, paid at 80 percent of unemployment benefit rates, with a second 6 months' period if the employer agrees.

FINLAND — 158 working days per family paid at 66% of earnings. A further period of child-care leave until the child is three. If both parents are employed, one may work reduced hours until the end of the year when the child starts compulsory schooling.

FRANCE — Leave, which may be shared and is granted until a child is 36 months old. Employers with less than 100 workers may refuse to give leave. Parents taking leave may work part-time.

GERMANY — Either parent may take leave until the child is three. For the first six months, the parent receives payment of 320 ECU a month, followed by income-related benefit until the child is two. The parent taking leave may work up to 19 hours a week for any employer.

GREECE — Each parent is entitled to three months, unpaid full-time leave, which cannot be transferred between parents. Single parents may have six months' leave. Employers may refuse leave if it has been claimed by more than 8 percent of the work force during the year.

IRELAND — None.

ITALY — Six months extra after maternity leave, to be taken before the child's first birthday. The parent receives 30 percent of normal earnings. If a child is disabled, leave can be extended to the child's third birthday or taken as two hours' paid leave a day.

LUXEMBOURG — None.

NETHERLANDS — Each parent entitled to a five month period when he or she can work reduced hours at any time until the child is four years old. No payment for lost earnings.

PORTUGAL — Each family is entitled to between six

and 24 months' leave, to be taken at the end of maternity leave. Workers with a child under 12 or a handicapped child are entitled to work half of their normal working hours.

SPAIN — 12 months' unpaid leave per family. A further two years may be taken, but the parent is then not entitled to return to his/her job unless it is open. Parents with children under six or a disabled child may reduce working hours by between a third and a half, but with no compensation for lost earnings.

SWEDEN — 18 months per parent. Payment is available for 450 days per family, for 360 days at 90 percent of earnings and 90 days at seven ECU per day. Leave must be taken before the child reaches the age of eight and can be taken in a block or split into shorter periods. Parents are entitled to work 75 percent of normal working hours until the child has completed the first year of school, but with no payment for lost earnings.

UNITED KINGDOM — None.

SUBSCRIPTION OFFER

YES! Please start my one-year subscription to *Immigration Advisor* for \$140.00, plus \$10.00 shipping/handling (U.S.), \$18.00 (Canada/Mexico) or \$48.00 foreign for 12 issues/year.

Please send me information on your other Human Resource products.

VISA* AMEX* MasterCard* MC Bank # _____

Cardholder Name _____

Signature _____

Card # _____ Exp. Date _____

Charge my LRP Acct. # _____ Bill me. P.O. enclosed

Check or money order payable to LRP Publications enclosed.*

* LRP pays shipping & handling fees on all prepaid orders.

Name _____ Title _____

Organization _____

Street Address _____

City _____

State _____

Zip _____

Phone (____) _____

FAX (____) _____

LRP GUARANTEE

You may cancel your subscription to any publication within 30 days by writing "cancel" across the invoice and returning it to us for a full refund or credit.

☎ Call 1-800-341-7874, ext. 310

☎ FAX (215) 784-9639

LRP
Publications

Dept. 440, 747 Dresher Road
P.O. Box 980
Horsham, PA 19044-0980

LR9502-31