



CHICAGO *LINE*

THE MONTHLY NEWSLETTER OF THE CHICAGO METAL FINISHERS INSTITUTE

MARCH 2010 Calendar of Events

MARCH 4, 2010
CMFI Board of Directors Meeting
Rosewood Restaurant
Rosemont, IL

MARCH 25, 2010
CMFI Member Meeting
The Wellington Restaurant
Arlington Heights, IL

APRIL 27-29, 2010
NASF Washington Forum
L'Enfant Plaza Hotel
Washington, DC
Contact: Cheryl Clark
202-457-8404; cclark@nasf.org

JUNE 14-17, 2010
NASF SUR/FIN
Devon Place
Grand Rapids, MI

CMFI WELCOMES BACK RETURNING MEMBER

We're happy to welcome Acid Products back as a Contributing Sponsor of CMFI. The company is an LTL distributor of commodity chemicals (both liquid and dry), as well as a chemical blender and repackaging of various proprietary products including acids, alkalis, solvents, and cleaning products. Contact Ray Horton for further information at: (773) 254-5222 or E-mail: ray.horton@acidproducts.net

CMFI MEMBER MEETING
March 25, 2010
The Wellington Restaurant
2121 S. Arlington Heights Road
Arlington Heights, IL
6:00-9:00 PM

PREPARING FOR COMPUTER DISASTERS

Mario Alfonso
Cornerstone Systems

Mario will discuss how Managed Services (MSP's) are changing the way we think about Information Technology (IT). How often have you wanted to access your database files only to find that the server is down? How often have you wanted to access some important client information but found the database or file inaccessible – or worse – corrupted. Will your files exist after a fire? In today's competitive environment, you cannot afford to fall behind. IT is changing and the old tired business model "wait until it breaks and then fit it" approach is out. Today's companies need a much more proactive approach. Here's what you'll learn about Managed Services:

- How it's structured**
- How it saves you time and money**
- How it uses remote capabilities**
- How it maintains real time endpoint security**
- How it has the ability self-heal**

FOR RESERVATIONS: mail in your pink card; fax (773-784-1304) or e-mail (cmfi@netzero.net) to the Institute office ASAP.

IMMIGRATION ENFORCEMENT
INCREASES DRAMATICALLY —
EMPLOYERS BEWARE!

*Gabrielle Buckley, Shareholder/Chair,
Business Immigration Practice Group with
the law firm, Vedder Price PC.*

Although the Obama administration has indicated that it supports comprehensive immigration reform, the administration has moved to aggressively enforce the existing laws. The focus, however, has changed to targeting employers rather than undocumented workers.

Since July 2009, U.S. Immigration and Customs Enforcement ("ICE") has issued over 1,650 subpoenas to businesses notifying them that they have been targeted for in-person inspections of their I-9 Employment Eligibility Verification Forms. By contrast, in all of fiscal year 2008, ICE issued only 503 similar notices to employers. John Morton, Assistant Secretary for ICE, stated that the nationwide effort was a first step in ICE's long-term strategy to address and deter illegal employment by focusing on employers rather than on undocumented workers. Although ICE indicated that the targets will be business activities that "affect critical infrastructure," many of the targeted companies fall outside this description.

If an employer receives one of these subpoenas, the organization will be given only three (3) to five (5) days to provide a long list of documents, including original I-9 Forms and employee rosters. The subpoena may also request copies of the following documents: monthly payroll reports, state unemployment insurance quarterly tax reports; quarterly wage detail reports; federal quarterly tax statements (IRS Form 941); federal tax Form 1099 for all independent contractors; immigration petitions previously filed; the

organization's articles of incorporation, business license and most recent annual report; and the organization's policies and procedures regarding immigration compliance.

Fines for simple "paperwork" violations (failing to complete and retain I-9 Forms) can range from \$110 to \$1,100 per employee — even if the employee is a U.S. citizen! Civil fines for employing unauthorized workers range from \$375 to \$16,000 per employee, and criminal fines and penalties are even more severe. On December 30, 2009, the U.S. Attorney's office levied a fine of \$4.5 million on Pilgrim's Pride, a poultry producer, in addition to requiring that the company establish an immigration compliance policy.

Most recently, Illinois employers have been the targets of a separate enforcement policy. U.S. Citizenship and Immigration Services ("USCIS") has begun making unannounced "site visits" to workplaces and administrative offices of companies employing foreign nationals, particularly if the employer has sponsored employees for "H-1B/Specialty Occupation" status. The USCIS Fraud Detection and National Security unit ("FDNS") is conducting these site visits to detect fraud, and has an annual budget of over \$42 million for this purpose. These site visits are being conducted on a random basis, but the number of visits has increased exponentially in the past several months. One USCIS Service Center alone announced that it has transferred approximately 20,000 cases to the FDNS unit for site visits. Illinois employers that have already been "visited" operate in a broad range of industries, including manufacturing.

Generally, FDNS assessors visit a workplace with no prior notice and do not need a subpoena. They will arrive at the location and ask to speak with human resources personnel, the foreign national

worker and the worker's supervisors. Most questions relate directly to the information submitted by the employer when applying for immigration benefits, in order to confirm its accuracy. FDNS assessors have asked to review previously submitted immigration petitions, Labor Condition Applications ("LCAs"), W-2 records and pay stubs for the employee in question. Employers may request that counsel be present for these site visits, but the assessor may be unwilling to reschedule if the attorney is not available at that given time. Any significant compliance issues detected may result in follow-up field investigation by ICE, and any wage violations based on the data submitted with the LCA may be shared with the Department of Labor. USCIS may also revoke the employee's employment authorization if the employer or employee is found to have violated the terms or conditions of the petition, or if statements in the petition are found to be inaccurate.

In order to be prepared for a government audit or site visit, we recommend that employers take the following steps:

- Identify your "go-to" in-house counsel/ immigration attorney to contact in the event you receive a subpoena or site visit.
- Review your Immigration Compliance Policy to ensure that it provides accurate instructions for I-9 completion; follow-up to make sure that the Policy is being enforced.
- Ensure that you or your attorney have complete copies of all immigration petitions and applications filed on behalf of your employees, as well as all public access records required to be maintained.
- Advise your H-1B employees and their supervisors that an FDNS assessor may arrive to conduct a site visit.

- Audit your I-9 records. If you make any changes to the I-9 Forms, clearly indicate the date of correction, as I-9 Forms are signed under penalty of perjury.
- Review your agreements with temporary staffing agencies to ensure that the agreements require the agencies to comply with all applicable immigration laws.
- If you don't have an Immigration Compliance Policy, have your counsel draft a Policy, and assist in implementing it. Internal compliance with an Immigration Policy will help you to avoid civil fines and criminal prosecution, as well as mitigate damages in the event the government plans to pursue an action against the organization.

Editor's Note: Here's just an historically interesting blurb I came across recently.

Manufacturing has been losing jobs steadily for years - in good times and bad. In 1950, 26.1 per cent of U.S. jobs were manufacturing. Now, that figure has plummeted to just 7.6 per cent. There's been a straight-line fall for almost 60 years. The same thing has happened globally. In the UK, 20 years ago, 20 per cent of Britons worked in manufacturing. Now, just 10.5 percent do.

We can expect manufacturing jobs to continue to fall even if output increases. The fact is the world gets by on fewer manufacturing jobs and more productive machinery.

So while talk of recovery is beginning, and the figures in the manufacturing industry do point to growth, the sector is remaining cautious while it still feels the pain of the fiercest recession in a generation.

cmfi

5048 N. Marine Drive, #C-3
Chicago, IL 60640
773-784-1895, 773-784-1304 (fax)
Email: cmfi@netzero.net
www.chicagometalfinishers.org

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CONGRATULATIONS TO STONE AWARD WINNER RICK DELAWDER

A highlight of the recent CMFI January Annual Business Meeting of members was the presentation of the Bertram A. Stone Award to Rick Delawder, CMFI's National Director and past CMFI President (2006) . Established in 1994, the Stone Award is the summit award of the C.M.F.I. and is bestowed on an individual who has performed outstanding service to the finishing industry locally and/or nationally. Mrs. Idelle Stone was present to personally present the award to Rick.

Rick currently serves on the NASF Executive Committee, has been involved on the local CMFI Board since 2001, and is also a member of the AESF/Chicago Branch.

With the support of his family, Rick has spent countless hours working on numerous local and national projects. The many individual letters supporting his nomination for the award, all attest to his passion for the industry; his gentle yet persuasive demeanor in dealing with the various Boards he sits on; his professionalism; and his determination to move the industry forward in a positive direction. His co-national representative, Becky Bennett, commented that "Rick's thoughts are of a savvy business man, and that is how he approaches the issues at the national level."

CMFI is indeed fortunate to have someone like Rick working for our interests.

Thanks Rick for all you do for us.