

INS CLEARS IBM ON IMPORTED HELP

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Body

Immigration officials said Wednesday that they were satisfied that **IBM** did not violate the law by using visas generally reserved for training to **import** Mexican workers who assembled disk drives at Third World wages **in** its San Jose plant.

"We reviewed their documents and received a clarification of the company's training program," said Sharon Rummery, an official **in** the San Francisco office of the **INS**. "Based on our preliminary inquiry, the **INS** is satisfied that the B-1 visas were used appropriately and that **IBM** is **in** compliance with the law."

Rummery said immigration officers from the San Jose office met with **IBM** officials Tuesday to go over allegations from **IBM** employees that the world's largest computer maker had misused business visas obtained to bring the workers to the United States. **IBM** said the workers were here legally, for training.

"Needless to say, **IBM** is pleased," said Cary Ziter, spokesman for **IBM in** San Jose. "Their statement speaks volumes and I don't think we'll go beyond that. It's closed as far as we can tell."

But Rummery said **INS** officials had not decided whether to close the inquiry. She said she had no information on what documents were reviewed or whether immigration officials interviewed **IBM** assembly workers. The **IBM** worker **in** San Jose who alerted federal officials to the situation said he was never interviewed by **INS** investigators.

No procedure

And even as the **INS** was awarding **IBM** a clean bill of health, that employee said that if **IBM** did **import** workers from its Guadalajara plant as a training exercise, the company didn't follow its own rigorous training procedures.

Normally, training of **IBM** workers on the assembly line is carefully documented, according to worker Gilbert Rodriguez. **IBM** has been certified as adhering to an international quality-management system, known as ISO-9000, a Good-Housekeeping-type seal for business organizations that is widely embraced by American industry.

"The ISO-9000 rules are companywide and it's like a bible," Rodriguez said.

These standards, to which many Silicon Valley firms subscribe, require that training procedures be carefully documented, according to Richard James, director of conformity assessment at the American National Standards Institute, one of five permanent bodies of ISO-9000. Officials at Intel Corp. and Quantum Corp., for instance, confirmed that as ISO-9000 participants, they keep rigorous documentation any time an employee receives training.

Work not monitored

At **IBM**, Rodriguez said, ISO-9000 standards mean that trainers initially monitor trainees' work on scrap material rather than final products. Later, a third party tests the trainee to see if the new procedures have been learned

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properly. The entire process - the names of the trainer, the trainee and the certifier; the written material provided to the trainee; the new procedures learned; and the precise dates and hours of training - are documented in written records that are kept in the work area where the training occurs, he said.

When the Mexican workers were brought in to begin work on Aug. 2, however, Rodriguez said, "there were no trainers and no certifiers and no documentation."

"They were never trained," he said. "They were working on final product the first day they came."

IBM's Ziter, who praised the INS for reaching its conclusion so swiftly, declined to comment on the company's training procedures.

Earlier Wednesday in Washington, D.C., Sen. Dianne Feinstein, D-Calif., questioned INS Commissioner Doris Meissner about IBM's practices at a hearing of the Senate subcommittee on immigration.

"I think it's important that companies not get started misusing visas to be able to pay cheap labor in the United States and therefore deny legitimate workers in our country those jobs," Feinstein told Meissner. "This one case, I don't know what the answer is. But I think this one case joins the issue very clearly."

Ziter has acknowledged that IBM routinely brings in foreign workers for training programs.

\$1.40 an hour

A Mexican supervisor and worker, two of 10 workers who labored seven days a week at the Cottle Road facility for roughly \$1.40 per hour, told the Mercury News the work they did in San Jose was "exactly" the same as their work in Guadalajara. The company, which paid for the workers' transportation and living expenses while here, said the workers were brought in on business visas for training and not to meet production demands.

It was "illogical," Ziter said earlier this week, to believe the company would bring in 10 workers from Mexico for production in a plant that employs 5,000. There are usually anywhere from 30-40 workers in the head-stack assembly area, where the Mexican workers were assigned, according to a U.S. worker also assigned there.

IBM workers said an earlier group of 23 Mexicans, who also had worked seven days a week for a three-month stretch, returned to Guadalajara a month ago. They said Guadalajara workers rotate in to IBM's U.S. plants as needed to meet production needs.

The Mexican workers returned to Guadalajara last weekend.

Notes

Thomas Farragher of the Mercury News Washington Bureau contributed to this report.

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