

Labor Dept. cites error in missed Sun hiring notices

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Body

The U.S. Department of **Labor** said **Sun** Microsystems made a clerical **error** in failing to post **notices** about **hiring** foreign workers but didn't break any laws. The finding is being appealed.

The case is one of two federal probes into **Sun** Microsystems' use of the H-1B work visa program, both triggered when a laid-off engineer complained that the Santa Clara company was favoring foreign engineers on temporary H-1B work visas over U.S. citizens. In the other case, the U.S. Department of Justice has not yet made any findings.

According to a **Labor** Department letter, **Sun** erred in not posting preliminary applications, as required by the department's rules, for H-1B workers in its offices in Sunnyvale and Austin, Texas. The **Labor** Department said the violations didn't merit punishment because they weren't "substantial" or "willful" and didn't involve back pay to employees. According to the letter, **Sun** has agreed to post the preliminary applications in the future.

Sun spokeswoman Diane Carlini said the company was pleased the case was closed.

"The DOL found no material or intentional violation of the law and determined that no civil or other penalty was called for," she said. "We are pleased this matter has been resolved and that **Sun** has been cleared of any wrongdoing."

Guy Santiglia, the 37-year-old engineer who filed the complaint and is appealing the finding, said he thought the posting violation was serious.

"The posting requirement is a major worker protection built into the H-1B regulation," Santiglia said. "The fact that **Sun** was found to have violated that regulation should not be trivialized as a 'clerical **error**.' "

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