

HIDDEN ABROAD: MANPOWER'S WANT ADS REVEAL

“NO AMERICANS NEED APPLY” FOR UPCOMING JOBS IN FISCAL YEAR 2015

Four Help Wanted ads posted 7 months ago on an Indian job portal reveal extensive long-range planning by Manpower Group to exclude qualified U.S. technical professionals from competing for jobs on U.S. soil that don't start for another 5 to 10 months. These want ads targeted potential foreign workers and offered new H1-B visas. However, the ads stated a preference for those with U.S. experience and those who had successfully received work visas in the past.

Manpower Group's wholly owned subsidiary, Experis IT India (formerly WDC), posted a series of 4 job ads on Naukri.com,¹ an Indian job portal, recruiting to fill technology jobs with skills in Java, .Net, and Open Stack technologies², while also offering H1-B visas for Fiscal Year 2015.

These ads were posted between October 30, 2013 and December 5, 2013, approximately 1 year ahead of the earliest possible employment start date of October 1, 2014. In two of the four ads, Manpower was also recruiting 1.5 years ahead of a March 2015 start date. The number of job openings available was not specified.

Bright Future Jobs could find no identical or similar want ads from Manpower on U.S. job portals during this period.

Visa-Offering Ads Preferred Foreign Workers With U.S. Work Experience

The first ad entitled “ONSITE OPPORTUNITY IN NORTH AMERICA-EXPERIS” appeared on Oct. 30, 2013. It stated Manpower was recruiting to fill Java developer positions at “ANY OF THE EXPERIS DELIVERY CENTERS (PORTLAND/VIRGINIA/MICHIGAN) OR ANY OF THE CLIENT LOCATIONS IN USA.”

“CANDIDATES WITH PRIOR OVERSEAS WORK EXPERIENCE”—presumably in the U.S.—were preferred. Those hired “WOULD BE EXPECTED TO RELOCATE TO USA ANYWHERE BETWEEN OCTOBER 2014 - MARCH 2015.” This ad stated jobs were “PERMANENT WITH EXPERIS” and “ALL EXPENSES RELATED TO YOUR VISA FILING WOULD BE TAKEN CARE BY MANPOWER.”

The second advertised “URGENT OPENINGS FOR JAVA DEVELOPER FOR H1B VISA” a month later, again recruiting to fill Java developer jobs that wouldn't start for a year or more. In this ad, Manpower's staff in the U.S would conduct two rounds of interviews. Afterward, a conditional offer letter would be sent in March:

1. “INTERVIEW PROCESS WILL START TENTATIVELY FROM NOVEMBER. THERE WILL BE 3 ROUNDS OF INTERVIEWS (2 ROUNDS WILL BE FROM US).”
2. “ONCE YOU ARE SELECTED, EXPERIS WILL SEND A CONDITIONAL OFFER LETTER WHICH WILL BE TENTATIVELY BY END OF MARCH (“SUBJECT TO VISA APPROVAL” WILL BE MENTIONED IN THAT LETTER).”

On November 30, 2013, Manpower's subsidiary posted a third ad entitled “ONSITE OPPORTUNITY FOR SENIOR OPENSTACK ENGINEER FOR USA.” They announced in this ad, “WE ARE NOW HIRING YOUNG, DYNAMIC, SKILLED AND EXPERIENCE IT PROFESSIONALS FROM INDIA TO WORK WITH US IN THE US FOR OUR BUSINESS UNIT, EXPERIS IT.”

Visa-Offering Ads May Indicate Potential Violations of Anti-Discrimination Laws

Employee rights attorney Michael F. Brown said, “If employers with visa-worker-gearred ads hire highly disproportionate numbers of visa workers compared to qualified Americans available, or if they mistreat Americans because of their national origin, then there may be violations of discrimination law. Strong statistics or proof showing preference toward non-American workers or an unfair impact on American workers can indicate violations of anti-discrimination laws.”

In December 2010, the Department of Justice recommended that Congress re-write H1-B law, requiring companies to seek local talent first and “to hire any equally or better qualified US workers who apply.” In this letter, they stated they were concerned that “*US workers...have been impermissibly replaced by H1-B visa holders and identify employers who may be engaged in a pattern or practice of discrimination against US workers.*”³

¹ Naukri means “job” in Hindi.

² Java was designed by Sun Microsystems in 1995, .Net by Microsoft in 2000, and OpenStack by RackStack along with NASA in 2010.

³ General Accountability Office, Report to Congressional Committees. “H1-B VISA PROGRAM: Reforms Are Needed to Minimize the Risks and Costs of Current Program”, (GAO-11-26). January 2011. GAO.GOV. Web. <<http://www.gao.gov/products/GAO-11-26>>

Visa-Offering Ads Required Foreign Workers Who Had Successfully Received Visas in the Past

The fourth ad posted by Manpower on Dec. 5, 2013. It demanded applicants answer a series of questions concerning overseas experience and warned that any candidate whose visa application had been rejected would not be considered. The ad, titled “EXCELLENT OPPORTUNITY FOR H1B VISA - USA OPENING - 7+ YRS ON .NET.” instructed applicants to send their resume with the answers to these questions, cautioning them in caps “DETAILS ARE MANDATORY”:

1. “ONSITE EXP? IF YES, WHERE AND FOR HOW LONG?”
2. “CANDIDATES VISA APPLICATION IN PAST SHOULD NOT GET REJECTED. ARE YOU HOLDING ANY VISA CURRENTLY? IF YES, WHICH ONE? DID YOUR VISA EVER GOT REJECTED IN ANY COUNTRY? HAVE YOU APPLIED FOR H1B IN RECENT 3-6 MONTHS? IF YES WHEN? DID EVER YOUR APPLICATION FOR H1B GOT REJECTED?”

All ads reported that Manpower Group “WOULD BE FILING FOR THE H1-B VISA BY APRIL 2014” or that “ALL EXPENSES RELATED TO YOUR VISA FILING WOULD BE TAKEN CARE BY MANPOWERGROUP.” New hires would be working for Experis.

Manpower is apparently not the only company mandating these requirements. According to Itika Sharma Punit, writing in the Indian publication Business Standard, “Sources in the recruitment segment said several Indian IT services companies preferred candidates with the most sought-after H-1B visas, against those with the same skill-set but no such visas.

An executive search manager catering to several large and mid-sized IT services companies reported to Pundit, “Some of our clients have clearly told us to target only those with valid H-1B visas and not consider others. This has left us with extremely limited scope for recruitment.”⁴

Manpower’s Ads Illustrate the Tech Industry Has the Strength to Seek Local Talent First

Most Americans believe the nature of the tech industry is so fast-paced that staffing projections cannot be adequately foreseen. Building on this misconception, industry lobbyists have argued that seeking Americans before recruiting abroad would be unworkable. However, these Manpower/Experis ads illustrate that U.S. tech employers exhibit the strength to set long-range labor needs and therefore have the strength to seek U.S. talent first.

Currently, *foreign nationals are now filling job openings that were filed last year* under the H1-B program (in April 2013 for FY 2014). They received job offers in late 2012 and early 2013 for these job openings.

The Gang of 8’s initial proposal for CIR (S.744) proposed to fix the H1-B program so U.S. white-collar workers had the first shot at U.S. jobs which the blue-collar H2-b program has always contained.

These provisions included requiring all employers to post the job opening on the Department of Labor’s website for 30 days so U.S. applicants could apply. It also required companies to offer the job opening to any equally or *better qualified* American who applied before resorting to the H1-B program. The DOL would have been required to verify the above pre-conditions.

However, Sen. Hatch (R-UT) succeeded in removing the company’s requirement to first offer the job to Americans—as long as the company wasn’t H1-B dependent.

H1-B doesn’t require employers to seek local talent first

The vast majority of American employers aren’t required to seek local workers. Only H1-B dependent employers must attest they sought local talent.

To become H1-B dependent, companies count their jobs paying \$60,000 or less which are filled with H1-Bs holding a Bachelor or less. Only when this figure reaches 15% of their total workforce, they fit the H1-B dependent category.

According to myvisajobs.com, Manpower Inc. has filed 17 labor condition applications for H1B visas between FY2011 and 2013. Manpower was ranked 6130 among all visa sponsors. This site reported that Experis Us, Inc. has filed 478 labor condition applications for H1B visas between FY 2011 and 2013. Experis Us was ranked 250 among all visa sponsors.

Both Manpower and Experis are not H1-B dependent, so they don’t attest they sought U.S. workers.

⁴ “H-1B visaholders 'most sought after' by IT firms.” Business Standard. March 8, 2014. Web. <http://www.business-standard.com/article/management/got-an-h-1b-youre-hot-property-114030500430_1.html>

Phrases from Manpower's Want Ads Targeting Indian Nationals for FY 2015 Job Openings

Editor's Note—bolded phrases have been included in the body of the report.

Ad title	1. "Onsite Opportunity In North America-experis(1)"	2. "Urgent Openings for Java Developer for H1B visa"	3. "Onsite Opportunity for Senior Openstack Engineer for USA"	4. "Excellent Opportunity for H1B Visa - USA Opening - 7+ yrs on .Net"
Date	October 30, 2013	Nov. 29, 2013	Nov. 30, 2013	Dec. 5, 2013
Location	"Any of the Experis Delivery Centers (Portland/Virginia/Michigan) or any of the client locations in USA."	"Any locations in USA"	"US"	"USA"
Start Date	"You would be expected to relocate to USA anywhere between October 2014 - March 2015."	"You would be expected to relocate to USA anywhere between October 2014 - March 2015."	None stated	None stated
Interview Period	None stated	"Interview Process will start tentatively from November. There will be 3 rounds of Interviews (2 rounds will be from US)"	"We are now hiring young, dynamic, skilled and experience IT professionals from India to work with us in the US for our business unit, Experis IT."	None stated
Job Offer Period	None stated	"Once you are selected, Experis will send a Conditional Offer Letter which will be tentatively by end of March ("Subject to Visa Approval" will be mentioned in that letter)."	None stated	None stated
Required	5-8 years "Candidates with prior Overseas Work Experience will be preferred."	7-10 years "Passport Validity – has to be 1+and above."	2 years "Passport Validity - Has to be 1+ years and above"	7-9 years "DETAILS ARE MANDATORY" "Onsite exp? If yes, where and for how long?" "Candidates Visa application in past should not get rejected. Are you holding any VISA currently? If yes, which one?" "Did you Visa ever got rejected in any Country?" "Have you applied for H1b in recent 3-6 months? If yes when?" "Did ever your application for H1b got rejected?"
Working for	"IT services business unit, Experis North America" "Permanent with Experis"	"Experis will send a Conditional Offer Letter which will be tentatively by end of March ("Subject to Visa Approval" will be mentioned in that letter)."	"Experis North America"	"Experis North America"
Visa Sponsoring Company	"All expenses related to your visa filing would be taken care by ManpowerGroup"	"All expenses related to your visa filing would be taken care by ManpowerGroup"	"ManpowerGroup would be filing for your H1B visa by April, 2014"	"ManpowerGroup would be filing for your H1B visa by April, 2014"
Education	B.E/ B.Tech/ Graduation (CS/IT)+ Post Graduation (CS/IT) only "Degree Certificate has to be in English Language"	UG - B.Tech/B.E. - Any Specialization PG - M.Tech - Any Specialization "Degree Certificate has to be in English Language"	B.E/ B.Tech/ Graduation (CS/IT)+ Post Graduation (CS/IT) only.	BE / Btech ONLY