



## National Employment Law Project

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Executive Director

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Delivering Economic  
Opportunity

November 30, 2011

David Oxtoby  
President  
Pomona College

Pomona Board of Trustees  
Teresa Shaw  
Secretary of the Trustees  
Pomona College

550 N. College Ave.  
Claremont, CA 91711

Re: re-verification of Pomona employees' immigration status

Via e-mail, hand-delivery and U.S. mail

Dear President Oxtoby and Trustees:

We are national and California-based organizations whose mission it is to safeguard and advance the labor and civil rights of working people. Together, we have many decades of experience advocating for both immigrant and non-immigrant workers across the United States. We write to ask that the Pomona College Administration end its I-9 reinspection process affecting workers who are attempting to organize a union on its campus.

This letter is prompted by our deep concern about the difficulties encountered by immigrant workers, often employed in the lowest-paid and highest risk occupations in our country, when they try to exercise their rights to engage in concerted activity to improve their workplace conditions.

We understand that the College has begun a process of reverifying the immigration status of many of its employees, including many dining hall workers, in the midst of a labor organizing campaign. Pomona has said that it has not undertaken this reverification as a result of any federal agency audit or request, but because a complaint was made to the Board

of Trustees accusing the College of not obtaining proper documentation from its employees. We understand that the College's own review found no issue of noncompliance with the federal I-9 process.

Nonetheless, the College decided on its own, and without any legal obligation to do so, to reverify the immigration status of its staff. Some of the staff members have been employed by the College for decades. Staff was called in for interviews on a very short time frame, given a letter that required an interview between one and four days' after notice. We understand as well that the College has not shared with workers or their representatives any particulars about the complaint, its source, the specific allegations made, or the timing of the complaint and investigation.

As you know, the National Labor Relations Act expresses our national policy that all workers be free to exercise their right to organize and bargain collectively through representatives they choose, without interference by their employers. The law further provides that employers may not retaliate against workers who exercise these protected rights. Employers may not directly retaliate by threatening to fire or firing workers. Nor may they use the immigration authorities or immigration laws to retaliate indirectly. The protections of the law extend to all employees, regardless of their immigration status at the time the work was performed.

In spite of the protections in labor and immigration laws, workers are extremely vulnerable to anti-union and anti-organizing pressure from employers. All too often in our experience, employers who are opposed to recognizing a union fire union supporters and/or engage in other tactics to use perceived immigration status as a tool to defeat organizing campaigns.

Many employers ignore the I-9 process when they initially hire employees. Others follow the I-9 process at the time of initial hire, but take a much keener interest in the immigration status of their workers at the moment that those workers begin a union organizing campaign.

The vagueness of the complaint that Pomona apparently received and the timing of the reviews – in the middle of a two-year long union organizing campaign – create a climate of fear among many of Pomona's longest-standing employees. Additionally, it creates a suspicion in the Pomona community, in the labor and civil rights communities and in the community at large, that the college is placing itself in the company of employers who use abusive tactics in order to crush organizing campaigns.

Pomona has a proud history of inclusiveness, including its experience as a sanctuary college and your own 2010 commencement speech where you spoke in favor of the federal DREAM Act and comprehensive immigration reform. We urge you to continue that tradition by discontinuing the questionable and divisive I-9 review process

that you have begun.

Should you have any questions about this letter, we would be happy to discuss them with you. Please contact Rebecca Smith, Coordinator, Immigrant Worker Justice Program, National Employment Law Project, 206 324 4000, [rsmith@nelp.org](mailto:rsmith@nelp.org).

Sincerely,

National Employment Law Project  
American Civil Liberties Union of Southern California  
Asian Law Caucus  
Asian Pacific American Legal Center, Member of Asian American Center for Advancing Justice  
La Raza Centro Legal  
MALDEF  
National Council of la Raza  
National Day Laborer Organizing Network  
National Domestic Worker Alliance  
National Immigration Law Center  
Pomona Economic Opportunity Center  
Restaurant Opportunities Center-United  
Worksafe, Inc.  
Young Workers United