

### Discussion Three

Sparkling, LP is a limited partnership located in the United States that employs fifteen people. Last year, Sparkling, LP hired its first foreign national in H-1B classification. When Sparkling LP's immigration lawyer sent over the posting notice that alerts other employees that an H-1B petition is to be submitted, Sparkling, LP became worried that existing employees would be upset when they saw the wage being offered because it was substantially lower than the regular rate. To minimize exposure, the HR Manager for Sparkling, LP posted the notice behind her desk right below a calendar and above her file cabinet.

Has Sparkling LP complied with the LCA requirements discussed above? After posting an original reply, please respond to at least two of your colleagues.

---

Sparkling, LP has not complied with the LCA requirements. By "hiding" the notice behind the desk and not making it obviously visible to American workers, Sparkling, LP broke the law. It should have been posted in plain sight to the current workforce to meet the statutory requirement. The law states that the wages for a H-1B classification employee must be equivalent to the wages of those similar in experience and competency within the occupation or the prevailing wages within the occupation of the geographical area, whichever is higher. The foreign worker is being paid substantially less than the other workers.