

# UNITEHERE!

275 Seventh Avenue, New York, NY 10001 • TEL (212) 265-7000 • FAX (212) 265-3415  
WWW.UNITEHERE.ORG • facebook.com/UNITEHERE • @UNITEHERE

November 18, 2015

The Honorable Jeh Johnson  
Secretary, U.S. Department of Homeland Security  
3801 Nebraska Avenue NW  
Washington, DC 20528

Dear Secretary Johnson:

As we approach the anniversary of President Obama's announcement of executive action on immigration, we are struck by the fact that the ICE audit of Ruprecht Company in Mundelein, Illinois directly contradicts his explicit goals. In his announcement last November, the President said that hardworking immigrants trying to provide for their families should not be the focus of ICE actions.

Yet the ICE audit of Ruprecht workers, which was commenced after the President's announcement, does just that.

At least thirty-six hard-working immigrants have paid the price through loss of their jobs. We write to you to demand accountability and ask that you terminate Ricardo A. Wong, ICE Chicago Field Office Director and suspend the audit of Ruprecht Company.

UNITE HERE, the union representing Ruprecht workers, has released a video today documenting the story at Ruprecht. The video can be viewed at [www.fireicenow.org](http://www.fireicenow.org).

We have written to you and others in the administration many times about this case. We alerted you that active labor negotiations were underway and asked that the audit results be delayed until the labor dispute concluded. That request was ignored. As a result of the ICE audit, contract negotiations with Ruprecht have been jeopardized and drawn out.

**In addition to President Obama's Executive Order, operations in the Ruprecht case are a departure from the past practice and stated enforcement objectives of this administration.**

- ***The I-9 audit should not have been conducted in the context of an ongoing labor dispute.*** Deconfliction efforts failed to protect the Ruprecht workers' right to engage in collective bargaining, which is explicitly protected under the MOU between DOL and ICE. That MOU recognizes that immigration enforcement actions should not undermine the effective enforcement of labor laws.

D. TAYLOR, PRESIDENT

GENERAL OFFICERS: Sherri Chiesa, Secretary-Treasurer • Peter Ward, Recording Secretary  
Jo Marie Agriesti, General Vice President • Maria Elena Durazo, General Vice President for Immigration, Civil Rights and Diversity

- ***ICE had notice of the labor dispute.*** Once the NLRB and UNITE HERE Local 1 informed DHS about the labor dispute, DHS should have suspended the audit. Instead, ICE delivered the Notice of Suspect Documents to the employer and also arrested workers in their homes, including one or two in Local 1's bargaining unit.
- ***Routine workplace audits have not and should not result in individual immigration enforcement actions.*** Any individual removal action connected to an audit, such as we saw in the Ruprecht case, sends a strong message that the workers, not the employer, are the targets. In the context of a labor dispute, such actions unavoidably signal ICE's support for employer efforts to keep workers quiet and chill the exercise of workplace rights.

**The impact of ICE's interference in the labor dispute at Ruprecht is highly damaging and undeniable.**

- ***ICE's actions caused Ruprecht to violate its statutory bargaining obligation to UNITE HERE Local 1.*** Prior to commencement of the ICE audit in January 2015, it appeared that Ruprecht and Local 1 were close to resolving a long-running collective bargaining dispute. In response to the ICE audit, Ruprecht withdrew from agreements it had reached with Local 1 and began using temporary agency employees to do bargaining unit work. These actions violated Section 8(a)(5) of the National Labor Relations Act, 29 U.S.C. § 158(a)(5).
- ***The audit harmed all bargaining unit employees, many of whom are work-authorized.*** The ICE audit has interfered with the statutory rights of the work-authorized employees to engage in collective bargaining. Because of the ICE audit, those employees are not enjoying the benefits of the collective bargaining agreement that was negotiated but not finalized before the audit began. By removing employees from the bargaining unit before the agreement was finalized, the ICE audit weakened the unit's collective bargaining strength, making it more difficult for them to secure beneficial contract terms.

**ICE must be held accountable for enforcing all of the President's priorities and be required to remedy the harm caused by ICE.**

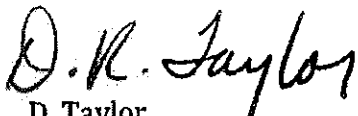
- ***DHS has authority to provide relief to the Ruprecht workers.*** A grant of deferred action to the employees named in the Notice of Suspect Documents would at least temporarily help to restore the *status quo ante*.
- ***Granting deferred action and work authorization to the Ruprecht workers in Local 1's bargaining unit will remedy the harm to collective bargaining rights.*** The bargaining strength of Local 1's bargaining unit, including the work-authorized workers, will be restored if the employees who have lost or will lose their jobs as a result of the ICE audit are returned to their jobs.

- ***This case illustrates the need for ICE to update and reissue its internal operating instructions*** regarding worksite enforcement investigations during labor disputes, to ensure ICE does not further compromise or undermine the NLRA-protected collective bargaining rights of workers.
- On September 30, 2015, the NLRB's General Counsel issued a formal Complaint and Notice of Hearing consolidating the charges against Ruprecht, alleging Ruprecht had violated the National Labor Relations Act.

As of today, UNITE HERE Local 1 remains without a contract at Ruprecht. This delay has prejudiced Local 1 in multiple ways. For example, without a contract, Local 1 is unable to quickly address the termination of employees through the grievance arbitration process, which gives workers protection against arbitrary actions by management and is the preferred method of dispute resolution under federal labor policy.

Many of the men and women who made Ruprecht highly successful and who have roots in their communities, were terminated. ICE decision-makers should lose their jobs for not following the many policies and rules outlined above. Therefore we call on you suspend the audit at Ruprecht Company and to terminate Ricardo A. Wong, ICE Field Director. Additionally, we renew our prior unmet requests for 1) A meeting with you to discuss this case and ways to avoid similar situations in the future; and 2) Deferred action and work authorization for all impacted Ruprecht workers.

Sincerely,



D. Taylor  
President  
UNITE HERE



Maria Elena Durazo  
Vice President for Immigration, Diversity and Civil Rights  
UNITE HERE



Karen Kent  
President  
UNITE HERE Local 1

CC: Sarah R. Saldaña, Director, Immigrations and Customs Enforcement  
Esther Olavarria, Deputy Assistant Secretary, Department of Homeland Security