

## MEMORANDUM

Agenda Item No. 11(A)(24)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

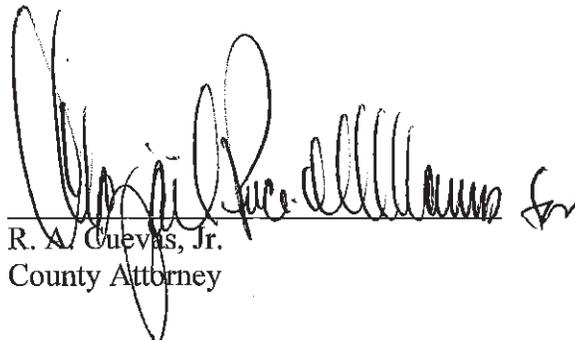
**DATE:** June 30, 2015

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging Congress to  
enforce the requirement that  
employment of an H-1B  
employee will not adversely  
affect the wages and working  
conditions of similarly employed  
United States employees

Resolution No. R-613-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 30, 2015

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(24)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(24)  
6-30-15

RESOLUTION NO. R-613-15

RESOLUTION URGING CONGRESS TO ENFORCE THE  
REQUIREMENT THAT EMPLOYMENT OF AN H-1B  
EMPLOYEE WILL NOT ADVERSELY AFFECT THE WAGES  
AND WORKING CONDITIONS OF SIMILARLY EMPLOYED  
UNITED STATES EMPLOYEES

**WHEREAS**, an H-1B visa is a temporary worker visa that requires the individual seeking the visa to have at least a bachelor's degree or the equivalent and to work in a specialty occupation, which is an occupation that normally requires a bachelor's degree or higher in a related field of study; and

**WHEREAS**, the H-1B visa program was created to allow a limited number of high-technology workers to enter the United States to fill positions that had a shortage of United States workers; and

**WHEREAS**, employers must file a petition with the United States Citizenship and Immigration Services (USCIS) in order to hire an H-1B worker; and

**WHEREAS**, before an employer can file a petition with USCIS, it must:

(1) submit a labor condition application;

(2) attest on the labor condition application that employment of an H-1B worker will not adversely affect the wages and working conditions of similarly employed United States workers;

and

(3) provide notice to its United States workers that it intends to hire an H-1B worker prior to submitting the labor condition application; and

**WHEREAS**, despite these requirements, recent incidents of large H-1B driven layoffs have occurred; and

**WHEREAS**, in October 2014, approximately 250 Disney employees were laid off, with many of their jobs being transferred to H-1B workers; and

**WHEREAS**, recently, an estimated 400 information technology employees at Southern California Edison were laid off and reportedly replaced with H-1B workers; and

**WHEREAS**, United States Senator Bill Nelson (D – Florida) has called for an investigation into the Disney layoffs; and

**WHEREAS**, this Board would like to urge Congress to hold H-1B employers accountable and ensure that the wages and working conditions of United States employees are not adversely affected by the employment of H-1B workers,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges Congress to enforce the requirement that employment of an H-1B employee will not adversely affect the wages and working conditions of similarly employed United States employees.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to Senator Bill Nelson, Director of United States Citizenship and Immigration Services Leon Rodriguez, and the remaining members of the Miami-Dade County Congressional Delegation.

**Section 3.** Directs the County's federal lobbyists to advocate for the action set forth in Section 1, and directs the Office of Intergovernmental Affairs to amend the 2015 Federal Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	<b>aye</b>	
	Esteban L. Bovo, Jr., Vice Chairman	<b>aye</b>	
Bruno A. Barreiro	<b>aye</b>	Daniella Levine Cava	<b>aye</b>
Jose "Pepe" Diaz	<b>absent</b>	Audrey M. Edmonson	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan	<b>aye</b>
Dennis C. Moss	<b>aye</b>	Rebeca Sosa	<b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	Xavier L. Suarez	<b>aye</b>
Juan C. Zapata	<b>aye</b>		

The Chairperson thereupon declared the resolution duly passed and adopted this 30<sup>th</sup> day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

*APP*

Altanese Phenelus