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## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
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September 27, 2016

### Via Electronic Transmission

Hon. Janet Napolitano  
President, University of California  
Office of the President  
University of California  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, California 94607

Dear Ms. Napolitano:

According to several news sources, the University of California will be laying off employees in the United States this year after entering into a \$50 million contract with Indian-based HCL Technologies (“HCL”) to manage its infrastructure and networking-related services.<sup>1</sup> It’s my understanding that 79 employees at the San Francisco campus (“UCSF”) have been provided notice that they will lose their jobs by February and be replaced by HCL workers in India.<sup>2</sup> The layoffs are viewed as a “pilot” that other IT departments in the University of California system will be watching and that may result in layoffs of IT employees across the ten-campus system.<sup>3</sup> It is clear that the University is seeking to replace American workers with lower-cost foreign workers abroad and potentially also in the United States.

While laying off workers in the United States and moving work abroad, the University is also attempting to bring in foreign workers through the H-1B visa program. The intent of the H-1B visa program was to assist companies in filling high-skill jobs where there are not sufficient American workers to meet their employment needs. It’s my understanding that the University has petitioned for at least 3,995 H-1B workers over the last 9 years, including nearly 600 in 2015. Our visa programs were never intended to facilitate the replacement of qualified American workers with foreign workers, nor did Congress envision that employers would retain foreign guest workers rather than similarly qualified American workers, when employers cut jobs.

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<sup>1</sup> Patrick Thibodeau, “University of California hires India-based IT outsourcer, lays off tech workers,” Computerworld (Sep. 7, 2016), available at <http://computerworld.com/article/3117602/it-outsourcing/university-of-california-to-send-some-it-jobs-to-india.html>; Patrick Thibodeau, “University of California’s Outsourcing Is Wrong, Says U.S. Lawmaker,” Computerworld (Sep. 9, 2016), available at <http://www.computerworld.com/article/3118552/it-careers/university-of-california-s-outsourcing-is-wrong-says-u-s-lawmaker.html>.

<sup>2</sup> Id.

<sup>3</sup> Id.

The American people have heard many excuses as to why work is being sent offshore, qualified Americans are being laid off, and foreign nationals have been imported only to be trained to do the jobs that Americans are willing and can do. To learn more about the University's plans and how the layoffs will affect U.S. workers, I would like you to respond to the following questions by October 11, 2016.

1. What are the different categories of jobs that are being eliminated by the University of California in the IT office at its San Francisco campus? How many employees in each job category will be cut and what are the annual salaries for those job positions?
2. What will be the salaries of the HCL workers in India taking over the job responsibilities of the laid-off UCSF workers?
3. Are any of the jobs being cut in San Francisco currently held by H-1B or other employees with temporary worker visas (e.g. L-1, B-1)? If so, how many?
4. How many of these jobs being eliminated are filled by U.S. citizens? By lawful permanent residents? Of those positions, is the University of California retaining similar ones currently already filled by foreign guest workers? If so, how many?
5. Will laid-off UCSF IT workers be required to sign non-disparagement agreements as a condition of receiving severance or other benefits?
6. Will HCL place any foreign workers at University of California worksites? If so, how many such foreign contract workers will be placed at University worksites in the United States, what visa status will they have, and what will be their salaries?
7. Please provide me with the number of foreign workers who have been hired by the University of California in the last twelve months in the U.S., and the type of visa that these foreign workers hold.
8. Please provide me with the number of foreign workers who have been placed at University of California worksites in the last twelve months in the U.S., and the type of visa that these foreign workers hold.
9. Please provide me with the number of foreign workers who will be hired by the University of California between now and the time of the planned layoffs, and the type of visa they will hold.
10. Please provide me with the number of foreign workers who will be placed at University of California worksites between now and the time of the planned layoffs, and the type of visa they will hold.
11. Will the laid-off IT workers at USCF be required to train their HCL replacements?
12. According to U.S. Citizenship and Immigration Services ("USCIS"), the University of California petitioned for 597 H-1B visas in fiscal year 2015, and 603 H-1B visa applications in fiscal year 2014. Please provide me with the numbers of nonimmigrant employment-based petitions (e.g. H-1B, L-1, TN, O) that the University of California, through any of its campuses or institutions, filed with USCIS in fiscal year 2016, along with the job descriptions and locations for each petition.

American workers are tired and frustrated in knowing that employers are retaining H-1B or other foreign visa holders while at the same time laying off American workers doing similar work. I hope you'll agree that our immigration policies are intended to protect U.S. workers when employers look abroad and import foreign workers. I encourage the University of California to ensure that Americans are given priority in job retention during these upcoming layoffs.

Thank you in advance for your cooperation.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Committee on the Judiciary