

RICHARD BLUMENTHAL
CONNECTICUT

COMMITTEES:

AGING

ARMED SERVICES

COMMERCE, SCIENCE, AND TRANSPORTATION

JUDICIARY

VETERANS' AFFAIRS, RANKING MEMBER

United States Senate

WASHINGTON, DC 20510

706 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510

(202) 224-2823
FAX: (202) 224-9673

90 STATE HOUSE SQUARE, TENTH FLOOR
HARTFORD, CT 06103

(860) 258-6940
FAX: (860) 258-6958

915 LAFAYETTE BOULEVARD, ROOM 230
BRIDGEPORT, CT 06604

(203) 330-0598
FAX: (203) 330-0608

<http://blumenthal.senate.gov>

February 3, 2016

Thomas J. May, Chief Executive Officer
Eversource Energy
107 Selden Street
Berlin, CT 06037

Dear Mr. May,

I write to express my outrage at reports of your company's layoffs of hundreds of contracted American IT workers at Northeast Utilities (now Eversource Energy), accomplished through apparent abuses of multiple nonimmigrant worker visa programs, including the H-1B program. I believe you owe your former employees and the people of Connecticut a full accounting of these events.

According to news reports, which Eversource has not appeared to deny, your treatment of roughly 200 American IT workers in Connecticut and Massachusetts was shocking. These reports indicate that in the process of laying off these employees and replacing them with cheaper foreign workers who entered the US through nonimmigrant worker visa programs, you also forced them to sign non-disparagement clauses and even train their own replacements as a condition of receiving severance pay.

Nonimmigrant worker visa programs are intended to assist American companies in securing the assistance of foreign workers with skills or expertise not available here – not to allow businesses to effectively outsource their labor. I am dismayed that Eversource chose to pursue the latter path. Such apparent abuses are the reason I have helped lead the fight to reform the H-1B and L-1B programs by co-sponsoring bipartisan legislation that would prohibit companies like yours from replacing American workers with nonimmigrant visa holders. Your company's conduct affirms that strong action is necessary.

I request that you provide me with the details of how and why your company decided to fire 200 Americans and what your former employees were required to do in the process – including how many were forced to train their future replacements.

I was particularly concerned by reports of the non-disparagement agreement you required your former employees to sign. Imposing an effective gag order prevents them from speaking openly about their experiences, and further smacks of intimidation and maltreatment of your workforce. I demand that you clarify for your former employees that the agreement does not prevent them from stating honestly what happened to them – and that you will not threaten any

of them with litigation if they choose to discuss their experiences with me, my staff, or with other government officials.

Further, I ask that you respond to this letter with the following information, no later than February 22, 2016:

- a) The number of employees laid off by Northeast Utilities from 2013-2015, including any employees who accepted early retirement.
- b) The number of employees described in section a) who were tasked with training a worker employed by Northeast Utilities directly or through a contractor and in the United States on a nonimmigrant worker visa.
- c) The number of workers employed outside of the United States by Northeast Utilities—directly or as employees of a Northeast Utilities contractor— from 2013-2015, broken down by quarter.
- d) The number of workers employed by Northeast Utilities—directly or as employees of a Northeast Utilities contractor—on a nonimmigrant worker visa from 2010-2015. Please break this information down by visa category, month employed, job title, and by contractor (where appropriate).
- e) The number of workers described in section b) who were later employed by Northeast Utilities/Eversource Energy—directly or as employees of a Northeast Utilities/Eversource Energy contractor—outside of the United States.
- f) A description of the skillset that nonimmigrant workers brought to Northeast Utilities from 2010-2014 that Northeast Utilities was unable to obtain by hiring U.S. workers.
- g) A complete description of any recruitment efforts made by your company or its contractors prior to hiring through the nonimmigrant worker visa programs.
- h) Again, because this is a gravely important public policy issue, I demand your written assurance that former and current Northeast Utilities/Eversource Energy employees can speak freely and truthfully about their experiences during the Northeast Utilities layoffs and any events preceding or relevant to those layoffs. At a minimum, I would like your written assurance that current and former Northeast Utilities/Eversource Energy employees can speak freely to me and my staff without facing legal liability.
- i) Any communications with Tata Consultancy Services—or any other contractor that employs H-1B visa workers—regarding Northeast Utilities' plans for laying off U.S. workers after hiring H-1B visa holders.

In addition to this letter, I have sent a letter today to United States Attorney General Loretta Lynch, requesting that the Department of Justice open an investigation into whether your company's clear abuse of the spirit of nonimmigrant worker visa programs also amounted to legally actionable misconduct.

Please respond to the above requests as soon as possible. Thank you for your attention to this matter.

Sincerely,


RICHARD BLUMENTHAL
United States Senate