

## **Software Workers and the law firm of Ramirez and Smith Challenge Denial of Retraining Benefits to Software Workers in Groundbreaking Lawsuit**

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### **FOR IMMEDIATE RELEASE**

WASHINGTON, DC. -- The law firm of Ramirez and Smith filed a groundbreaking legal complaint challenging the denial of benefits under the Trade Adjustment Act to software workers who have lost their jobs to offshoring.

The lawsuit, the first of its kind nationwide, maintains that software workers are unlawfully denied retraining benefits by the U.S. Department of Labor.

"It is now well known that, as a consequence of free trade, thousand of programmers have lost their jobs due to offshoring," said Attorney Michael Smith, partner at Ramirez and Smith and lead attorney in the lawsuit. "Tragically, the vast majority of these programmers who have petitioned for retraining benefits under the Trade Adjustment Act have been unfairly denied their benefits under the pretext that software is a 'service.'" Attorney Ellis Ramirez adds that "programmers know that software is tangible and not a service. Programmers know that they deserve retraining benefits when they lose their job under our free trade policies just as much as factory workers know that they deserve retraining benefits when they lose their job under our free trade policies."

The complaint was filed in the U.S. Court of International Trade in Manhattan, NY. on Jan. 9, 2004 on behalf of a class of software workers that includes former workers of IBM Corporation, Global Services Division, Piscataway and Middletown, New Jersey and former workers of Computer Horizons Corporation, Irving, Texas. The class of software workers includes all software developers and support personnel of developers. Software developer includes all workers who write software, such as programmers and web designers. Support personnel includes database administrators, network administrators, testers, administrative personal and janitors that support the function of software developers. The class does not include technical support such as telephone technical support personnel, software design architects and managers.

The lawsuit is a class action. The class is still open to new plaintiffs who developed software or supported those who did, and who lost their job as a result of foreign competition, such as transfer of the work to a worksite outside of the U.S.

"Not only is it an injustice that our free trade policies provide no protection from the transfer of software development overseas, but the federal government needs to give serious consideration to what interest it serves by denying these individuals the retraining benefits when some programmers become the inevitable victims of the free trade policies," Smith said. "Allowing benefits to these workers is beneficial to our society. It provides a new start to software workers under difficult circumstances, circumstances that are entirely foreseeable by our policy makers."

A website of the lawsuit is at <http://www.taalaw.com>. The complaint in the case is online at <http://www.taalaw.com/AmendedComplaint2.TAA.CIT.filed.pdf>.