

Augusta University

Policy Library

Employment & Termination of Foreign Nationals Policy

Policy Owner: Talent Acquisition and Development

POLICY STATEMENT

To define the official policy, procedure, and responsible parties for the employment and termination of foreign nationals (non U.S. Citizens) at Augusta University. The employment and/or payment of nonresident foreign nationals shall be in compliance with all applicable federal laws and shall comply with all relevant visa restrictions.

Due to the unique human resources demands of operating a large academic research university, it is occasionally necessary and desirable to employ foreign national, non-immigrant and immigrant personnel into faculty, non-classified and classified (staff) positions. The employment of foreign nationals will be accomplished in compliance with all Board of Regents hiring policies, Augusta University (AU) guidelines that implement these policies and the appropriate U. S. government laws and regulations. Any department interested in the possible employment of a foreign national should coordinate contact with the individual through either the International and Postdoctoral Services Office (for H1-B, O-1 or TN non-immigrant visas), Student Diversity Office (for F-1 and J-1 {non-house staff} visas), or the Graduate Medical Education Office (ECFMG J-1 visas) as well as the Human Resources Division or Office of Faculty Support Services. These offices must also be contacted prior to the termination of a foreign national employee. All hiring departments are cautioned to ensure that applicants have sufficient English language proficiency skills to perform the functions of the position before offering employment at Augusta University.

AFFECTED STAKEHOLDERS

Indicate all entities and persons within the Enterprise that are affected by this policy:

- Alumni Faculty Graduate Students Health Professional Students
 Staff Undergraduate Students Vendors/Contractors Visitors
 Other: All Foreign National employees of Augusta University.

DEFINITIONS

House Staff/Residents: House Staff/Residents will normally have an MD, DDS, DMD, DO, MBBS, or MBBS degree and be assigned in a patient care environment for training. Salaries of individuals in this category should be consistent with the AAMC guidelines for persons with comparable backgrounds and experience. Appointment of these individuals normally would be for one year, renewed annually, until completion of training program as specified by the individual department.

Office of Compliance and Enterprise Risk Management Use Only

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Policy Sponsor: Type the title of the Executive Leader of the department.

Originally Issued: Not Set

Last Revision: 08/17/2016

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Postdoctoral Fellow: Postdoctoral fellows must possess an earned doctorate (e.g., Ph.D. or equivalent) and be assigned to a research role under faculty direction that can be viewed as preparation for a full-time academic and/or research career. Salaries of personnel in this category should also be consistent with the National Institutes of Health guidelines.

Classified Employees

Classified employees shall consist of the professional and administrative employees and staff defined as follows:

- Professional and Administrative Employees: All employees who are exempt from the Federal Wage-Hour provisions of the Fair Labor Standards Act (FLSA) because of their professional or administrative responsibilities, and who are not identified as faculty or graduate assistants, shall be designated as Professional and Administrative Employees.
- Staff: All employees who are not exempt from the Federal Wage-Hour provisions of the Fair Labor Standards Act (FLSA) shall be designated as staff. (NOTE: The University System of Georgia position classification system includes the appropriate FLSA status in the “Master List with Definitions and Guidelines.”)

PROCESS & PROCEDURES

Faculty Positions

Hiring Unit Responsibility:

The responsibility for recruiting prospective foreign national faculty members rests with the academic/administrative unit initiating the recruitment pending approval from the dean of the college where the foreign national will hold academic rank. This will be accomplished in a manner consistent with the stated policies for faculty recruitment by the Office of Faculty Support Services and outlined in the manual entitled “Policies – Board of Regents – University System of Georgia”.

International and Postdoctoral Services Office (IPSO) Responsibility:

During recruitment, IPSO will verify with the Faculty Support Services Section of Human Resources the type of appointment in order to provide assistance in determining eligibility for employment of the foreign national applicant. Once the candidate has been selected, the visa petitioning and/or employment certification process may be initiated. IPSO will coordinate with the hiring unit an appropriate start date for the foreign national so that employment authorization can be secured in advance. All communication with the Department of Labor and the Immigration and Naturalization Service will be provided by the IPSO, room #CJ-2211, ext. 706-721-0670 for all H-1B, O-1 and TN visa applicants. The IPSO Director/Immigration Counsel has been delegated signature authority for all H-1B, O-1 and TN visa sponsorships of all foreign national faculty.

Classified Employees, Postdoctoral Fellows and House Staff Positions

Hiring Unit Responsibility:

The responsibility for recruiting foreign national classified employees, postdoctoral fellows and house staff rests with the departmental director or chair of the department, dean of the appropriate college and the Human Resources Division. This will be accomplished in a manner consistent with the stated policies and federal guidelines for classified employee recruitment outlined in the manual entitled “Policies – Board of Regents – University System of Georgia”

and in the Augusta University policy “Employment Procedures” as well as published postdoctoral fellow and house staff employment procedures.

International and Postdoctoral Services Office (IPSO) Responsibility:

During recruitment, assistance in determining eligibility for employment authorization will be provided by the IPSO, room #CJ-2211, ext.1-0670 for all H-1B, O-1 and TN visa applicants. Once the candidate has been selected, visa petitioning for H-1B, O-1 and TN visas for classified employees and postdoctoral fellows and all communication with the Department of Labor and the Immigration and Naturalization Service will be provided by the IPSO. The IPSO Director/Immigration Counsel will be the official signatory for all classified employees and postdoctoral fellows H-1B, O-1 and TN visa sponsorships. Assistance in certification and employment authorization of foreign national classified employees, postdoctoral fellows and house staff will be provided by the IPSO, room #CJ-2211, ext. 706-721-0670. Consultation in meeting INS form I-9 requirements will be provided by IPSO.

Student Diversity Office Responsibility:

Assistance with the employment of foreign national non-immigrants in the F-1 or J-1 (non-house staff) categories will be provided by the Student Diversity Office. The Director of the Student Diversity Office, room #DA 2023, ext. 706-721-2821 is the official signatory for all F-1 and J-1 (non-house staff) documentation. Consultation in meeting INS form I-9 requirements will be provided by IPSO.

Graduate Medical Education Office Responsibility:

Coordination of the hiring and termination of foreign national non-immigrants in house staff positions is handled by the GME Office. The GME Manager is GHSU’s designated responsible officer for all ECFMG J-1 documentation and can be contacted in room #AE 3042 and at ext. 1-3052. Consultation in meeting INS form I-9 requirements will be provided by IPSO.

REFERENCES & SUPPORTING DOCUMENTS

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RELATED POLICIES

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APPROVED BY:

President, Augusta University and CEO, AU Health System Date: 06/13/2017