Augusta University
Policy Library

Employment & Termination of Foreign Nationals Policy

Policy Manager: Human Resources

POLICY STATEMENT
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 or staff (non-classified and classified) 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 F-1 and J-1 {non-house staff}, H1-B, O-1, E-3 or TN non-immigrant visas (or the Graduate Medical Education Office (ECFMG J-1 visas) as well as the Human Resources Division. 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, MBBCh, or MBBS degree and are assigned to 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.

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 two major groups: 1) staff professional and administrative employees and 2) staff non-exempt defined as follows:

- Staff Professional and Administrative Employees: are exempt from the Federal Wage-Hour provisions of the Fair Labor Standards Act (FSLA) because of their professional or administrative responsibilities (this group does not include faculty or graduate assistants), and
- Staff Non-Exempt Employees: are not exempt from the Federal Wage-Hour provisions of the 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".)

Non-Immigrant Employees: Non-immigrant employees are foreign nationals that come to the U.S. on a temporary basis for work or education with the intent to leave once they have completed their activity or their Visa status is expired.

Immigrant Employees: Immigrant employees are foreign nationals that come to the U.S. on a permanent basis. Synonymous terms for immigrant status are: Permanent Resident, green card holder and resident alien.

PROCESS & PROCEDURES

Hiring Unit Responsibility for Faculty Positions:

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 Human Resources Division and outlined in the USG Human Resources Administrative Practice Manual.

International and Postdoctoral Services Office (IPSO) Responsibility:

During recruitment, assistance in determining eligibility for employment authorization will be provided by the IPSO staff, for all nonimmigrant personnel. Once the candidate has been selected, petitioning for nonimmigrant status for classified employees and postdoctoral fellows and all communication with the Department of Labor and the U.S. Department of Homeland Security will be provided by the IPSO staff.

The Assistant Vice President of International Initiatives will be the official signatory for all classified employees and postdoctoral fellows nonimmigrant sponsorships. Assistance in certification and employment authorization of foreign national classified employees, postdoctoral fellows and house staff will be provided by the IPSO staff. Consultation in meeting DHS form I-9 requirements will be provided by IPSO staff.

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 AU's designated responsible officer for all

ECFMG J-1 documentation. Consultation in meeting DHS form I-9 requirements will be provided by IPSO staff.

REFERENCES & SUPPORTING DOCUMENTS
OneUSG Connect Job Aid – How do I submit a termination request for my employee

RELATED POLICIES
USG Employment of Foreign Nationals Policy
USG Resignation of Employment Policy
USG Dismissal, Demotions, or Suspensions Policy
Augusta University Resignation of Employment Policy

APPROVED BY:

Executive Vice President for Academic Affairs and Provost, Augusta University
Date: 1/3/2023

President, Augusta University Date: 1/3/2023