

# ADMINISTRATIVE PROCEDURE

## EMPLOYMENT OF FOREIGN NATIONALS

4117

Procedure No.

October 31, 2019

Date

- I. **PURPOSE:** To outline procedures to govern the employment of Foreign Nationals.
- II. **BACKGROUND:** The Board of Education seeks to broaden the candidate pool in all areas, including targeted critical shortage areas and high needs schools. As a result of the need to expand efforts in recruitment in certain areas, qualified foreign nationals may be selected for specific positions.
- III. **DEFINITIONS:**
  - A. **Beneficiary Employee:** an employee that is the beneficiary of an employer-sponsored immigration application or petition.
  - B. **Employee of Prince George’s County Public Schools (PGCPS):** an individual who performs services that are subject to the will and control of the organization in terms of what must be done and how it will be done. An employee is paid through the payroll system, with accompanying tax withholding.
  - C. **Foreign National:** an individual who is not a United States citizen, a permanent U.S. resident, refugee or asylee.
  - D. **Form I-9:** an Employment Eligibility Verification form which is used to verify the identity and employment authorization of all individuals, citizens and noncitizens, hired for employment in the United States. An employer must examine an individual’s eligibility to work in the United States by reviewing the United States Citizenship and Immigration Services (USCIS) list of acceptable documents submitted by the individual, in addition to the completed Form I-9.
  - E. **H-1B Visa:** a temporary, nonimmigrant visa issued to a foreign national who has specialized education and credentials, and who has received a firm employment offer for a position requiring the application of a theoretical and specialized body of knowledge acquired through his/her degree program. Individuals with an H-1B Visa are referred to as Specialty Occupation Workers.
  - F. **I-129 Petition for Nonimmigrant Workers:** a form that is filed with the United States Citizenship and Immigration Services to apply for a temporary visa designation to perform services or labor, or to receive training.
  - G. **J-1 Visa:** a temporary, non-immigrant visa issued to an individual approved to participate in work- and study-based exchange visitor programs by the U.S.



# ADMINISTRATIVE PROCEDURE

## EMPLOYMENT OF FOREIGN NATIONALS

4117

Procedure No.

October 31, 2019

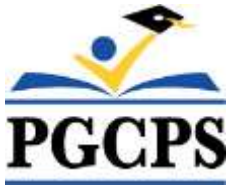
Date

Department of State (DOS). The validity period for J-1 visa holders varies depending on the program.

- H. **Nonimmigrant Worker:** a citizen of another country who has been admitted to the United States for a temporary period, for a specific purpose, to work for a specific employer.
- I. **Offer:** a written communication in which a hiring authority makes an offer to employ a specific person in a specific position at a specified rate of pay to start within a certain time frame.
- J. **Permanent Resident or Resident Alien:** an individual who has been lawfully admitted to the United States to live and work on a permanent basis. Also referred to as an immigrant, or holder of a "green card."
- K. **United States Citizenship and Immigration Services (USCIS):** a division of the Department of Homeland Security that administers the country's naturalization and immigration system.

#### IV. **PROCEDURES:**

- A. Prior to receiving a firm employment offer, individuals must provide evidence of eligibility to work in the United States. By law, an employer (or a representative of the employer) may not guide an individual toward furnishing certain forms of identification to verify work authorization. Individuals must be provided with the *List of Acceptable Documents* provided by USCIS and afforded an opportunity to select which forms of identification to present.
- B. Prince George's County Public Schools (PGCPS) does not offer employment to individuals in a temporary, non-immigrant status that requires sponsorship, nor does it offer sponsorship to individuals with an H1-B visa who require sponsorship from an employer to be validated through the petitioning process.
- C. Employees may file a family-based Permanent Resident application on their own or through an attorney, without need for PGCPS sponsorship.
- D. The Division of Human Resources, specifically the Chief Human Resources Officer and/or designee, as well as the Employee Records Management and Verification Office staff, must be notified immediately of any change in the employee's status. Changes may require a new Form I-9 or updates to the existing form.



# ADMINISTRATIVE PROCEDURE

## EMPLOYMENT OF FOREIGN NATIONALS

4117

Procedure No.

October 31, 2019

Date

- E. With the exception of participation in Foreign Exchange and/or Visiting Teacher Programs through the Maryland State Department of Education, PGCPS does not offer financial contributions or incentives toward fees and/or expenses associated with immigration-related petitions and applications, as approved and/or required by regulation. All payments and fees for immigration related petitions and applications will be the responsibility of the employee.
- F. The authority to sign applications and/or documents related to any immigration case rests exclusively with the Chief Human Resources Officer or designee. No other persons are permitted to sign documents associated with immigration matters on behalf of PGCPS.
- V. **LEGAL AUTHORITY** - 22 U.S.C. 2451; 22 CFR §62.24
- VI. **RELATED PROCEDURES**: None.
- VII. **MONITORING AND COMPLIANCE**:  
During the Employee Records Management and Verification Office’s annual self-audit, the Director of Human Resources Operations and Staffing will select a sample set of Form I-9 submissions to ensure compliance with this Administrative Procedure. Forms that are not in compliance with these procedures will be corrected within five (5) working days. The findings of the self-audit will be provided to the Chief Human Resources Officer and additional recourse may be taken when necessary.
- VIII. **MAINTENANCE AND UPDATE OF THESE PROCEDURES**: These procedures originate with the Office of the Chief of Human Resources and will be updated by that office as necessary.
- IX. **CANCELLATIONS AND SUPERSEDURES**: This Administrative Procedure cancels and supersedes Administrative Procedure 4117, dated February 1, 2011.
- X. **EFFECTIVE DATE**: **October 31, 2019.**

ATTACHMENT: Form I-9