Employment @ Oakland University

Staying in Compliance with New Regulations

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Presentors

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Student Financial Services/Student Employment Office

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Graduate Study & Lifelong Learning

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Accounts Payable

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International Students & Scholars

Employment @ Oakland University

Purpose of this Meeting

- Introduce

- Educate

- Reinforce

Government Agencies

Government Agencies

Government Agencies

Section 2. Employer Review and Verification *(To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)*

	List A	OR	List B	AND	List C
Document title:	EAD				
Issuing authority:	DHS/USCIS				
Document #:	LIN1234567891				
Expiration Date *(if any)*:	02/28/2011				
Document #:					
Expiration Date *(if any)*:					

CERTIFICATION: I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on *(month/day/year)* 02/20/2009 **and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)**

Signature of Employer or Authorized Representative	Print Name	Title
John Smith	John Smith	Manager
Business or Organization Name and Address *(Street Name and Number, City, State, Zip Code)* Burger Corp., 123 S. Main Street, Washington, DC 20011		Date *(month/day/year)* 02/23/2009

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Government Agencies

Government Agencies

- E-Verify

  - Mandated Compliance
  - Automated process
  - Data to DHS Immediately
  - Including the start date
  - Automated authorization to work

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- Will E-Verify Affect Me?

  - You are darn right it does!

  - Zero tolerance on late paperwork

  - DO NOT allow employees to work without authorization

Government Agencies

- Department of Homeland Security – Immigration & Customs Enforcement (ICE)

  - Audits
  - Failure to Comply
  - Civil Money Penalties
  - Up to $1,100 per violation
  - **Loss of grants and contracts**

Employment @ Oakland University

- What Can We Do To Help?

  - Train

  - Answer questions

  - We can't help you if you don't help us.

Employment @ Oakland University

- Types of Employment

  - Faculty/Researchers (AHR)

  - Student (Student FS – SEO)

  - Graduate Assistant (Grad Study)

  - Staff (UHR)

Why is E-Verify required and how will it affect me?

- Contract Clause 52.222-54 implements use of E-Verify to confirm authorization to work in the U.S.;

- E-Verify is designed to reduce violations of U.S. immigration law;

  o **The requirement applies to all OU employees, not just personnel funded by federal research agreements.**

  o **The requirement affects all new hires and some existing employees.**

Office of Grants, Contract and Sponsored Research

The largest portion (about 70%) of program cost in sponsored research is personnel.

- ❖ E-Verify significantly affects the hiring process;
- ❖ Personnel required to be verified as authorized to work in the U.S. are;

  - ❖ Yes: Faculty
  - ❖ Yes: Student Workers – Graduate and Undergraduate
  - ❖ Yes: Visiting Scholars
  - ❖ Yes: Staff
  - ❖ Yes: All Other Employment Classifications
  - ❖ Yes: Subcontracted personnel at other institutions
  - ❖ No: *Consultants are not employees and are not required to be E-Verified, refer to APP#262*

Office of Grants, Contract and Sponsored Research

- All personnel working on existing federal contracts that contain Clause 52.222-54 are required to initiate E-Verify confirmation within 30 days.

- All newly hired OU personnel are required to be initiate E-Verify confirmation within 3 days of hire.

Office of Grants, Contract and Sponsored Research

- E-Verify affects the ability to begin work on a contract. Because **NEW EMPLOYEES ARE REQUIRED TO BE E-VERIFIED <u>WITHIN 3 DAYS OF THE START OF WORK</u>**, you may not begin work prior to verification.

- E-Verify affects cost transfers. Because **EXISTING EMPLOYEES ARE REQUIRED TO BE E-VERIFIED <u>WITHIN 30 DAYS</u>,** retroactive cost transfers beyond 30 days of the start of work on a federal contract will not be approved.

- E-Verify affects subcontracting work to another entity. Because **OU IS RESPONSIBLE TO CONFIRM SUBCONTRACTOR COMPLIANCE** with E-Verify, we must confirm subcontractor E-Verify registration and obtain their assurance of compliance.

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Academic Human Resources

AHR assists the academic departments with the employment of:

- Academic Administrators & Deans – AA & DD

- Full-time faculty– FF & VF

- Part-time faculty – LS, LL & CE

- Researchers – YY (appts over 6 months)

Academic Human Resources

Hiring Department:

- Continues to gather all documents and information indicated on the new hire checklist, with the exception of the I-9.

- Directs new faculty member to:
  - I-9 Fair for I-9 / E-verification during peak semester hiring
  - AHR office for I-9 / E-verification during semester

- Adjust hiring timeline to allow for new faculty member to be E-verified BEFORE they begin work

Academic Human Resources

AHR:

- Has new faculty member fill out Section 1 of I-9 form

- Views acceptable identification documents and completes Section 2 of I-9 form

- Runs E-verification process

- Advises faculty member & hiring department of confirmation status and steps to resolving a non-confirmation (if necessary)

Academic Human Resources

REHIRES:

General Rule:

    If a current employee is being hired into a new employee class on a new payroll, a second I-9 and E-verification will be required. They cannot begin their new position without their "ticket" to work.

        Ex. GA (graduate assistant) moves to an LL (part-time lecturer)

Types of Student Employment

- Federal College Work-Study – 75/25

- Regular Student Employment – 0/100

Fall/Winter

- Must be current or admitted, degree seeking OU student
- Requires at least half-time enrollment
  - 6+ credits – undergraduate
  - 4+ credits - graduate
- Federal College Work-Study and Regular Student Employment
- Maximum 25 hours per week total (not per position)
- International Students and Graduate Assistants are limited to 20 hours per week.

Summer

- Must be current degree seeking OU student
- Continuing students enrolled previous winter semester (not graduated) and pre-registered for fall. Summer enrollment is not required.
  - FICA charged to non-enrolled students
- New admit must be enrolled for summer
- Regular Student Employment only
- May not exceed 40 hours per week total(not per position)

How to Hire Students

- Department posts job at www.OUCareerLink.com
- Department interviews and determines students to hire
- Department submits a student requisition to SEO
- 1-2 day processing – eligibility verification, set up in Banner
- Work Referral and email to department – student may now work

Graduate Study & Lifelong Learning

GRADUATE ASSISTANTSHIP STRUCTURE

- Graduate assistantship funds are used to support <u>full-time</u>, degree seeking graduate students

- All graduate assistantships have a service obligation for which the student receives a stipend.

- Stipends vary according to program AND level (doctoral and masters)

- <u>Full </u>appointments (.50 FTE) require 20 hours of service per week from the student

- <u>Half</u> appointments (.25 FTE) require 10 hours of service per week from the student

TUITION REDUCTION BENEFIT

- A tuition reduction is provided with the Graduate Assistantship for <u>each</u> semester during the term of appointment

  - A full appointment (20hrs service) receives 8-credits
  - A half appointment (10hrs service) receives 4-credits

- The tuition reduction applies to graduate courses that satisfy the requirements of the student's graduate degree.

- ALL graduate assistants are expected to maintain a **full-time enrollment status (8-credits)** at Oakland University during each semester for which they are appointed.

Graduate Study & Lifelong Learning

RESPONSIBILITY OF HIRING DEPARTMENT

- Administers the review and selection process for graduate assistantship appointments.

- Prepares and sends the Graduate Assistantship Agreement and Letter of Offer to selected appointments

- Submits to Graduate Study the Graduate Assistantship Agreement signed by the student as acceptance of the appointment

- Notifies new Graduate Assistants that he or she cannot begin work until the I-9 form and the employment verification process is completed (and approved)

Graduate Study & Lifelong Learning

RESPONSIBILITY OF THE STUDENT

- Student downloads the I-9 form (available on <u>GradStudy</u> website)

- Completes section 1 of the I-9 form

- Brings the I-9 form to Graduate Study (511 O'Dowd Hall)

- Presents proper section 2 I-9 identification documents

  Students <u>CANNOT</u> begin work until the I-9 form and the employment verification process is completed (and approved) by Graduate Study

Graduate Study & Lifelong Learning

RESPONSIBILITY OF GRADUATE STUDY

- Ensures section 1 of I-9 form is complete

- Completes section 2 of I-9 with the student present

- Performs the E-Verify check

- Reports non-confirmation errors to student for action

- Notifies department student NOT authorized to work

- Graduate Study must complete the employment verification process within **3 days** of the GA Agreement start date

Types of Employment

- Regular – 20-40 hours per week in a position with benefits

- Temporary – 20-40 hours per week for a limited period

- Casual – 19 hours per week or less for an indefinite period

University Human Resources

University Human Resources

Helpful Tools

- Administrative Policies and Procedures – Policy 770 – Temporary Employees and Casual Employees

- Managers' Toolkit (UHR website) – Getting Started – Creating an Employment Requisition for a Temporary or Casual Position

- Department Responsibility

  - Insure that requisition is complete with appropriate information
  - Funding available?
  - Forward for approvals
  - Direct new hire to UHR for on-boarding paperwork

University Human Resources

- Department Responsibility

  - When the requisition is authorized and approved and employee has completed paperwork, UHR will email authorization to begin work.
  - DO NOT allow employee to begin work without authorization from UHR.

University Human Resources

- Staff Payroll Cycles

  - Hourly – Department submits a time sheet with the hours worked. This occurs every other week.

  - Monthly – (exception basis only) Employee is paid a set amount per month.

University Human Resources

- Ending Assignments

  - Temporary: 6 month maximum
  - Casual: 19 hours per week maximum
  - Termination or Change of Status
  - Rehires

Accounts Payable / IC vs Employee

Consultant (Independent Contractor) or Employee?

•All individuals should be considered employees unless independent contractor status can be proven.

•Status should be determined **before work begins** and before entering into an agreement for services to comply with E-Verify.

Consultant (Independent Contractor) or Employee?

•To determine if your payee can be considered an Independent Contractor, you must complete a Classification Checklist, which will be part of the updated version of OU AP&P 262 in April 2010.

•Contact Jim Ollar at ollar@oakland.edu or X2357 to obtain the checklist until the new policy is published.

Accounts Payable / IC vs Employee

Consultant (Independent Contractor) or Employee?

•Jim Ollar will make the classification determination within 5 business days of receiving the checklist and email the final determination to the department.

•The approved Classification Checklist indicating that the payee is not an employee is now a requirement to pay independent contractors through Accounts Payable.

International Students & Scholars

I.   ISSO Categories
    a)   STUDENTS
       i.   Levels = PhD, Graduate, Undergraduate, (ESL not allowed to work)
       ii.   Visa types handled by ISSO
          1.   F-1 = Degree-seeking student
          2.   J-1 = Exchange student (one or two semesters)
          3.   Change of Status Application to F-1 (usually from H-1b work visa, H-4 dependent status)
    b)   SCHOLARS
       i.   J-1 Exchange Visitor Visa
       ii.   Sponsored by a department and/or faculty member
       iii.   Duration of stay at OU
          1.   Short-term = 6 months or less (may not be extended)
          2.   Long-term = more than 6 months

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International Students & Scholars

II.   International Student Employment
   a) On-campus
     i.   20-hours(not 25 like domestic students) limit total per week for all work (Fall and Winter, Undergraduate and Graduate)
     ii.   40-hour limit during summer
     iii.   Graduate Assistantship – Processed cooperatively through Graduate Study and ISSO to ensure no violations of Fall/Winter 20-hour limit
     iv.   J-1 Exchange students must have prior ISSO approval to work
         (The J-1 student Employment tracking form must be turned into the ISSO)
     v.   ISSO changes international mailing addresses (local, primary, FO, HR, Billing) EXCEPT not University Housing OR Payroll, which requires department to initiate and authorize
     vi.   H-4's and F-2's are not allowed to work! J-2 dependents can only work with prior approval from USCIS and the ISSO

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International Students & Scholars

III.   J-1   Processing Administrative Departments
  1.   Academic Human Resources (AHR) : J-1 Scholars at OU for more than 6 months
  2.   University Human Resources (UHR) : J-1 Scholars at OU for 6 months or less
  3.   International Students and Scholars Office (ISSO) : F-1 and J-1 Students and J-1 Visiting Scholars
  4.   Sponsoring Academic Departments
  5.   Auxiliary Departments
     a)   Payroll (Departments must authorize pay check address changes)
     b)   Graduate Study (CPT Employment applications)
     c)   Housing
     d)   Graham Health Center
     e)   Admissions (students only)
     f)   Dean's Office generates for scholars only the G#
     g)   Social Security number request (There is a 10 day waiting period for applying from the date of arrival in the U.S.)

International Students & Scholars

J1 Scholar Process Flow Chart

Stage I – <u>Initiation of prospective hire</u> by Sponsoring Professor/PI (Principle Investigator)

- **Stage II – <u>Authorization</u> by Dept. Chair**

- **Stage III – <u>Generation of Letter of Offer</u> by Dean's Office at request of Dept. Chair**

- **Stage IV – <u>Circulation of DS-2019 Application form</u> for authorization signatures**

- **Stage V – <u>Submission of DS-2019 Application</u> to ISSO**

- **Stage VI – <u>Departmental preparations</u> for J-1 Arrival**

- **Stage VII – <u>J-1 "Post-Doc" Academic Researcher Arrival</u>**

- **Stage VIII – <u>Duration of Stay</u>**

- **Stage IX – <u>Departure (ISSO Exit survey)</u>**

- **Stage X – <u>Return</u> possibilities**

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J1 Scholar Scenarios

1. A professor meets a talented chemistry post doc at a conference in the Ukraine with funding from his Govt. and they discuss him coming to work at Oakland University for six months.

   The professor completes the ***J-1 application for visiting scholars and professors*** and he requests a short term visiting scholar stay. He secures an offer letter for the Dean of his school and the other required signatures. He then submits all the complete paperwork to the ISSO for processing. Two weeks later, the DS-2019 is sent to the scholar at the home address indicated on the ISSO request form.

   The professor arrives and has his initial visit with the ISSO advisor and purchases OU/ISSO sponsored Maksin insurance at rate of $144 per month for six months and is then registered in SEVIS. He gives the ISSO his G# which was processed by the Deans office. He now has an active file in the ISSO.

2. A professor wants to hire a scholar from China and completes ***the J-1 application for visiting scholars and professors***. Then, he processes the paperwork through the Engineering Department and get the Dean's offer letter along with all other signatures. The paperwork is submitted to the ISSO. This time the scholar is paid by a U.S. government grant and then meets with the ISSO for an initial visit. The scholar has a G number already processed by the Dean's secretary and he is registered in SEVIS. The scholar is then taken down to the benefits office where his health benefits are explained. She then shows the ISSO proof of OU's insurance and she purchases a $48 rider from the ISSO for medial evacuation and repatriation and she is all set.

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Questions?