GLOBAL HIRING

University Processes for Hiring International Faculty

Presenter:
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Why is Global Programs Here?

We are Not Affirmative Action

We are Not Human Resources

Foreign nationals (i.e., non-U.S. citizens and permanent residents) must obtain approval from federal agencies (e.g., State Department, DHS, DOL) prior to working in the United States.
Form I-9

I attest, under penalty of perjury, that I am (check one of the following boxes):

1. A citizen of the United States
2. A noncitizen national of the United States (See instructions)
3. A lawful permanent resident (Alien Registration Number/USCIS Number):
4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy):

Some aliens may write "N/A" in the expiration date field. (See instructions)
Temporary Employment Authorization

- J-1
- H-1B
- OPT
- H1B1
- E3
- O-1

Permanent Employment Authorization

- Green Card
  - EB2 (PERM, Special Handling)
- EB1B
PERM Special Handling (EB-2)

This is a US Department of Labor (DOL) process that allows a University to sponsor a tenure-line teaching faculty member for permanent residency if it can be documented that s/he was the best qualified candidate out of a specific applicant pool.

- Must be initiated within 18 month of the date of offer letter
- Job Advertisement is Critical
- For print adverts, keep original tear-sheet
- For electronic adverts, keep 1st, 15th, 30th day screen-shot
- Running another advert may be necessary if the first does not comply with all requirements

- TIP: Use the form Request to Post Full-Time Job in Workday and HR will provide the advert evidence
Fundamental Truth #1

The mandate of the Department of Labor is to protect the US worker not the foreign worker OR the employer
Fundamental Truth #2

Although Penn State can offer a tenure-line (permanent) faculty position to a foreign national, that individual will remain a temporary worker with temporary employment eligibility until a green card is in hand.
Three things YOU Need to Know
ONE: AD LANGUAGE
- Employer Name
- Exact Job Title
- Teaching duties
- Specific field of study required, and any acceptable closely related fields
- When all minimum requirements must be met
- Any other hiring requirements, such as background checks
- All work locations
- Specific address or method by which to send applications
How to Avoid Problems

- Be careful about using words like ‘prefer’ and ‘a plus’ as they will be considered requirements
- The foreign national candidate must meet all requirements
- Don’t run omnibus ads!
- Be clear on when all requirements must be met (Phd at the time of appointment)
- Use the word ‘teach’
The Department of Global Programs at the Pennsylvania State University in Abington, Pennsylvania invites applications for a tenure-line position as an Assistant Professor. This position will be responsible for both research and teaching in the field of employment-based immigration processing. The successful candidate must have a PhD in immigration counseling or closely related field no later than at the time of appointment. All employees must pass a criminal background check. Apply online at https://psu.jobs/job/######.
TWO: POSTING LOCATIONS
At least one ad must be placed in a

‘National Professional Journal’

Print (one edition)

or

Electronic (30 day minimum)
THREE: KEEP EVIDENCE
If Electronic Ad

You must get Actual screen shots of what the applicant sees on the first day, mid-point, last day to prove when, where, what, and for how long an ad ran
TIP

ALL posting requirements are taken care of by HR when you use the “Request to Post – Full Time” form in WorkLion.

If you post by any other method YOU are responsible for collecting the required evidence!!
If Paper Ad

*You must get*

A full Tear Sheet that includes the date and journal title in the margin
Tip

Be Mindful that someone will have to complete a recruitment summary

Reason for rejection of US workers
  Reason foreign national was best qualified

Matrix of applicant ranking with explanations
Why Does this Matter?
Re-recruitment may be necessary

- If we miss a critical date
- If the foreign national did not meet all requirements
- If there was not at least one ad in a national professional journal
- Another search committee must be formed
- A new ad must be placed
- New interviews from new applications must be done
- A new offer letter must be created
The DOL may require an audit...

- Was recruitment conducted in good faith?
- Can employer document that best qualified was chosen by using job-related criteria?
- Were there inconsistencies between the ads and the application?
- Does the foreign national meet all requirements?
- Random
What happens to the tenure-clock??

Nothing

Why?

Tenure is an internal Penn State designation that does not require employment authorization.
Takeaways:

■ Patience: sponsorship is a process that involves US Government Agencies and can be long and technical.

■ Recruiting with these guidelines can save a lot of time, money, and heartache later.

■ Resources: Global Program offers training in the form of on-line modules, on-demand workshops, and written material.
WHO TO CONTACT WITH QUESTIONS

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