

POLICY

BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY

Responsible Office: DIVISION OF HUMAN RESOURCES

EMPLOYMENT OF FOREIGN NATIONALS

A. PURPOSE

To establish a policy to govern the employment of foreign nationals.

B. ISSUE

The U.S. Government requires employment authorization for all foreign nationals who want to work in the United States. Anne Arundel County Public Schools may, at its discretion, hire foreign nationals and must comply with all federal regulations established to authorize such employment. This policy requires compliance with federal regulations governing the employment of foreign nationals. It serves to protect the organization and individual employees from substantial penalties that may be incurred in the employment of unauthorized foreign nationals.

This policy applies to the employment of foreign nationals in any position within Anne Arundel County Public Schools, regardless of full-time equivalency (FTE), appointment period (temporary or permanent), or funding source.

C. POSITION

1. Prior to hiring a foreign national in any capacity, the Division of Human Resources must verify eligibility for employment authorization.
2. Employment offers to foreign nationals will be made when U.S. citizens or permanent residents of equal training, experience, and competence for the position are limited (critical shortage area according to the current Maryland Staffing Report) or unavailable, or to enhance understanding and cultural exchanges through participation in the Exchange Visitor Program pursuant to the Mutual Educational and Cultural Exchange Act of 1961, as amended.
3. The Division of Human Resources will monitor the employment restrictions imposed by the individual's visa status.
4. Applications or petitions from Anne Arundel County Public Schools supporting Permanent Resident status are normally reserved for individuals who have been granted tenure or satisfactorily completed their probationary period in a regular position that is expected to continue over time. Under no circumstances may a

hiring authority make any guarantee of sponsorship for permanent residence to an employee. The Division of Human Resources may agree to consider sponsoring an employee for permanent residence when specific conditions, outlined in the implementing regulations, are satisfied.

5. Only the Superintendent of Schools, or the Director of Human Resources or his/her designee, may authorize an attorney to represent Anne Arundel County Public Schools or any of its components in any nonimmigrant or immigrant petition or application. Foreign nationals may retain an attorney to represent his/her interests; however, Anne Arundel County Public Schools will not pay for this private representation.
6. Anne Arundel County Public Schools employees are expressly prohibited from extending an offer of employment to, knowingly employ, or contract employment with, an unauthorized foreign national.
7. Anne Arundel County Public Schools will pay all fees it is legally required to pay by Department of Labor (DOL) regulation.

D. IMPLEMENTATION

The Superintendent is authorized to develop regulations to implement this policy.

Policy History: Adopted 2/6/08.

Note previous policy history: None.