

# POLICY

## BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY

**Related Entries:** GD-RA

**Responsible Office:** CHIEF HUMAN RESOURCES OFFICER

### EMPLOYMENT OF FOREIGN NATIONALS

#### A. PURPOSE

To establish a policy to govern the employment of foreign nationals by Anne Arundel County Public Schools (AACPS).

#### B. ISSUE

The United States (U.S.) Government requires employment authorization for all foreign nationals who want to work in the U.S. AACPS may, at its discretion, hire foreign nationals and must comply with all federal laws and regulations established to authorize such employment. This policy requires compliance with federal laws and 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 AACPS, regardless of full-time equivalency, 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 shall verify eligibility for employment authorization.
2. Employment offers to foreign nationals may be made only when:
  - a. U.S. citizens or permanent residents of equal training, experience, and competence for the position are limited, in accordance with critical shortage areas determined by the current Maryland Staffing Report, or unavailable; or,
  - b. 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 shall monitor the employment restrictions imposed by the individual's visa status.
4. A hiring authority may not 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 accompanying regulations, are satisfied.
5. Only the Superintendent of Schools, the Chief Human Resources Officer, or the Chief Human Resources Officer's designee may authorize an attorney to represent AACPS or any of its components in any nonimmigrant or immigrant petition or application. Foreign nationals may retain an attorney to represent their interests; however, AACPS will not pay for this private representation.
6. AACPS employees are expressly prohibited from extending an offer of employment to, knowingly employing, or contracting employment with an unauthorized foreign national.
7. AACPS will pay all fees it is legally required to pay by U.S. Department of Labor regulation.

#### **D. IMPLEMENTATION**

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

*Policy History:* Adopted 02/06/08; 09/04/24

*Note Previous Policy History:* None

*Legal References:* 8 USC Ch. 12 Immigration and Nationality; 22 USC Ch. 33 Mutual Educational and Cultural Exchange Act of 1961; 20 C.F.R. §655