



# MAGNOLIA PUBLIC SCHOOLS

## Board Of Directors

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Board Agenda Item #	II A
Date:	May 12, 2016
To:	MPS Board of Directors
From:	Caprice Young, Ed.D., CEO & Superintendent
Staff Lead:	Oswaldo Diaz, Chief Financial Officer
RE:	Approval of Immigration Data Collection and Reporting Procedure

### **Proposed Board Recommendation**

I move that the MPS Board of Directors approves the Immigration Data Collection and Reporting Procedure.

### **Background**

In order to formalize the current Immigration Desk Procedure, the Policies and Procedures Manual has been revised to include the methods for collecting, documenting, reviewing, and compliance with immigration law.

This policy is distinct from the International Teachers Program yet to be established in accordance with the LAUSD settlement agreement. Currently, no international teachers are hired for MPS schools within LAUSD. Nevertheless, because we already had several international teachers, it is imperative that we document our practices established in accordance with knowledgeable immigration attorneys' direction. Our International Teachers Program will come forward for board review and approval in the future, following development and LAUSD collaboration in accordance with the settlement. The goal of the International Teachers Program will be to establish recruitment among high quality educators from various countries to fill hard to staff subjects like advanced mathematics, science, engineering and technology.

### **New Policies and Procedures**

The following policy has been created:

Reporting  
REP102 Immigration Data Collection and Reporting Procedure

### **Attachments**

REP 102 Immigration Data Collection and Reporting Procedure

Name of Staff Originator: Oswaldo Diaz, Chief Financial Officer

**SOP # REP102 Revision: 0**  
**Effective Date: 05/12/16**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: IMMIGRATION DATA COLLECTION AND REPORTING PROCEDURE**

**Purpose:** To provide the methods for collecting, documenting, reviewing, and compliance with all rules regarding immigration and I9 management.

**Scope:** This procedure applies to sponsored employees and compliance required in accordance with H1-B, PERM, and I-9 requirements.

**Responsibilities:**

Human Resources is responsible for verifying that all documents are in compliance and that the appropriate hiring and reporting process is followed.

School Principal is responsible of evaluating the needs of the schools and potential candidates.

**Procedure:**

**1. H1-B DESK PROCEDURE PROCESS**

- 1.1. Before extending an offer to a candidate, the School Principal must complete an evaluation form to determine if sponsorship is possible. School Principals should be cognizant of the time that it may take for the candidate to receive his or her H-1B document.
- 1.2. Candidates will not work in any capacity at a school site prior to receiving the appropriate documentation.
- 1.3. School Principal must submit a complete checklist to Human Resources (HR) for review.
- 1.4. HR will review the checklist and provide to Home Office Leadership for approval.
- 1.5. Once approval is received from the Home Office, HR will notify the School Principal.
- 1.6. HR will reach out to outside counsel to initiate the processes.
- 1.7. HR will be primary responsible for communicating with outside counsel.
- 1.8. If additional information is needed, outside counsel will communicate with HR.
- 1.9. HR will work with the School Principal to gather all required documentation to be provided to legal.
- 1.10. Prospective employees may begin work until such time as legal and HR have given notice that the Visa has been granted.
- 1.11. Once the VISA is granted, the School Principal must notify HR of any changes in employment and location before the change is initiated. This item must be approved by outside counsel before any changes can take place.

- 1.12. Renewal paperwork should begin within six (6) months of the expiration of the Visa.
- 1.13. All files will be kept at the Central Office.
- 1.14. Magnolia staff will ensure that the average wage paid to all employees in the specific job title and the specific location of the sponsored employees are maintained.
- 1.15. Magnolia will ensure that employee as followed the specific directive and may ask for supporting documentation (i.e. plane tickets, receipts)

## **2. LABOR CONDITION FORM**

- 2.1 Magnolia will ensure that the prevailing wage as determined by the Department of Labor is maintained for each case.
- 2.2 Magnolia will ensure that every employee on an H-1B for the job title and location is paid the higher of the two.
- 2.3 Outside counsel will assist in the preparation of the Labor Condition Form.
- 2.4 Labor Condition Form will be signed by a Magnolia Public Schools representative.
- 2.5 The Labor Condition must be posted at the specific for a period of 10 days in a location where all employees have access.
- 2.6 Magnolia will retain payroll records for each employee to verify and validate the average wages and the prevailing wage paid.
- 2.7 The supporting documentation that is prepared as a part of the H-1B application and the labor condition form must be shared with each of the sponsored H-1B employees for informational purposes.
- 2.8 In case that requests for information are received either by phone or in person relating to the H-1B process, employees should follow Magnolia's Communication Policy and route the person to the School Principal, Human Resources, or a member of the CMO Staff to ensure that accurate information is provided to Government Officials.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	05/12/16	Initial Release	Oswaldo Diaz, CFO

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