

MINUTES
TO THE OCTOBER 24, 2011
QUARTERLY FISCAL AFFAIRS UPDATE MEETING

JANET COQUELIN, HUMAN RESOURCES

See next page for powerpoint presentation.



-9 and Other Immigration Updates

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October 24, 2011

AGENDA



- What is Form I-9 and Why is it Important?
- What is My Responsibility With Regard to Form I-9?
- DHS Audits

FORM I-9



OMB No. 1615-0047; Expires 08/31/12

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-9, Employment Eligibility Verification

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification (To be completed and signed by employee at the time employment begins.)

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

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

- A citizen of the United States
 A noncitizen national of the United States (see instructions)
 A lawful permanent resident (Alien #) _____
 An alien authorized to work (Alien # or Admission #) _____ until (expiration date, if applicable - month/day/year)

Employee's Signature _____ Date (month/day/year) _____

Preparer and/or Translator Certification (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature _____ Print Name _____
Address (Street Name and Number, City, State, Zip Code) _____ Date (month/day/year) _____

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: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
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) _____ 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 _____
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) _____ Date (month/day/year) _____

Section 3. Updating and Reverification (To be completed and signed by employer.)

A. New Name (if applicable) _____ B. Date of Rehire (month/day/year) (if applicable) _____

C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.

Document Title: _____ Document #: _____ Expiration Date (if any): _____
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.
Signature of Employer or Authorized Representative _____ Date (month/day/year) _____

WHY IS THIS IMPORTANT?



10/13/2011 ICE Director John Morton testifies before the House: record increase in worksite enforcement activity. As of September 17, 2011, ICE instituted 3,015 administrative/criminal investigations—a 54% increase over the FY2008 numbers. In FY2010, **ICE arrested and criminally prosecuted 196 owners, HR managers, and executives**—a 45% increase over FY2008. In FY2011, ICE issued a record 2,393 Notice of Inspection (for federal Forms I-9 and supporting documents), a more than 375% increase from the number issued in FY2008.

Abercrombie & Fitch fined \$1M+ After I-9 Audit (9/2010)

Immigration Audits Increasing Against Employers: sixty-six probes done on local work places in fiscal 2010, up from just one in 2008 (10/10)

Subway restaurant to pay \$27,000 fine-down from initial fine of \$111,078 for 108 distinct I-9 violations (2/2011)

WHAT HAPPENS IF I DON'T GET IT RIGHT?



In FY2010, **ICE arrested and criminally prosecuted 196 owners, HR managers, and executives**—a 45% increase over FY2008 (for actual or constructive knowledge)

Substantive / Uncorrected Technical Violation Fine Schedule: **Standard Fine**

Amount: (0% - 9%) \$110, \$550, \$1,100; (10% - 19%) \$275, \$650, \$1,100; (20% - 29%) \$440, \$750, \$1,100; (30% - 39%) \$605, \$850, \$1,100; (40% - 49%) \$770, \$950, \$1,100; (50% or more) \$935, \$1,100, \$1,100.

Enhancement Matrix Aggravating/Mitigating Factors: Business size; Good faith; Seriousness; Unauthorized Aliens; History. +5% for Aggravating, -5% Mitigating

I-9 COMPLIANCE PRACTICE POINTERS



Complete Form I-9 for Each Employee

- Not Independent Contractors
- Section 1: Completed by Employee On First Day of Work (latest)
 - *...although Employer is liable for any defects in Section 1*
 - *Employer is obligated to ensure employee correctly completes Section 1*
 - *ICE has determined that leaving an area blank in Section 1 is tantamount to an employee refusing to attest to having work authorization (can leave SS number off)*
- Section 2: Completed by Employer Within 3 Business Days of Hire
- Do NOT ask for specific documents (i.e., Green Cards, work cards only)
 - *Do NOT verify some employees' documents and not others*
 - *Do NOT copy documents of only certain nationalities to the exclusion of others*
 - *DO note the title of the document, identification #, issuing authority and expiration date of all docs you receive. Abbreviations (SS, DL) are now fine.*
- Documents should 'reasonably' appear to be genuine and relate to the employee (standard)

PROCEDURES FOR COMPLETION



- Ask Employee to Provide Documents Establishing Both Identity and Work Authorization (only documents in List A establish both)
- Employee Can Provide 1 Item from List A; or
- Employee Can Provide 1 Item from List B and 1 Item from List C
- **Practice Pointer: Back of Form I-9 does not contain all the acceptable combinations of documents for foreign national employees. Look to the Handbook for Employers: M-274 <http://www.uscis.gov/files/form/m-274.pdf> (revised 1/5/2011)

CURRENT LIST OF ACCEPTABLE I-9 DOCUMENTS FOR SECTION 2



LISTS OF ACCEPTABLE DOCUMENTS All documents must be unexpired		
LIST A Documents that Establish Both Identity and Employment Authorization	LIST B Documents that Establish Identity	LIST C Documents that Establish Employment Authorization
	OR	AND
1. U.S. Passport or U.S. Passport Card	1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa	2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
4. Employment Authorization Document that contains a photograph (Form I-766)	3. School ID card with a photograph	4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form	4. Voter's registration card	5. Native American tribal document
	5. U.S. Military card or draft record	6. U.S. Citizen ID Card (Form I-197)
	6. Military dependent's ID card	7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
	7. U.S. Coast Guard Merchant Mariner Card	8. Employment authorization document issued by the Department of Homeland Security
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	8. Native American tribal document	
	9. Driver's license issued by a Canadian government authority	
	For persons under age 18 who are unable to present a document listed above:	
	10. School record or report card	
	11. Clinic, doctor, or hospital record	
	12. Day-care or nursery school record	

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

Department of Homeland Security (DHS) AUDITS



- Sharp Increase Throughout all Sectors
- TTUHSC experienced three (3) H-1B audits by the Dept. of Homeland Security in the past 11 weeks
 - 2 Audits within the Lubbock campus
 - 1 Audit within Amarillo

- DHS Officer seeks the following information:

Are you aware of the petition filed on behalf of the employee

Does the person continue to be employed by TTUHSC **(if not, was employment lawfully terminated)**

What is his/her date of hire (looking for unauthorized employment)

What is his/her contact phone number (will speak with foreign national employee)

What is his/her job title (ensure consistency with filed H-1B application)

What is his/her work location (no unauthorized off-site employment)

What is his/her salary (are we paying the stated wage)

*** DHS Officer will also ask to speak directly with the foreign national employee to confirm information and has asked about who paid the H-1B filing fees and other Q's related to foreign degree

Lawfully Terminating Nonimmigrant Employment



- Limanseto v. Ganze & Co.:

OALJ CASE №: 2011-LCA-00005

ISSUE DATE: 30 JUNE 2011

A bona fide termination of an H-1B worker requires the employer to prove three things:

1. notice to the worker . . . ;
2. notice to authorities so that the Form I-129 “Petition for a Nonimmigrant Worker” can be cancelled; and
3. payment for the worker’s transportation home (for premature termination and return to home country)

- Amtel v. Yongmahapakorn:

ARB CASE NO. 04-087

ALJ CASE NO. 2004-LCA-006

DATE: September 29,2006

The employer does not effect a "*bona fide* termination" and, therefore, end its obligation to pay the required wages to the H-1B employee unless the employer has also notified the INS, so that the INS can cancel the H-1B employee's visa (i.e., without bona fide termination, the obligation to continue paying salary is actionable).



TEXAS TECH UNIVERSITY
HEALTH SCIENCES CENTER™

BABAR KHAN, PAYROLL SERVICES

Direct Deposit -Pre-Note process

Effective October 4th, Payroll Services is no longer doing pre-note process on employees direct deposit enrollment. Just a reminder that to change or cancel we need to receive the Direct Deposit authorization form 10 days before the pay day in Payroll Services. Same rule apply for cancellation of your direct deposit.

Web Leave Report Started/incomplete but not submitted for approval

Effective October Payroll Services is sending e-mails to employees who started their web leave reports for a givenmonth but never submitted or returned for correction. E-mails are sent to the employee and their approver

Calendar Year End Deadlines

Manual Checks Processing

All manual checks received in Payroll by 12/16 will be processed and payable 12/23. All manual checks received between December 19th, thru January 2nd, will be payable January 6th. 2012

W 2 Communications:

W 2 for 2011 will be available for electronic retrieval 1/25/2012. Currently, we have 31% of employees who elected to retrieve their W 2 electronically. Payroll Services will be sending out e-mail to employees who have not opted to retrieve their W 2 electronically.

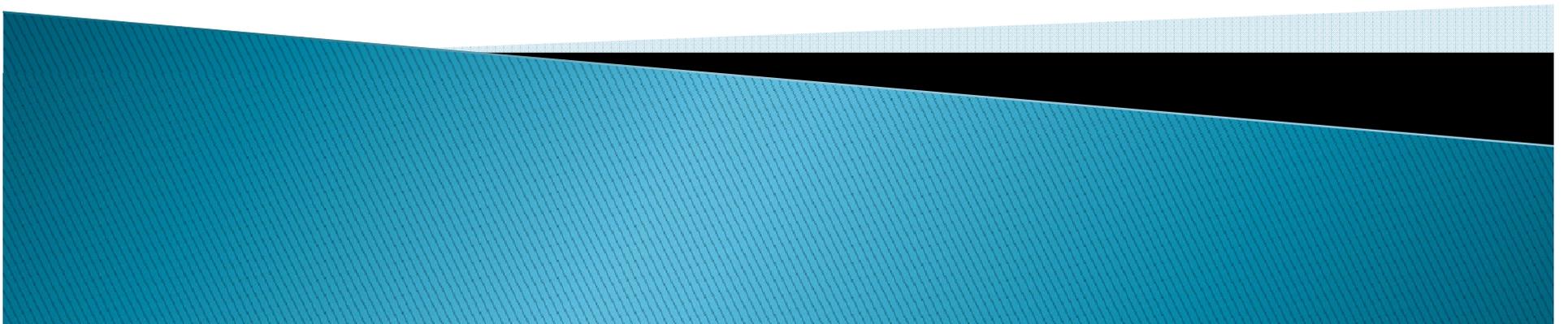
Address verification

Please review your current permanent home address. If you do not consent for electronic retrieval, they will be mailed to your permanent home address in the system

PENNY HARKEY, BUDGET OFFICE

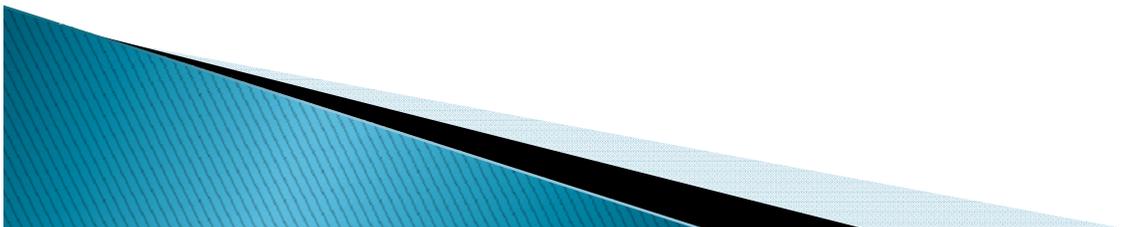
See next page for powerpoint presentation.

Budget Office Update

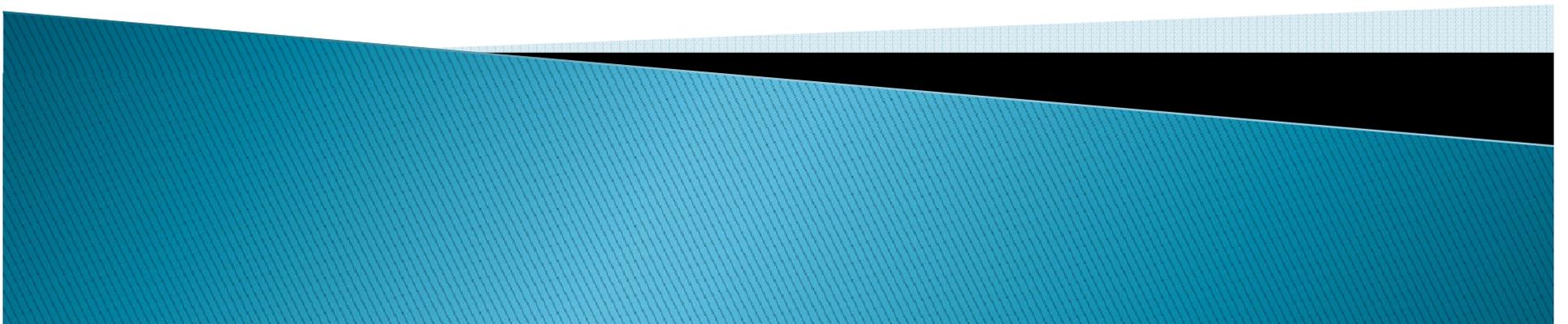


Agenda

- ▶ 1% Payroll Fee
- ▶ Web Based Budget Revision
- ▶ Labor Redistribution OP
- ▶ Personnel/Payroll Transaction Funding

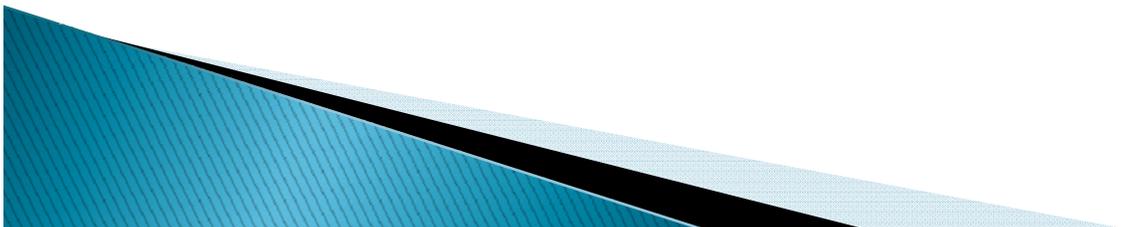


1% Payroll Fee

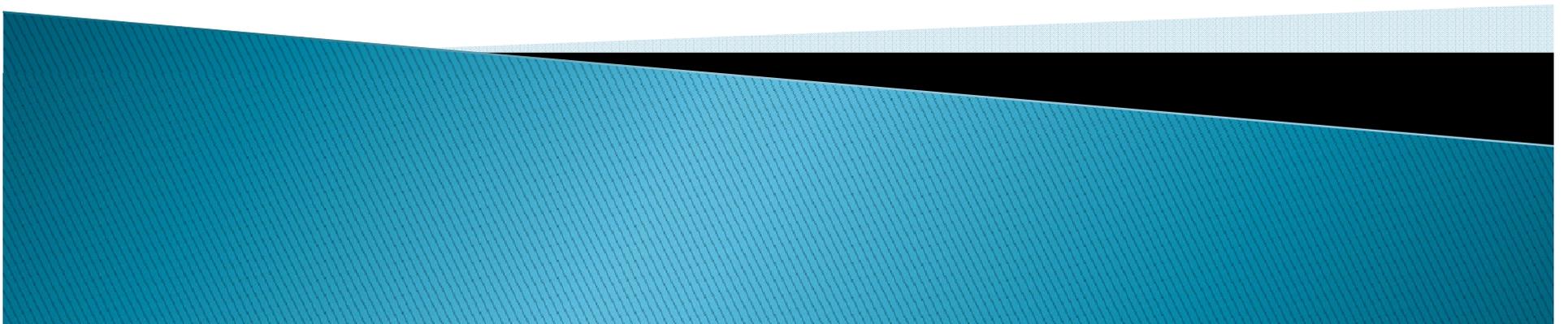


1% Staff Group Insurance Payroll Fee

- ▶ Originally anticipated that costs for Staff Group Insurance would include matching premiums plus 1% of payroll.
- ▶ The 1% payroll contribution has been included in the increased premiums
- ▶ A separate charge for the 1% payroll fee will not be assessed to departments.



Web Based Budget Revision

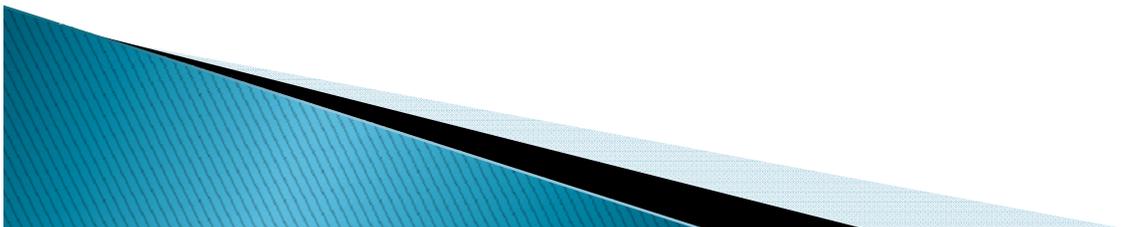


Web Based Budget Revision System

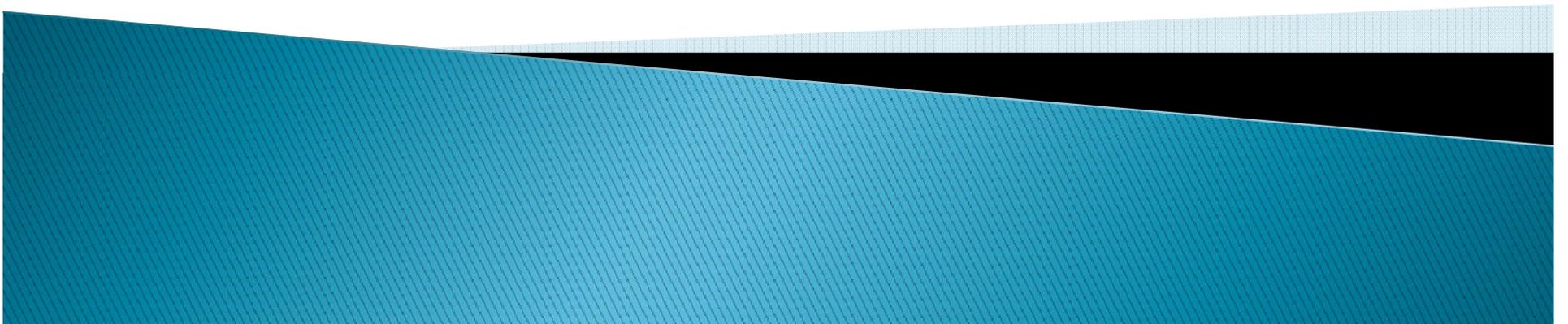
- ▶ Includes
 - Up Front Edits
 - Automated Routing
 - No approvals for most changes between expense codes

- ▶ Campus wide roll out – anticipated January 2012

- ▶ On-site training



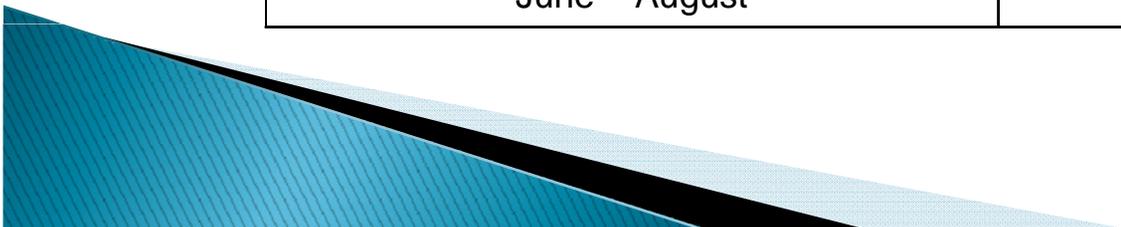
Labor Redistribution OP



Labor Redistribution OP Deadlines – All Funding Sources

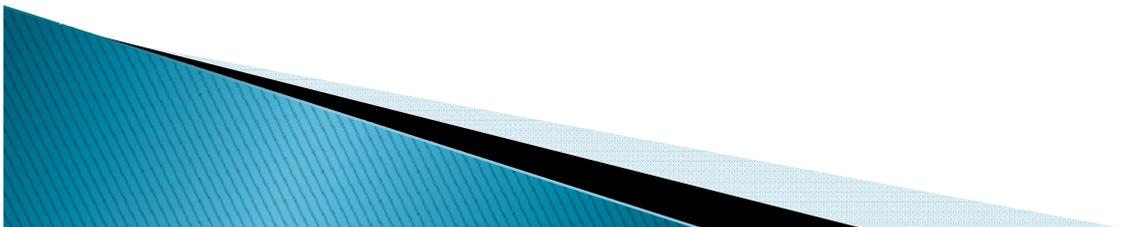
- ▶ HSC OP 70.58 – Labor Redistributions will be published in October
- ▶ Labor Redistributions for a fiscal quarter will not be allowed after the due dates:

Fiscal Quarter	Labor Redistribution Due Date All Funding Sources
September – November	January 15
December – February	April 15
March – May	July 15
June – August	October 15

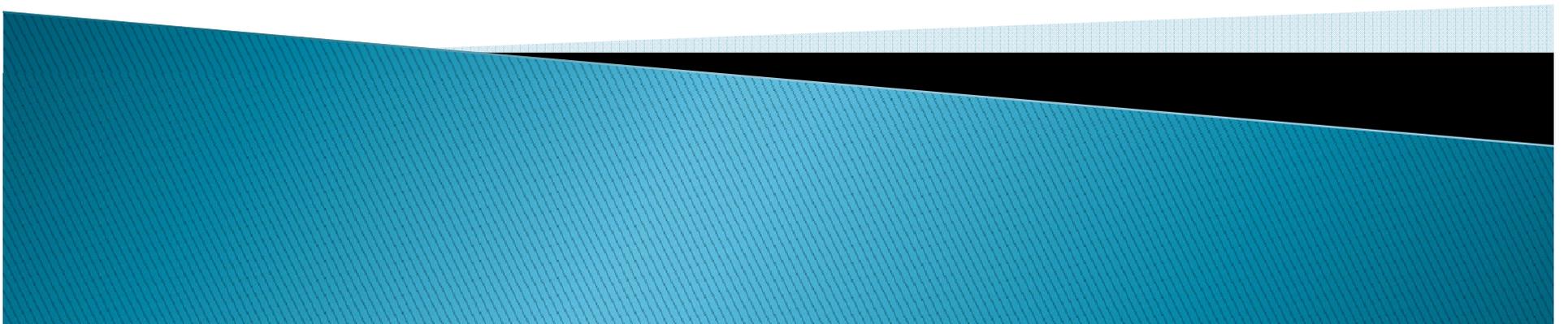


Labor Redistribution OP

- ▶ Includes justification requirement
- ▶ Budget Office will process or return all Labor Redistributions within five working days
- ▶ PI is responsible for ensuring appropriate labor charges are expensed against sponsored projects

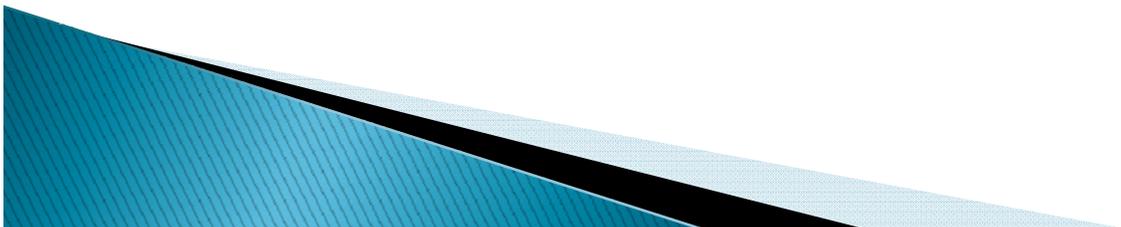


Personnel/Payroll Transaction Funding



Personnel/Payroll Transaction Funding

- ▶ Personnel Action Forms (ePAFs)
 - ▶ New Positions Reclassifications
 - ▶ Labor Redistributions
-
- ▶ Employee One Time Payments (EOPs)

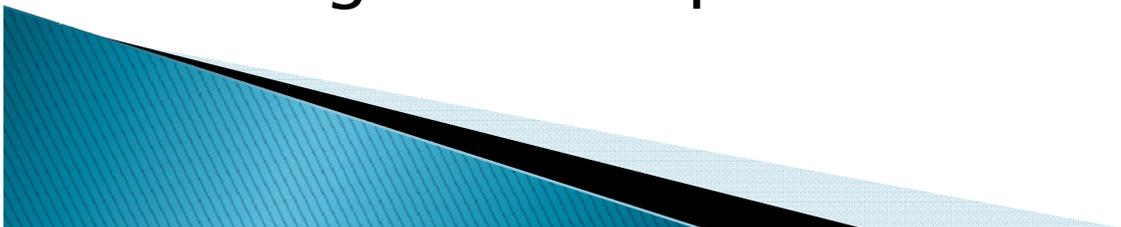


Personnel Action Forms

New Positions/Reclassifications

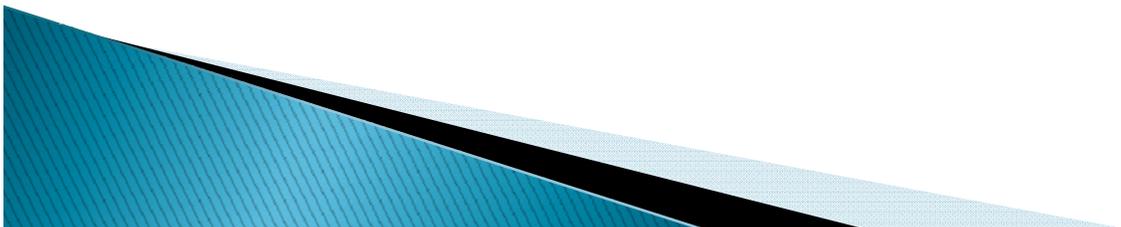
Labor Redistributions

- ▶ Funding should exist within the FOP prior to submitting the transaction
- ▶ Indicate the source of funds in the comment section of the document
- ▶ Complicated funding situations – contact the Budget Office prior to submitting



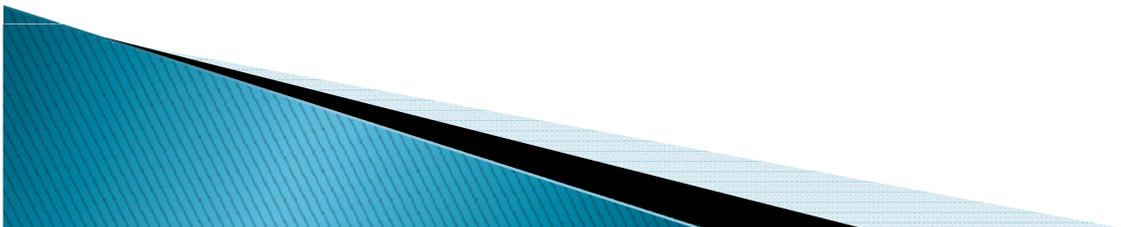
Employee One Time Payments (EOPs)

- ▶ Funding must exist in the correct account code based on the chart provided on the following slide.



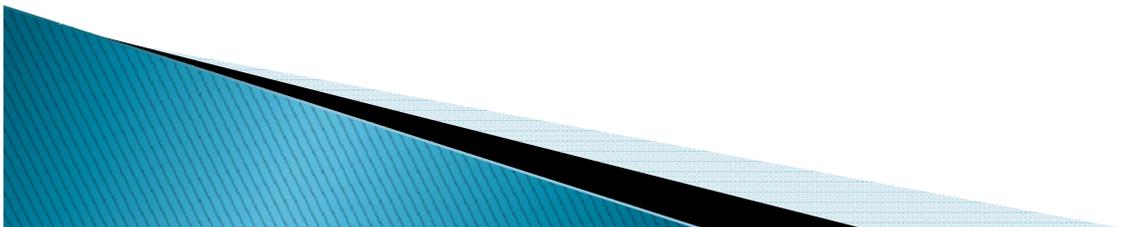
Employee One Time Payments (EOPs)

Earnings		Account Code	
ADC	Additional Compensation	6008/8008	Other Employee Pay Reserve
AWD	Award	6008/8008	Other Employee Pay Reserve
CLO	Clothing Allowance	6008/8008	Other Employee Pay Reserve
CPA	Cell Phone Allowance	6008/8008	Other Employee Pay Reserve
CPE	Cell Phone Equipment	6008/8008	Other Employee Pay Reserve
FOC	Faculty On Call Pay	6009/8009	Faculty On Call Pay Reserve
GFT	Gift	6008/8008	Other Employee Pay Reserve
LSP	Lump Sum Payment	7099	Unallocated Expenses
MOV	Moving Expense	6008/8008	Other Employee Pay Reserve
NMV	Non Taxable Moving	6008/8008	Other Employee Pay Reserve
NTP	Non Taxable Tuition Pay	6008/8008	Other Employee Pay Reserve
OTB	Other Taxable Benefit	6008/8008	Other Employee Pay Reserve
SPA	Special Augmentation	6004/8004	Special Augmentation Reserve
TRV	Taxable Travel	6008/8008	Other Employee Pay Reserve
TSP	Temporary Worker Sponsored Programs	8006	Salary Reserve



Deadlines

- ▶ Established deadlines will accommodate transactions with sufficient funding
- ▶ Transactions submitted by the deadline but returned due to insufficient funding may result in a delayed payment to the employee.



Personnel/Payroll Transaction Funding

BE PROACTIVE!

**COMMUNICATE! COMMUNICATE!
COMMUNICATE!**

