Global Programs
and the
Recruitment Process
September 17, 2018
Why is Global Programs Here?

We are *Not* Affirmative Action

We are *Not* Human Resources
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)
PERM Special Handling
Only one immigration process is influenced by recruitment

PERM Special Handling
What is PERM Special Handling?

A PERM Labor Certification is a US Department of Labor process that establishes that there are insufficient US workers who are able, willing, qualified, and available to fill the position being offered to the foreign national at the time and place where the foreign national is to be employed, and that the employment of the foreign national, if qualified, will not adversely affect the wages and working conditions of similarly employed US workers.
The mandate of the Department of Labor is to protect the US worker not the foreign worker OR the employer
Although Penn State can offer a tenure-track (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.
What type of Penn State position involves PERM Special Handling?

TENURE TRACK TEACHING
FACULTY
Standard Timeframe to hire a PERMANENT Foreign National Tenure-Track Faculty Hire

COMPOSE
Month 1
Write job advertisement in accordance with guidelines

RECRUIT
Month 2
Complete the Request to Post Full Time form in Workday. The opportunity must be posted externally in a print or online national professional journal.

INTERVIEW
Month 3
Review of applicants, if of interviewees, and all interview notes for submission to IRA.

OFFER
Month 4
Complete Initiate Hire form in Workday.

NOTIFY
Month 5
Complete the Add New Person and Visa Inquiry/New Offer Notification eForms in Start.

INPUT
Month 6
IRA directs Department Contact and Foreign National to complete eForms in Start.

IStart
Month 7
IRA can process the documents until both the Department Contact and the Foreign National have completed all requirements in Start.

WAIT
Month 8
Wait until USCIS makes a decision on the temporary visa.

USCIS APPROVAL NOTICE
Month 9
IRA sends approval notice to Foreign National.

I-10 PROCESSING
Month 10
IRA requires a minimum of 6 months to prepare the required documents according to DOL and USCIS regulations.

H-1B APPROVAL NOTICE
Month 11
IRA sends approval notice to Foreign National to obtain a visa.

COMPLETE I-9
Month 12
Foreign national is legally authorized to work at PSU.
Three things YOU Need to Know
ONE: AD LANGUAGE
• Employer Name
• 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
The Department of Cultural Anthropology at the Pennsylvania State University in State College, PA invites applications for a tenure-track position as an assistant professor. This position will be responsible for both research and teaching in the field of Cultural Anthropology. The successful candidate must have a Ph.D. in cultural anthropology or closely related field no later than at the time of appointment. All employees must pass a background check. Apply online at https://psu.jobs/job/#####
How to *Avoid* Problems

Be cautious about using the word “preferred.” Statements such as “Ph.D. preferred” or “3-5 years experience a plus” will be interpreted by the U.S. Department of Labor as requirements. If the Foreign National candidate does not meet *all* “preferred” items, the application can be denied.
How to Avoid Problems

The department can determine when the successful applicant will meet the minimum requirements, either by the selection date (date on the original offer letter) or by the date employment begins, but this MUST BE EXPLICITLY STATED IN THE AD or the Department of Labor will consider the selection date recorded on the original offer letter to be the date by which the candidate must meet all minimum requirements.
TWO: POSTING LOCATIONS
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!!
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, and last day to prove

*when, where, what, and for how long* an ad ran
If Paper Ad

You must get

A full Tear Sheet
Tips

!!! Keep records!!!!!!

Ads themselves

Interview notes
Record of contact with all applicants
Reasons for rejections
Matrix of applicant ranking with explanations
Why this Matters??
An Audit is... 
A request from the Department of Labor for additional information/clarification before final adjudication.

- 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 vs the application?
- Does the foreign national meet the requirements?
- Random
A RE-RECRUITMENT IS... 

Advertise in AT LEAST one national professional journal

Convene another search committee

Conduct additional interviews

Provide documentary evidence of recruitment

Issue new offer letter starting another 18 month window
Why is the tenure clock not changed?

Tenure is an internal Penn State decision

while

immigration is a US Government matter
WHO TO CONTACT WITH QUESTIONS

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The natural text representation is not applicable as the image is a word cloud.