HR Forum Meeting Minutes  
4/6/05


Agenda:

1. Topics of Interest from the Membership
2. Employment of Non-Citizens: Students, Faculty, and Staff
3. BCBSTX Termination of Contract with CTMC
4. Time Management/Accounting for Holidays, Energy Conservation Days, and University Closures
5. Legislative Update

Mr. Jeff Lund welcomed everyone to the meeting. The following information was presented to the membership.

I-9 Compliance

Hiring of Citizen and Non-citizen Employees – Roxie Weaver

All employees, citizens and non-citizens, hired after November 6, 1986, must complete an I-9 form at time of hire, which is actual beginning of employment.

Texas State University-San Marcos will be subject to civil or criminal penalties if we do not comply with the Immigration Reform and Control Act of 1986.
- fines and penalties vary depending on violation.
- Individual completing the certification of the I-9 form can be held personally responsible.

WHAT ARE THE FINES FOR NON-COMPLIANCE?

For paperwork violations, which includes an error on the I-9, the employer may be fined $110 to $1,100 for each individual.

For a violation of the knowing employment of authorized worker provisions, three tiers of fines can be assessed:
- Initially, employer could face a $250 to $2,000 fine for each unauthorized individual.
- The employer risks $2,000 to $5,000 for second and third violations, respectively.

Criminal penalties are possible where there is a finding of a pattern or practice of violating the prohibition against knowing hiring unauthorized workers. Penalties can be up to $3,000 for each unauthorized worker, imprisonment for up to 6 months, or both
If hiring a regular status staff employee, the I-9 will be completed at New Employee Orientation. Please remember to forward the WELCOME LETTER to your employee to make them aware of the necessity to bring their employment eligibility documents with them. The Welcome Letter can be found at: http://www.humanresources.txstate.edu/neo.htm

If hiring to fill a NSNR temporary position, a task worker, a student employee or a Faculty member, the I-9 must be completed and attached to the hiring packet.

A sample I-9 was distributed to the membership.

**Frequently Asked Questions Regarding I-9s**

1. **What documentation do I need to get to complete the I-9?**

   The employee completes Section 1 of the I-9 form at the time of hire. On the back of the form are 3 columns. The employee must have one item from column (A) or one item from column (B) and column (C). Only those documents listed are acceptable.

   Do not accept or disclose on the I-9 form any additional forms of ID that are not required to meet INS requirements.

   Section 2 is completed by the employer (the hiring department). Both the employee and the employer must sign and date no later than 3 days after the date of hire (may be dated anytime up to a year before the date of hire).

   The hiring department cannot obtain the I-9 and proof of eligibility through the mail or by fax. The purpose of the I-9 form is to establish through DIRECT contact and original form of ID that the person you are hiring is the individual noted on the I-9 form.

   Staff I-9s are completed during new employee orientation if hiring for a regular status position.

2. **How long are I-9s kept on file?**

   I-9s are maintained by Human Resources for 3 years from the date of hire or 1 year after date of termination, whichever is later. A new I-9 must be obtained for a re-hire whose date of termination is 1 year or more from date of re-hire.
3. **Are there special requirements for employees who are non-resident aliens?**

If an individual indicates non-resident alien status, documentation verifying work authorization must be included with the I-9.

For students under an **F-1 (student in academic or language program)**, a copy of the foreign passport (List A), copy of their I-94 stamp indicating F-1 and D/S (duration of stay), and a copy of their I-20 form indicating Texas State University.

For Faculty or Staff, working under a:
- **H-1B (temporary worker in a specialty occupation)**, copy of foreign passport (List A), and Notice of Action I-797A form.
- **J-1 (exchange visitor)**, copy of foreign passport (List A), copy of I-94 indicating J-1 status and a copy of an IAP-66 or DS2019 (new name) form.
- **EAD (Employment Authorization)**, copy of EAD card indicating expiration date of authorization.
- **TN**, citizens of Canada, copy of foreign passport, I-94 or an I-797A form, if changing status (example F-1 to TN)

The Payroll office requires non-resident aliens to complete the Foreign National Information form. This form is completed by the employee and is required by the Payroll office before payment can be made to the individual. In most cases, departments send the employee directly to Sally Moss in Payroll.

4. **Do wage student employees have to complete another I-9 when they are appointed by PCR?**

When a graduate student is being appointed by PCR after having a student wage appointment, an I-9 should be attached to the PCR. The PCR cannot be processed without a valid I-9. The department may send a copy of the I-9 that was submitted with the wage appointment or complete a new I-9.

5. **Who do I contact if I have questions about an I-9?**

Contact Roxie Weaver or Bobbie Brandenburg in Human Resources, Kelly Cartwright in Career Services or Cindy Waggoner in Faculty Records.
I-9 HELPFUL REMINDERS

1. An I-9 form **must** be received within 3 business days from the first day of hire. If not received, employee is no longer eligible to be employed by Texas State.

2. Section 2 of the I-9 form must be completed and verified by the hiring department at the time the employee presents his/her proof of employment eligibility and identification – preferably the first day of hire, but must be within 3 business days from first day of hire. **The I-9 may be obtained prior to the first day of hire and signed by the employee prior to the first day of hire, but the date noted by the individual performing the certification must not exceed 3 business days after the first date of hire.**

3. The hiring department cannot specify what forms of ID they would like. The list appearing on the reverse side of the I-9 form should be presented to the employee and the employee should make the determination of what forms of ID they would like to submit.

4. If you are hiring a non-resident alien and you are not certain of the required documentation to indicate employment authorization, **STOP** and contact the International Office or Human Resources.

   **You cannot allow a non-citizen to begin employment at Texas State until verification of receipt of correct employment authorization has been confirmed with the International Office and Human Resources, Career Services or Faculty Records.**

F-1 Employment Options and Advice for Employment of other Non Immigrants – Bob Seese

*F-1 Section Created by David E. Schaumburg, University of Houston
Edited by Dr. Robert M. Seese for Texas State 2005
Presentation Date: 04/06/2005
Please note that information in this presentation is subject to changes in government regulations and University policies.
Please contact the International Office at 245-7966 or International@txstate.edu for clarification of any information in this presentation.*
Foundational Issues

Employment in the U.S. is a privilege, not a right
As an F-1, you declared an intention to return home
F-1 employment is designed to be temporary
Yet, it is possible to change or adjust your status in the U.S.

2 General Categories

On-Campus employment
  - When: May begin after arrival, if in status!

Off-Campus employment
  - When: Must accumulate one academic year, usually 2 consecutive academic semesters (9 months)

Category 1: On-Campus

Must be in legal full-time status
Cannot displace U.S. worker
P/T (20 hrs/week or less) main semesters
F/T (more than 20 hrs/week) summer* & official school breaks
Only work at school that issued I-20
Maintain your full-time status in fall and spring semesters or work becomes illegal!
*Texas State policy: students enrolled in summer classes are limited to 25 hours of on campus work per week.

Category 2: Off-campus

Economic Hardship
Curricular Practical Training
  - Integral part of degree program
  - Cooperative Education (COOP)
(Texas State does not have at this time.)
Optional Practical Training

Economic Hardship

Prove circumstances beyond your ability to control or predict!
Maintain F/T student hours
Work P/T during main semesters
Work F/T during official school breaks
Does not need to be related to major
Requires USCIS E.A.D. (card) to work
Authorization is for one year at a time

Contact International Office for complete details
Curricular Practical Training

Two kinds of CPT:
- Integral part of degree program (credit)
- Cooperative Education Program

Related to major
Authorized for P/T or F/T
- 12 months of Full Time CPT eliminates OPT
Need authorization stamp on your I-20

Optional Practical Training

1 year of work related to major
1 year following each successive degree (Bachelor’s, Master’s, Ph.D.)
Apply ASAP (within 120 days before completion date)
Work only upon receipt of valid E.A.D.

Other Statuses

B-1, B-2, F-2, L-2, H-4, R-2 may NOT work on or off-campus under any circumstances. B-2’s are not permitted to enroll in courses.
A-1 and A-2 Dependents may work with special permission from DOS and USCIS.

How do I know if I am authorized to work as an F-1 student?

Valid I-20 (permission indicated except for on-campus) or an E.A.D. card from the USCIS
Dates must be current
Must be in lawful F-1 status
Note: Zero tolerance!

Warning!
Unauthorized work is illegal and may lead to your arrest, removal from the US, and/or a 3 to 10 year bar from reentering the U.S.

Hiring F-1s on OPT

F-1s on OPT are occasionally hired as professors.
If a department is thinking “long term” for an F-1 on OPT, early consideration should be given to applying for a change to H-1B temporary worker status.
Key: Contact Jon Ahlberg, Associate Director, at ja15@txstate.edu when are considering hiring a professor who is an F-1 on OPT.

J-1 Exchange Visitors (non Immigrant - short term)

Opportunity for departments to invite temporary non tenure track professors, lecturers and researchers from other countries for up to 3 years
Key: Plan several months ahead in order to insure that the Exchange Visitor will arrive in time. Contact Bob Seese at rs20@txstate.edu for assistance.

**H-1B Temporary Workers (non immigrant-long term)**

Applications are for professors and lecturers. H-1B temporary workers can work up to 6 years in the United States and can have tenure track positions.

Key: If a department is thinking “long term” for a particular H-1B professor, they should determine this as soon as possible so that sufficient time is available to apply for and receive permanent resident status for the professor.

Key: Do not make a salary offer to a new or prospective H1-B before contacting Jon Ahlberg at ja15@txstate.edu

**Common Non Immigrant to Immigrant Steps**

F-1 → OPT → H-1B → Perm. Res. → Citizen

**BCBSTX Termination of Contract with CTMC – Joyce Manske**

As of today, CTMC and BCBS are still in negotiations and hope to have some resolution to their contract before the May 14th date.

On February 11, CTMC’s parent company Adventist Health Systems Southwest wrote a letter of contract termination and sent it to BCBS to terminate their contracts with 3 of their hospitals effective May 14, 2005.

On February 22, BCBS vendor representatives received internal correspondence informing them of the termination.

By March 10, BCBS sent a letter to all network doctors in the San Marcos area informing them of the termination and told them that they must have hospital privileges at a network hospital in order to stay in the BCBS plan after May 14, 2005. Later some doctors sent letters to their patients asking them to express their concerns with their HR departments.

On March 21, Gary Jepson, CEO of CTMC sent letters to area physicians to explain his side of the issue (CTMC receives the lowest rate of reimbursement except for Medicaid).

On March 22 or 23, Dr. Trauth wrote a letter to Ann Fuelberg, Executive Director of ERS voicing our concerns.

Q. Will we still be able to receive emergency care with CTMC?
A. Yes we can, but coverage will be out of network meaning the patient will pay 40% of the cost of care. If the emergency care requires admittance into the hospital, the patient must transfer to a network hospital to insure network benefits.
Q. Can we get care now?
A. Yes, up until May 14th.

Q. How difficult is it for a physician to get privileges at another hospital?
A. It usually takes 90 days to 5 months for certification.

Q. Is it costly for physicians to get out of network privileges?
A. Not really. It is just very time consuming to go through the process.

Q. Do larger hospitals get more money for their reimbursements?
A. Although we have no statistics, Mr. Jepson, the president of CTMC said that this is true because of the sheer volume of business they receive. He also said that this information is never provided to hospital administrators. We asked our ERS liaison to check into the reimbursement rates at other hospitals in other TSUS schools to see if reimbursement rates are similar to CTMC. We are concerned about the small towns such as Alpine, Huntsville and San Angelo because they may face the same issue if reimbursement rates in their local hospitals were low. We have not received any information on this yet.

Due to time constraints the legislative update was presented and the holiday, EC day and University Closure discussion is pushed back to the next HR Forum.

Legislative Update – Jeff Lund

Overview of Legislative Process

1. Prior to the start of the bi-annual legislative process, Human Resources reviews areas they feel should be considered in bills and submits suggestions through the Texas Higher Education Human Resources Association. This year we submitted 5 items addressing retirement issues and 1 item addressing insurance issues.

2. The Legislative Budget Board does a full analysis prior to each legislative session to determine ways in which the state might be able to save some money or make better uses of resources. These are just ideas and many of these ideas never make it out of committee or never appear on a bill.

3. Legislators meet every two years in odd years.

4. Important dates in the 79th Legislative Session
   a. March 11 – This was the last date that most bills could be submitted.
   b. May 30 – This is the last day of the 79th Regular Session
   c. June 19 – This is the last day the governor can sign or veto bills from the 79th Regular Session
   d. August 29 – This is the date that bills become effective unless a specific date is listed in the bill.
5. This year 3513 House Bills were filed and 1820 Senate Bills were filed. Of these some are companion bills. This means there is a House Bill and a Senate Bill that say virtually the same thing.

6. Of all these bills approximately 80 of them relate to group insurance, retirement, pay, time off, or workers’ compensation. Some of them only relate to employees of state agencies or employees of independent school districts. The Human Resources department has been asked by President’s Cabinet to review 15-20 bills relating to these topics. In addition, Human Resources has also been tracking another 15 or so bills.

7. These are the bills we were asked to review.

Benefits:

**HB 1914** – Relates to longevity pay for campus peace officers in higher ed. Referred to Law Enforcement on 3/14/05

**HB 251** – Relates to the release of certain information regarding workers’ comp claims. Scheduled for public hearing on 4/5/05.

**HB 417, HB 2970, SB 1572** – Relates to employees currently covered under ERS insurance plans that are also eligible for the Tricare Military Health System. Tricare can become primary insurance. HB 417 placed on general state calendar 4/5/05, HB2970 referred to Pensions and investment on 3/17/05, SB1572 referred to State Affairs on 3/22/05

**HB 426, HB 430, SB 41** – Relates to time off to participate in child’s school activities. HB426 and HB430 left pending in committee 3/15/05; SB41 referred to Business and Commerce 01/31/05

**SB 315 and HB 547** – Relates to personal leave for faculty in higher ed. SB 315 referred to higher ed on 2/7/05; HB 547 scheduled for public hearing on 4/4/05

**SB 5** – Relates to the dismantling of the Texas Workers’ Compensation Commission (TWCC) and establishing the Texas Department of Workers’ Compensation (TDWC) (passed amended version)

**SB 49** – Relates to requirement of electronic transmission of claims by medical providers to health benefit plans. Referred to State Affairs 01/31/05.

**HB 235** – Relates to a change in computation for TRS retirement for employees with salaries of $5K or more per month. Referred to Pension and Investments 02/01/05.

Compensation:

**SB 33**, Zaffirini: Relating to graduate stipends awarded as part of the Texas B-On-Time program—Referred to Senate Committee on Higher Ed 1/31

**SB 63**, Staples; Relating to pay increase for certain state employees—Referred to Senate Finance Committee.
SB 74, Shapleigh: Relating to a prohibition on employment discrimination in compensation; providing penalties—Referred to Senate Committee on Business and Commerce 1/31

HB 138, Hopson: Relating to the amount of hazardous duty pay for certain state employees—Referred to House Appropriations Committee 1/31

HB 143, Farrar: Relating to the prohibition of employment discrimination on the basis of sexual orientation or gender identity - Referred to House Committee on Business and Industry 1/31

Most of the other ones we are tracking have not had much or any action on them, but touch on subjects of interest such as:

1. **HB 1313, SB 562, and SB 1269** Creation of Health Savings Accounts or Health Reimbursement Accounts
2. **HB 2608** Increased multiplier for employees retiring with years of service and age equal more than 84.
3. **HB 2945** expanding eligibility to the ORP for certain employees.
4. **HB 2975** Keeping the 90 day waiting period for membership in the TRS
5. **HB 3125** Allowing retirees that return to work to continue contributing to ORP.
6. **HB 3126** Regulation of fees for investment advisors of ORP
7. **HB 3169** Elimination of ability to purchase 3 years of service credit from TRS.
8. **HB 2674** Health and Human Services commission imposing drug formulary rules on ERS and TRS

You can track bills yourself at the Texas Legislature Online site at [http://www.capitol.state.tx.us/](http://www.capitol.state.tx.us/).

**Closing Remarks:**

Jeff Lund reminded the Forum Members that the next HR Forum meeting will be on May 4, 2005, Alkek 105/106 from 10-11:30 a.m.

4/7/2005 9:30:09 AM