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# Ongoing Employer Obligations for Sponsoring Departments

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## My employee has been granted H-1B status, what now?

There are several issues that you, the sponsoring department, need to be aware of as long as you are employing the H-1B worker. The obligations of the employer do not end once the Approval Notice is received from USCIS. By submitting the Labor Condition Application to the Department of Labor and the 1-129 petition to USCIS, you, the employer, agreed to stay in compliance with several regulations and laws. You have agreed to employ the H-1B at a certain salary for a specified period of time, who engages in specific duties, with a certain title at a specific location (s). Deviations from the 1-129 and/or LCA or infractions of these laws could have harsh consequences for The University of Arizona, the hiring department and the employee. The following information has been compiled to assist you, the hiring department, in maintaining compliance with H-1B laws and regulations.

### Material Changes in Employment Requires an Amendment

H-1B employees are only authorized to perform the duties stated in the 1-129 petition & LCA filed by The University of Arizona. A new LCA and H-1B petition amending their status is required before a change in duties, salary, hours (FTE), and/or job location(s), including departments, can be made. Contact IFS as soon as possible if any changes are planned.

### Part-Time Employees

An H-1B employee who is not employed at 1.0 FTE is considered to be part-time by the DOL. If an employee is employed at .75 FTE, they are only authorized to work 30 hours per week. DOL regulations require that employers keep a record of the actual hours worked by part-time H1B employees regardless of whether they are paid on a salary or hourly basis. If you have an H-1B employee who is employed at less than 1.0 FTE, contact payroll for instructions on how to document part-time hours in accordance with University policy.

### Leave of Absence

H-1B employees must be paid the salary stated in the LCA & I-129 petition during their entire period of employment. An H-1B employee may only take unpaid leave if it is truly voluntary and for reasons unrelated to employment (maternity leave, family emergency, etc.) Contact IFS before any unpaid leave of absence.

### Extending Your Employee's H-1B Status

It is important to begin the extension process **early** (6 months before the expiration of your current status). USCIS processing times frequently change and on average take 3 or more months to process. Late submissions requesting extensions will most likely result in gaps in employment.

### Termination

When an H-1B employee ends employment or is terminated, you must contact IFS immediately. H-1Bs are only authorized to stay in the US until the expiration date stated on their 1-94 or their termination date, whichever is sooner. When changing employers, be sure that their new employer has filed a petition with USCIS before terminating their employment with The University of Arizona. There should not be any gaps in dates when changing employers. There is no grace period for H-1Bs. H-1Bs may receive 10 additional days if recorded on their I-94 by the consular officer at the time of entry into the US.

### More Information

IFS may be able to assist you with issues regarding H-1B employees. Detailed information regarding Department of Labor Regulations and immigration laws pertaining to the employment of H-1B employees can also be found at the following websites:

### International Faculty & Scholars:

<http://global.arizona.edu/international-faculty>

The H-1B Information Packet contains detailed information on H-1B status as well as information on how to complete required forms.

### US Citizenship & Immigration Services:

[www.uscis.gov](http://www.uscis.gov)

### Department of Labor:

<http://www.dol.gov/whd/immigration/h1b.htm>  
<http://www.foreignlaborcert.doleta.gov/h-1b.cfm>



**Please contact us at 520-626-6289 if you have any questions or concerns.**