THE UNIVERSITY OF CHICAGO | Campus and Student Life International Affairs

Service Level Agreement
Between the
Division of the Biological Sciences
And
The Office of International Affairs
For the Processing of all H-1B Petitions
For Faculty, Academic Non-Faculty and Staff
(This includes TN and E-3 statuses)

It is understood that under this agreement OIA will handle all H-1B* petitions for Faculty, Academic Non-Faculty and Staff in the Division of the Biological Sciences.
*Where TN or E-3 status is sought, OIA will handle all applicable procedures as well.

1. Authorized Approvers:

Division of Biological Sciences
- Ken Sharigian--Associate Dean and COO
- Pat Shymanski--Director, Office of Academic Affairs
- Mary Quinn--Director, Office of Human Resources

University
- Martina Munsters--Deputy Dean of Students
- Tamara Felden--Director, Office of International Affairs

2. Review Dates

- This document will be revisited in January of 2006 to assess joint satisfaction with the Agreement. This will allow for the opportunity to adjust staffing levels and timeframe expectations.

- Review then will be annually as part of the budget planning process. The review must be completed no later than January 15th of each year.

3. Staffing

- In case of staff turnover at OIA, OAA and OHR will assist with the interview process for Lead Processor for the BSD and will be consulted before a hire is made.

STATEMENT OF GENERAL TERMS & CONDITIONS

1. BSD Department responsibilities

a. Request Prevailing Wage Determination Statement from OIA for purposes of requesting academic appointment. Department provides UHRM requisition number for the job description, or, where no UHRM job description exists, the job description itself. The job description will be on departmental letterhead and, at minimum, contain
   i. The job title
   ii. A description of the duties, and
   iii. Minimum requirements for the position.

b.* Submission of the H-1B Request Form to OIA

c.* Submission of Actual Wage Form to OIA

d.* Submission of a Form 62 to OIA for the total amount of fees to be paid in conjunction with the petition:
   i. $ 190 Filing Fee
   ii. $ 500 Fraud Prevention and Detection Fee (new and port.)
   iii. $1,000 Premium Processing Fee, where applicable**

*To be submitted to OIA simultaneously; extensions and portable cases should be submitted at least 45 days before the desired start date; new cases should be submitted as early as possible, but at least 6 months before the desired start date, unless the department will pay for Premium Processing. Where Premium Processing is requested, OIA will require a lead time of 45 days for a new petition. While these time lines may not always be feasible, OIA cannot provide timely support if requests are submitted too close to the beneficiary's start date.

**The decision whether to request premium processing lies with the department. OIA will advise whether premium processing seems advisable or not, and whether a request for premium processing should be deferred until a later date and then used if needed. The only circumstance under which a beneficiary may be asked to pay for premium processing is if the department has no need for the premium processing and it is requested exclusively for the beneficiary's convenience.

e. Timely and efficient response to follow-up questions OIA may ask in connection with a request

f. Posting of two original Labor Condition Application postings for 10 days, and

g. Subsequent submission of both original postings signed by department administrator to OIA.

h. Departments understand that failure in any area listed above may result in the processing of a petition being halted or delayed for lack of required documentation.

2. Office of International Affairs responsibilities

a. Obtain (upon informal request by Department) the Prevailing Wage Determination Statement for purposes of department's request for an academic appointment to Academic Affairs. OIA will use the job description on file with UHRM for this purpose or, where no such job posting was required, ask the department for a job description (see 1.a)

b. Once department initiates request, OIA is responsible for follow-up with the department and for the preparation of all elements of the petition. A request is defined as initiated at the point at which the Department has delivered the properly completed and signedH-1B Request Form, Actual Wage Form, and Form 62 to OIA. In the case of an academic position for which no job description is in the UHRM system, the job description must be included as well.

b.1 The documents listed in b. must first be sent to Pat Shymanski, Director of Academic Affairs, and will then be forwarded to OIA with her signature. A request submitted without Pat Shymanski's signature will not be accepted.

c. Responsible for obtaining required documents from beneficiary. Responsible for all communication with beneficiary and all follow-up

d. Responsible for all processes involving the U.S. Department of Labor and Illinois Department of Employment Security, U.S. Citizenship and Immigration Services, U.S. Department of State, and U.S. Customs and Border Protection, i.e. all elements of the petition and follow-up

e. Responsible for the compilation and copying of all elements of the petition. Expenses for FedEx mailing will be borne by the BSD.

f. Responsible for the delivery of the beneficiary copy to the beneficiary

g. Manage all RFEs (Requests for Evidence).

h. Provide training to departments to enable them to most efficiently handle their functions within this process; training on administering H-1B status

and on administering J-1 status is provided regularly every 6 months through the UHRM Training & Development program. (See 2.h.3)

h.1 When a new HR administrator joins a department, OIA will train him/her in this process in conjunction with the first request this administrator makes, because such timely on-the-job training tends to be more successful than training attempted in the absence of a specific case.

h.2 When a department or cluster of departments enters the transition stage (i.e. begins to transfer active files to OIA), OIA will train that department or cluster of departments at the time they are to begin their transition.

h.3 OIA provides training sessions twice a year to all HR administrators who initiate H-1B petitions (or requests for J-1 documents). These sessions are publicized well in advance, both by OIA and by the UHRM Training & Development program.

h.4 OIA will provide attendance sheets of these sessions for BSD employees to OAA or OHR.

i. Provide regular orientation to H-1B employees to inform beneficiaries of their rights and responsibilities under H-1B status, including H-4 (dependent) status.

j. Provide cultural information materials (the same as those provided to international students and scholars)

k. Management of expiration dates of status. Responsible to send advisories to beneficiaries (6 month and 2 month alert to beneficiary) and advisories to department (6 month and 2 month alert copied to departments). (Alerts will be initiated once active files have been entered into database.)

l. Inform department of processing problems or delays based on beneficiary's failure to provide required information; where this does not result in a resolution, inform Director of OAA/OHR

m. Will meet with Director of OAA and OHR on a six-month then annual basis to review the Service Level Agreement and determine if any changes/adjustments are needed.

n. Provide monthly/quarterly/annual logs/reports indicating volume/timeliness/types of transactions/problem areas. Provide regular reporting on beneficiary tracking within visa process; OIA will track BSD petitions separately for ease of reporting

o. Tools for providing feedback to departments:
   i. Petition log: Any H-1B petition handled by OIA is entered into a log, which contains details of the petition, including dates of relevant steps in the processing.
   ii. On-line status indicator: Shows at which step in the process a given H-1B petition is. Each petition is identified by the requisition number of the position (listed in numerical order), which is also the origin of the job description used by OIA. (Only where a requisition number exists.)
   iii. Individual e-mail communication: As OIA works to collect information from the beneficiary, follow-up requests (usually made via e-mail) are copied to the departmental administrator to keep the department informed.

p. Staffing plan to address when BSD Lead employee is on vacation/sick/other leave: BSD petitions will be handled primarily by Mary Schnetz at OIA as well as by Renée DuPree, as needed. When one individual becomes temporarily unavailable, the other will cover the case load. If more extensive coverage is needed, Tamara Felden will temporarily take on case load.

3. Escalation Procedures

If either party is not satisfied with particular results, the following steps should be followed:

Division of Biological Sciences:

- OAA/OHR Administrator does not provide initiation of service materials in a timely fashion - contact will be made with Director of OAA or OHR, depending on whether the issue is Faculty/ANF or staff

- Beneficiary does not provide answers/documents in a timely fashion - 1st contact will be with department AA or HR administrator (BSD will provide current list and updates, as necessary). If not successful in resolving issues, 2nd contact will be with Director of OAA or Director of OHR

Office of International Affairs:

- Beneficiary or department has questions or issues of timeliness - 1st contact will be with OIA representative handling the case. If not satisfactorily resolved, 2nd contact will be with Director of OIA. If not satisfactorily resolved, 3rd contact will be with Director OAA or Director OHR

- Director OAA/OHR has concerns about process - 1st contact will be Director OIA. If not satisfactorily resolved, 2nd contact will be Deputy Dean of Students.

4. **Response Measures:**

- OIA will contact beneficiary within one week of initiation of petition
- OIA will alert beneficiary and department about status concerns 6/2 months prior to potential extension date
- OIA will alert department/OAA or OHR about status concerns within 5/1 months prior to potential extension date

5. Additional points:

If costs/fees are incurred through incorrect processing on the part of a BSD department, these costs/fees will be paid by the BSD Department.

If costs/fees are incurred through incorrect processing on the part of OIA, these costs/fees will be paid by OIA.

6. Timeliness of filing:

All parties involved recognize that a petition cannot be filed unless all required information/documents have been received at OIA. Without adequate information, some processing steps cannot be undertaken. For example, obtaining a Prevailing Wage Statement requires an adequate job description (see 1.a.) Once OIA receives the request to process an H-1B petition, all possible steps will be taken to process the petition in a timely fashion. However, this process depends on all parties involved providing relevant information. (See 3.)

Addendum

Logs used for monthly reporting to OAA and OHR will contain the following information:

Name of beneficiary
Department of beneficiary
Current status of beneficiary
Expiration of current status of beneficiary
Date by which H-1B is needed (though this is based on dept. request and cannot be guaranteed by OIA)
Date beneficiary was first contacted for documentation/information
Date request for Prevailing Wage Determination Statement was faxed to Illinois Department of Employment Security (IDES)
Date Prevailing Wage Determination Statement was received from IDES
Date LCAs were sent to department for posting
Date LCA was filed with U.S. Department of labor
Date LCAs with signature of dept. administrator were received at OIA (after posting)
Date I-129 and supporting materials were submitted to USCIS
USCIS' receipt date
Date of Approval Notice
Adviser Notes

These data points are logged separately for new petitions, portable petitions, extensions, and petitions submitted to and pending with USCIS.