

Ponca City Area Society for Human Resource Management

November 11, 2015 Meeting Minutes

Board Member Meeting

The agenda for this meeting was emailed to each board member prior to the meeting date and time.

1. Call to Order – at 10:30 am President Robert Howard called the meeting to order. He welcomed everyone and thanked everyone for attending.
Present – Robert Howard, Rita Gravel, Terry Brown, Sarah Linn.
Absent – Stan Bowman, Charles Kelly and Casey Pruitt and Laurie Wedd.
2. Secretary – Previous minutes of 9/9/2015. Approved Rita Gravel. Second Sarah Linn.
3. Treasurer Report – No Treasurer Report available.
4. SHRM Certification Study Group. Rita Gravel reported that 6 people were in the study group which meets every Thursday at Albertson's.
5. National Membership goal is 36. Everyone is encouraged to bring members to upcoming meetings. Robert Howard suggested we conduct another drawing to give away a couple of National Memberships.
6. Legislative Report – Terry Brown talked about 'Blacklisting Order Will Squeeze Contractors'. See details at the end of these minutes.
7. The next membership meeting is scheduled for December 9, 2015. This will be a roundtable discussion about current HR issues.
8. Election of officers took place and are as follows: President-Rita Gravel, President Elect-Robert Howard, Treasurer-Laura Wedd, Board Members: Terry Brown, Sarah Linn, Stan Bowman and Casey Pruitt. Approved by Terry Brown. Second Sarah Linn
9. Everyone reminded to please log onto Facebook account and 'Like' the page.
10. Everyone is encouraged to attend the Leadership Conference after the first of the year. Conference is free to Board Members.
11. Request has been made by State Council Diversity Chair to make a presentation to the group. Details to follow.
12. Meeting was concluded at 11:00am. Approved by Sarah Linn. Seconded by Rita Gravel.

Blacklisting' Order Will Squeeze Contractors

The Fair Pay and Safe Workplaces Executive Order (E.O. 13673), commonly known as the "blacklisting" executive order, has record-keeping and reporting requirements that will be difficult for federal contractors to meet.

Under the order, federal contractors that violate federal labor laws and executive orders—or equivalent state laws—are barred from contracting with the federal government. A labor compliance advisor at each federal agency granting a contract provides guidance on whether a contractor's actions should bar it from future contracts because of a lack of business ethics.

Contractors will have to report violations of labor laws over the past three years.

The record-keeping and reporting requirements apply to 14 federal labor laws and executive orders or equivalent state laws:

- The Age Discrimination in Employment Act.
- The Americans with Disabilities Act.
- The Davis-Bacon Act.
- The Equal Employment Opportunity Executive Order.
- The Establishing a Minimum Wage for Contractors Executive Order.
- The Family and Medical Leave Act.
- The Fair Labor Standards Act.
- The Migrant and Seasonal Agricultural Worker Protection Act.
- The National Labor Relations Act.
- The Occupational Safety and Health Act.
- Section 503 of the Rehabilitation Act.
- The Service Contract Act.
- Title VII of the Civil Rights Act of 1964.
- The Vietnam Era Veterans' Readjustment Assistance Act of 1972 and the Vietnam Era Veterans' Readjustment Assistance Act of 1974.

Prime contractors aren't the only ones who risk being blacklisted; subcontractors are at risk too.

The unintended consequence would be the creation of a 'blacklist' for subcontractors, triggering claims by contractors and/or subcontractors.

Also, there is concern about reporting nonfinal agency actions, as the executive order requires. If nonfinal agency actions are considered, companies could lose a contract as a result of cases or investigations that are not yet final or that are eventually dismissed.

Administrative determinations that must be reported by federal contractors and subcontractors include:

- A federal or state court complaint alleging that the contractor violated any labor law provision.
- Any order or finding by an administrative law judge stating that the contractor or subcontractor has violated labor laws.
- Any complaint from the DOL's Wage and Hour Division, Occupational Safety and Health Administration, or Office of Federal Contract Compliance Programs (OFCCP).
- Any complaint from the Equal Employment Opportunity Commission.

11/11/2015 WORKSHOP

Jasmine A Majid and Ryan Patterson gave a presentation on Immigration/E-Verify.



Jasmine A. Majid, Majid & Patterson, PLLC

Jasmine A. Majid is an experienced immigration attorney, at Majid & Patterson PLLC, who has devoted her career to working on issues that impact the lives and assimilation of people who enter our nation. She represents individuals, corporations and educational and research institutions in all aspects of U.S. immigration law and policy.

Jasmine has worked in Washington, D.C. as director of regulatory affairs and policy analyst with each of the five federal agencies responsible for implementing immigration laws in the United States. Her experience also includes serving as managing director of a successful immigration law firm as well as a civil rights coordinator and refugee services director for the Georgia Department of Human Resources. Jasmine frequently serves as a strategic partner with human resource professionals to establish and implement immigration processes within existing or changing HR Policies.

A familiar face on the national and Oklahoma immigration policy scene, Jasmine has conducted interviews with CNN, NBC and other media outlets on various refugee and immigration law issues. She serves as a panelist and guest lecturer at legal bar associations, law schools, conferences and legislative staff offices. Her work with detained children and individuals with mental health conditions, led her to receive the U.S. Department of Justice, Executive Office of Immigration Review with a Meritorious Public Service Award. Jasmine's work remains awarding because she works with Dream Act Oklahoma to provide free legal clinics for undocumented individuals to benefit from the Deferred Action for Childhood Arrivals (DACA). She also serves as a board member for Aspiring Americans, a non-profit dedicated to help ensure higher education access for undocumented students in Oklahoma through information sessions and scholarships. Jasmine also serves as the Chair of the Human Trafficking Task Force for the Oklahoma Bar Association and is a member of the Oklahoma Human Trafficking Task Force.

Ryan Patterson, Majid & Patterson, PLLC

Ryan Patterson lives in Oklahoma City and practices exclusively in the area of immigration law. His practice focuses on family and employment-based immigration matters including consular issues, naturalization, seeking immigration benefits for victims of crime, deportation and removal defense and deferred action. He is currently the Assistant Director of Immigration Legal Services for Catholic Charities of the Archdiocese of Oklahoma City. Patterson is also the co-founder of Majid & Patterson PLLC, an immigration firm dedicated to meeting the employment-based immigration needs of corporate and individual clients. In addition to being a member of the American Immigration Lawyers Association, Mr. Patterson is active in the Oklahoma Bar Association's Human Trafficking Task Force and regularly volunteers for Dream Act Oklahoma. Patterson speaks regularly on issues facing immigrants and regularly conducts continuing legal education presentations for other attorneys. He was recently featured as the CLINIC affiliate of the month.

GUIDE TO HIRING INDIVIDUALS AUTHORIZED TO WORK IN THE UNITED STATES

As of 1986, all United States employers are required to verify that the individuals they hire as employees are authorized to work in the United States. As our economy shifts onto a more global platform, our employers feel an increased competition for a more diverse and global workforce. As such, please find below a quick guide to who is authorized to work in the United States. Please note that this guide contains the most common categories.

For information on ensuring an authorized workforce or other immigration issues, contact Jasmine A. Majid, Esq. (jamajid@inusaglobal.com) or Ryan Patterson, Esq. (rpatterson@inusaglobal.com) or visit www.inusaglobal.com.

U.S. VISA OR EMPLOYER SPONSORSHIP NOT REQUIRED	TEMP WORK AUTHORIZATION REQUIRED BUT EMPLOYER SPONSORSHIP NOT REQUIRED	U.S. VISA & EMPLOYER SPONSORSHIP REQUIRED
<p>U.S. Citizen – Individuals who were born in the U.S., born abroad to one U.S. citizen parent or were naturalized as a U.S. citizen. These individuals will possess a birth certificate, U.S. passport &/or certificate of naturalization, as applicable, for proof of status.</p>	<p>DACA - Individuals who entered the U.S. as children. These individuals are authorized to work in the U.S. for 2-year periods & will possess an Employment Authorization Document (EAD).</p>	<p>TN – Canadian or Mexican professionals who are allowed to work temporarily for 3 years with no maximum extensions.</p> <p>E3 – Australian specialty occupation workers who are allowed to work temporarily for 2 years with no maximum extensions.</p>
<p>Lawful Permanent Resident (LPR) - Individuals who have been granted authorization to live & work in the U.S. on a permanent basis. These individuals will possess a green card as proof of status.</p>	<p>J-2 Dependent – Individuals who are dependent's of a J-1 Exchange Visitor visa holder. These individuals are authorized to work temporarily & will possess an Employment Authorization Document (EAD).</p>	<p>J-1 Exchange Visitor – Individuals from other countries can come to the US as an exchange visitor to serve as temporary interns or workers in the US. for up to three (3) years.</p>
<p>Refugee / Asylee – Individuals who have been persecuted or fear persecution on account of his/her race, religion, nationality, &/or membership in a particular social group or political opinion. These individuals are granted authorization to live & work in the U.S. on a permanent basis & will possess an Employment Authorization Document (EAD) or a green card.</p>	<p>F-1 OPT – Individuals who graduate from a U.S. university & seek optional practical training that is directly related to his/her major area of study. These individuals will possess an Employment Authorization Document (EAD). The employment is authorized for 12 months with a possibility of an additional 17-months extension if the individual is a STEM graduate & the employer participates in E-Verify.</p>	<p>H-1B Visa – Individuals who work in a specialty occupation or serve as a fashion model of a distinguished merit or ability. These individual are authorized to work 6 years.</p> <p>H-2A & H-2B – Agricultural & non-agricultural workers who can enter the U.S. to work for a maximum of 3 years with 3 month returns to home country before returning for an additional 3 years.</p> <p>H-1C – Registered nurses who work in a health professional shortage area (HPSA). These individuals are authorized to work for a maximum of 3 years.</p>
<p>U Visa – Individuals who are victims of certain crimes & have suffered mental/physical abuse & are helpful to law enforcement or government officials in investigation/prosecution. These individuals are granted authorization to live & work in the U.S. on a permanent basis & will possess an Employment Authorization Document (EAD) or a green card.</p>	<p>F-1 CPT - Individuals who are in a course of full time study at a US university & seek temporary part-time employment for practical training directly related to the major field of study. This employment authorization is granted by the university (not USCIS) & it will be noted on the back of the Form I-20.</p>	<p>L Visa – Individuals who have worked for at least 1 consecutive year within the immediate 3 years before for a foreign company as a manager, executive or specialized knowledge employee. These individuals are authorized to work for 5 years.</p>
<p>T Visa – Individuals who are victims of trafficking & assist law enforcement to investigate/prosecute. These individuals are granted authorization to live & work in the U.S. on a permanent basis & will possess an Employment Authorization Document (EAD) or a green card.</p>	<p>TPS – Individuals who cannot temporarily return safely to his/her home country due to conditions in his/her home country. These individuals will possess an Employment Authorization Document (EAD).</p>	<p>O Visa – Individuals who possess extraordinary ability in the sciences, arts, education, business or athletics with national or international acclaim. These individuals are authorized to work for 3 years, with 1-year incremental extensions.</p>

For more information, visit USCIS at: <http://www.uscis.gov/working-united-states/working-us>

FORM I-9 AND E-VERIFY

Form I-9 is required due to the Immigration Reform and Control Act of 1986 (IRCA) and prohibits employers from knowingly hiring and employing workers [for work in the US] who are not authorized to work in the US.

E-Verify is an internet-based program that is free and was originally established in 1997 as the Basic Pilot Program to prevent undocumented immigrants from obtaining employment illegally in the US. Oklahoma has passed legislation making it mandatory for all state government employers to use E-Verify. The US government requires all federal contractors and vendors to use E-Verify.

Form I-9 is the core of E-Verify. Although E-Verify uses information from Form I-9, there are some important differences between Form I-9 and E-Verify requirements.

Form I-9	E-Verify
Established in 1986.	Established in 1997.
Is mandatory for all new hires starting November 6, 1986.	Is mandatory for the Federal government & all federal contractors / vendors.
	Is mandatory for Oklahoma government.
	Is voluntary for most businesses
Paper or Electronic format.	Internet based program that compares the information from the Form I-9 to government records to confirm that an employee is authorized to work in the US.
Free to use unless employer uses a vendor to assist with completion & storage of electronic Form I-9.	Free to use unless employer uses a vendor.
Must complete Section 1 no later than 1 st day employee begins work (but may be completed as soon as offer is accepted) & Section 2 no later than the 3 rd business day after employee begins work.	Must create case by 3 rd business day after employee begins work – same day as Form I-9 Section 2 must be completed.
Does not require a Social Security number.	Requires a Social Security number.
Does not require a photo on identity documents (List B).	Requires a photo on identity documents (List B).
Must be used to reverify expired employment authorization.	MAY NOT be used to reverify expired employment authorization.
Retention: 1 year after termination or 3 years after employment – whichever is later.	
Learn more about Form I-9 at http://www.uscis.gov/i-9-central	Learn more about E-Verify at www.dhs.gov/E-Verify

For information on ensuring an authorized workforce or other immigration issues, contact Jasmine A. Majid, Esq. (jamajid@inusaglobal.com) or Ryan Patterson, Esq. (rpatterson@inusaglobal.com) or visit www.inusaglobal.com.