



H-1B Employment at OSU

H-1B: Employer-sponsored employee in a specialty occupation

The H-1B program applies to employers seeking to hire nonimmigrant workers as employees in specialty occupations. A specialty occupation is one that requires the application of a body of highly specialized knowledge and the attainment of at least a bachelor's degree or its equivalent.

The intent of the H1B provisions is to help employers who cannot otherwise obtain needed business skills and abilities from the U.S. workforce by authorizing the temporary employment of qualified individuals who are not otherwise authorized to work in the U.S.

Initiating the H-1B process at OSU

As the H-1B is employer-driven, the Department Head must make a request to the HR Immigration Services Consultant (HR ISC) to initiate the H-1B process for an international candidate or employee.

Once eligibility is established, HR ISC will work with outside legal counsel for the filing of H-1B petitions. The building of the H-1B petition requires department and employee involvement at various steps throughout the process.

Costs for H-1Bs

The OSU Department is responsible for all costs associated with the H-1B. OSU utilizes outside legal counsel for the filing of H-1B petitions. Contact HR ISC for current USCIS filing and attorney fees.

Timeline for an H-1B at OSU

Hiring departments and prospective employees should be aware that the H-1B petition process takes a significant amount of time; therefore, requests for H-1B petitions should be **planned and initiated well in advance of the expected employment start date**. HR ISC recommends initiating the request six months prior to the start of employment whenever possible.

Preparation and processing times for H1B requests are generally as follows:

- Department and HR ISC: Collecting department and employee information and obtaining wage determinations: 2 to 8 weeks (depending on whether a Department of Labor prevailing wage review is required)
- Attorney's office: Determining actual wage and obtaining certified Labor Condition Application (LCA): 2 - 3 weeks
- The attorney's office builds the petition: 2 to 4 weeks (depending on time of year)
 - Draft forms review – HR ISC and employee
 - Support Letter – edits and finalization by department head
 - Obtaining signatures for finalized forms—HR ISC and OSU Authorized Signatory
- USCIS Adjudication of petition following submission to USCIS: 15 days (using premium processing) to 8+ months (using regular processing)
 - Adjudication may be approval, denial, or a request for further evidence (RFE).
- Original I-797 Approval Notice delivered by post to HR ISC in mail: 2 to 4 weeks

Steps once an H-1B is approved by USCIS

Step 1

The department will set up new hires in UKG.

Employees who have previously worked for OSU or are changing employment type or status (for example, student to professional staff) will need to obtain a new or renewed OSU Work Permit and I-9 update prior to beginning employment. Contact HR Immigration Services Consultant and the International Tax Accountant (ITA) with questions or documentation.

Step 2

Obtaining Work Permit Approval in UKG requires action by employee, ISC, and ITA. The Immigration Status Clearance section is completed by HR ISC, who verifies status and/or work authorization.

The tax and compliance section is completed by the ITA. ITA will notify employee of the steps required to complete the Tax Summary Report in Glacier. Employee must follow the instructions and then upload the Tax Summary Report from Glacier to UKG. ITA will review for Work Permit approval.

Step 3

Department completes I-9 in UKG

Employees who are rehires or who are continuing employment after a change of status should work with HR ISC for I-9 compliance.

Step 4

Once the steps above are complete, the Employment Authorization start date is met, and the Employee is authorized to begin employment at OSU.