Board Agenda Item 30

DATE: January 12, 2021

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

SUBJECT: H-1B Visa application for Epidemiologist Employee

RECOMMENDED ACTION(S):

Approve and grant the Director of the Department of Public Health, or his designee, authority to complete and submit all necessary documents to sponsor a County employee for an application for an H-1B visa.

Approval of the Recommended Action will allow the Director of the Department of Public Health, or his designee, to complete and submit all necessary documents for the purpose of sponsoring a County Epidemiologist through the United States Citizenship and Immigration Services (USCIS). This employee is currently on an Employment Authorization Document (EAD) which is set to expire on July 5, 2021 and is assigned the critical task of data analysis and reporting. There is no additional Net County Cost associated with the recommended action. This item is Countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended action, the employee would either find alternative employment or the EAD will expire and they will return to their country of origin.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The estimated salary and benefit cost of $125,790 and the estimated legal and document processing fees of $6,500 are covered with Coronavirus Aid Relief and Economic Security (CARES) Act funding. If CARES Act funding is not available, the position will be funded through other State grants and Realignment. Should funding be exhausted, the position will be deleted. It should be noted, if the employee is sponsored by the County and is later terminated from County employment, the County would be responsible for the reasonable costs of returning the employee to their country of origin. These costs are estimated to be $1,500 and will be covered through Health Realignment. There are sufficient appropriations and recommended revenues in the FY 2020-21 Adopted Budget Org 5620.

DISCUSSION:

On May 26, 2020, your Board approved amending the Department's Salary Resolution and added an Epidemiologist position assigned to support the impact of the Public Health Emergency - COVID-19 (COVID-19). The related duties of this position include public health surveillance and disease control activities.

A recruitment was opened, and the finalist was a candidate who has an EAD that expires on July 5, 2021. An EAD allows a non-citizen or lawful permanent resident to work in the United States. In the job interview, the individual demonstrated an understanding of epidemiological methodologies, has experience in the County's Epidemiology Program software databases, and experience with COVID-19 related projects. Staff from the Department and County Counsel consulted a law firm that has experience in immigration law and were informed that in order to retain the employee after July 5, 2021, the Department would need to apply for an H-1B visa and may potentially be awarded a sponsorship via a lottery.

The Department decided to move forward with the process and hired the candidate. The H-1B visa application period opens in February 2020, therefore, should your Board approve the Recommended Action, Department staff and County Counsel will retain the law firm that provided guidance through a legal services agreement via purchasing to begin the process.

If the employee is selected for an H-1B visa, the County will receive notification from USCIS by the end of March. The County's sponsorship of the individual will begin on the effective date of the visa and will be valid for a six-year term. If the H-1B visa application is denied, the Department will not be able to sponsor the candidate and the County will have no further obligation. However, if the employee is selected and is later terminated from County employment, the County will be responsible for their travel costs to return to their country of origin.

Costs associated with the H-1B visa application include approximately $800 for registration, $3,200 for legal services, and $2,500 for other fees associated with the application. It is estimated that the total cost is $6,500.

REFERENCE MATERIAL:

BAI # 51.1, May 26, 2020

CAO ANALYST:

Raul Guerra