

H-1B Leaves, Resignations and Terminations

Leaves and Departures from H-1B Employment

As a sponsor of H-1B employees, Centenary College of Louisiana (“College”) is required to comply with specific procedures in the event an employee departs from service temporarily due to a leave or permanently due to a resignation or bona fide termination.

Leaves of Absence

H-1B employees may take advantage of any leave of absence benefits available to them under the terms of their employment and benefits classifications. In the event an employee requests a voluntary leave, the hiring unit should consult with the Director of Human Resources and the Provost’s office (where appropriate). In addition:

- The department must collect and retain from the employee a written (paper or email) request for a voluntary leave of absence and follow any other appropriate College procedures for approving the leave
- The department should notify the Director of Human Resources once the leave has been approved, providing information regarding the expected start and end dates of the leave
- The employee should consult with the College immigration attorney regarding their immigration status during the leave period

H-1B required wages do not need to be paid during a voluntary leave unless the College leave and benefits policies require continued wage payments. H-1B employees may NOT be placed on involuntary leave due to lack of available work or department funding. In such situations, the department is obligated to continue paying the required H-1B wage.

Resignations

If an H-1B employee voluntarily resigns and departs service, the department is required to notify the Director of Human Resources **immediately** once the effective date of resignation has been determined. The College is required to notify US Citizenship and Immigration Services (USCIS) of the departure of the employee, in order to terminate the College’s wage obligations to the H-1B employee. The department should also direct the employee to the Human Resources for advisement regarding their immigration status and immigration options.

Terminations

If an employee is dismissed from College service, the following procedures must be followed:

1. Once a bona fide termination date has been determined, the employee must be notified in writing (by email or in hard copy) of the termination and the termination date (last day of employment). A copy of the written notice of termination must be retained in the employee's file.
2. The employee must also be offered, in writing, the reasonable cost of return transportation to their country of last residence. The reasonable cost of return transportation may be a one-way economy class flight. There is no obligation to offer to pay the return transportation costs of dependent family members or household goods. The employee should be given reasonable period of time to respond to the offer, and may choose to either accept or decline.
 - There is no need to provide this offer if the employee voluntarily resigns or is effectively terminated at the end of their period of authorized H-1B employment. For example, if the employee's H-1B authorization ends on June 30, 2024 and the employee will end their employment on June 30, the offer does not need to be made.
3. The College immigration attorney should be notified immediately once the termination date is identified, in order to notify the USCIS and arrange to have the H-1B petition withdrawn. This is required in order to terminate the College's wage obligations to the H-1B employee.

The employee should be directed to contact the immigration attorney to discuss their immigration status options. In certain cases, the employee may be able to take advantage of a discretionary 60 day period allowing them to remain in the US to secure H-1B sponsorship with another employer. This applies only if the employee is terminated prior to the end of their previously approved H-1B period. If the employee is terminated at the end of their H-1B approval period, they do not have this additional 60 days to pursue other opportunities.