

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Health Services Agency *MD*

BOARD AGENDA # \*B-3

Urgent  Routine  *MD*  
CEO Concurs with Recommendation YES  NO   
(Information Attached)

AGENDA DATE September 18, 2012

4/5 Vote Required YES  NO

SUBJECT:

Approval for the Health Services Agency to Seek Retention of Epidemiologist Employee Olivia Tong by Supporting her Green Card Permanent Residence Status Application

STAFF RECOMMENDATIONS:

1. Authorize the Health Services Agency to support Oliva Tong's application for a permanent residence or "green card".
2. Authorize the Health Services Agency to hire immigration specialist to assist with the labor certification preparation.
3. Authorize the Health Services Agency to take such actions necessary to support Ms. Tong's application for permanent resident status.

FISCAL IMPACT:

The U. S. Citizenship and Immigration Services requires employers who have sponsored alien employees in their H-1B Visa U.S. work permit to pay for all fees related to the permanent labor certification process. Employees are not allowed to pay for any related expenses in relation to a labor certification application with the Department of Labor. To continue with the immigrant visa petition it is in the best interest of the employer to work with an immigration specialist. It is estimated that a total of approximately \$3,500 will be necessary for legal fees and associated costs. Funding is included in the Health Services Agency's 2012 - 2013 Adopted Final Budget. There is no impact to the County General Fund.

BOARD ACTION AS FOLLOWS:

No. 2012-472

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**DISCUSSION:**

The U.S. H-1B Visa is for a non-immigrant allowing U.S. companies to employ a foreign worker in a specialty occupation that requires theoretical or technical expertise in a specialized field. Under this Visa, a U.S. company can employ a foreign worker for up to six (6) years. The Visa is initially granted for up to three (3) years but may then be extended to a maximum of six (6) years. If the foreign individual desires to remain in the U.S. for more than six (6) years, the person must apply for permanent residency in the U.S. to receive a "Green Card". If the person does not gain permanent residency prior to the expiration of the H-1B Visa, then the person must live outside of the U.S. for at least one (1) year before reapplying for another Visa.

On October 2, 2006, the Health Services Agency hired Olivia Tong to fill a vacant Epidemiologist position in Public Health. On April 3, 2007 the Board of Supervisors authorized the Health Services Agency (HSA) to support Ms. Tong's application for an H-1B Visa and the payment of \$1,500 for the U.S. Citizenship and Immigration Services filing fee. On May 18, 2010 the Board of Supervisors authorized the Health Services Agency to support Ms. Tong's application for an H-1B Visa extension and the payment of \$1,500 for the filing fee. This extension expires September 25, 2013.

Ms. Tong is one of two Epidemiologists working in HSA Public Health. The County considers this classification as hard to recruit. When Ms. Tong was recruited, the Agency advertised nationally on Internet web sites as well as local newspapers and professional schools and organizations. Ms. Tong appeared to have the qualifications and potential to fill the Agency's need. She holds a Master of Science degree in Epidemiology from the University of Albany, State University of New York, a Bachelor of Applied Science degree in Public Health and Safety from Ryerson Polytechnic University, and a Bachelor of Science degree in Human Biology from the University of Toronto. Since joining the Agency, Ms. Tong has worked with the Public Health staff including Emergency Preparedness staff and Emergency Operations, and has produced surveillance data and analyses which involve compilation of complex data. This data highlights major health concerns, supports grant applications for funding and is the bases for prioritization of efforts. With her research abilities and analysis of statistical data, Ms. Tong has made exceptional contribution to the Health Services Agency since her initial employment.

An Epidemiologist is responsible for drafting, conducting and evaluating epidemiological studies. This research determines communicable disease trends, assesses health conditions, and chronic diseases of County residents. The position serves as a resource and technical consultant on epidemiological concerns to department officials, public physicians, nurses, hospitals and other community members. To be eligible for the classification of Epidemiologist, a Master's Degree in Public Health with an emphasis or specialization in epidemiology is required. In addition, the classification also requires experience in designing, conducting, analyzing, interpreting and evaluating epidemiological studies. Past recruitments for this position have not been

successful in obtaining qualified local candidates, thereby resulting in the Agency's previous requests to support Ms. Tong's initial H1-B Visa.

The permanent resident process can be very time-consuming and has certain steps that are required, which can take up to twelve months to attain approval by the Department of Labor. Briefly the following procedures must take place:

- The Agency will request a prevailing wage determination from the National Prevailing Wage Center.
- The County will conduct an extensive open recruitment for the position of Epidemiologist.
- The Agency will file the labor certification application directly with the Department of Labor.

If, as a result of the open recruitment, a U.S. citizen is determined to be a qualified candidate for the Epidemiologist position, Ms. Tong understands that the Agency is required to offer the candidate the position. She would then be required to resign her position.

**POLICY ISSUES:**

Approval of this recommendation will meet the Board of Supervisors' priorities of A Healthy Community and Efficient Delivery of Public Services by having the appropriate technical resource and consultation on epidemiology that supports the health care community and County Public Health Officer.

**STAFFING IMPACT:**

Approval of this recommendation will allow the Health Services Agency to adequately staff and maintain the appropriate number of Epidemiologist positions filled which have been allocated and budgeted.

**DEPARTMENT CONTACT:**

Mary Ann Lee, Managing Director. 558-7163