



MEMORANDUM

TO: Mayor and Council

THROUGH: Susana Carbajal, Chief of Staff *SC*

FROM: Rebecca Kennedy, Interim Human Resources and Civil Service Director *RK*
Dr. Tamela Saldaña, Interim Civil Rights and Equity Officer *TS*

DATE: April 30, 2024

SUBJECT: **Employment Authorization Assistance (Resolution No. 20231214-100)**

This memorandum serves as an update regarding [Resolution Number 20231214-100](#) requesting a process to identify resources for the City to petition for Deferred Action for Childhood Arrivals (DACA) recipient employees to obtain immigrant and/or non-immigrant statuses.

Resolution Goals

The resolution directs the City Manager to develop a policy that achieves the following:

- Protects employees whose employment is terminated or suspended as a result of a lapsed DACA work authorization.
- Develop a process for employees to resume employment in their former or new position if separated, but then able to obtain work authorization.
- Retain seniority, benefits, and wage level with appropriate cost of living adjustments once an employee secures the legally required work authorization.
- Provide alternative work, as legally possible, for non-US workers who are prohibited from performing any of their job duties because of pending approval.
- Employees should not be required to use any leave, benefit time, or compensatory time.
- Prohibit any adverse action for an employee placed in a limited or restricted duty.
- Designate a City employee as a liaison officer for DACA recipients.

Background

Beginning in December 2023, staff from the Law Department, Equity and Civil Rights Offices, and the Human Resources Department began meeting and researching how the City can support employees with immigration issues related to DACA, H1B visas, and other immigration statuses. The Law Department consulted with outside immigration attorneys to ensure any City process would align with federal laws and regulations related to immigration status work authorizations.

Next Steps

By no later than the resolution's due date of May 31, 2024, the City Manager will propose a new Administrative Bulletin (AB) related to Employment Authorization Assistance in consultation with

outside immigration attorneys. The AB will establish procedures for how the City may assist employees who have an expiring immigration status, include advance notification when the City becomes aware of the expiring status, development of a webpage for assistance, and designation of a DACA Liaison Officer. The AB will also address steps that will be taken when an employee's work authorization lapses.

If you have any questions, please contact Rebecca Kennedy, Interim Human Resources and Civil Service Director, at rebecca.kennedy@austintexas.gov

cc: Jesús Garza, Interim City Manager
City Manager Executive Team