

Why's UAA seeking a hockey coach when one is on the job?

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The University of Alaska Anchorage hockey team is in the middle of its best season in years and head coach Dave Shyiak is a potential candidate for Western Collegiate Hockey Association coach of the year. So why has UAA started a national search for a new head coach?

Surprised Seawolf fans are pondering that question after the university took out an ad in Sunday's paper and posted the job online. It's a complicated story that involves the federal government and immigration issues that will likely take weeks, perhaps months, to resolve.

Until then, UAA emphasizes that Shyiak has neither resigned nor been fired. The second-year head coach will continue behind the Seawolves bench for the foreseeable future as the search unfolds. Confused? Join the club.

"People are going to say, 'This doesn't make sense,' " UAA athletic director Steve Cobb said Friday afternoon. "The fact is, it doesn't. "That doesn't change the fact that's what you have to do."

When he was hired 18 months ago to replace John Hill, Shyiak, a Canadian, was working under a temporary permit, something Cobb knew when he made the hire. Shyiak has worked in the U.S. under variety of temporary permits since joining the Northern Michigan University coaching staff in 1995.

Even though Shyiak still has time remaining on his temporary permit, he is applying for permanent residency, his "green card," now. The university must conduct a national search for a head coach as part of that process.

"There's different steps to obtain permanent residency status, and I'm at that point and time right now," Shyiak said. "I'm doing this because of the welfare of my family. This is the most important thing in my agenda."

Efforts to contact a Department of Labor spokesman to clarify the procedure Shyiak and UAA must go through were not successful. But information obtained from the Department of Labor and the U.S. Citizenship and Immigration Services (USCIS) Web sites sheds some light.

Shyiak is employed on an "H-1B Specialty (Professional) Workers" permit. This is a program that "allows an employer to temporarily employ a foreign worker in the U.S. on a non-immigrant basis in a specialty occupation."

Athletics is a specialty occupation. This type of permit is valid for three years and can be extended once for a total of six continuous years. After those six years, a foreign worker must "remain outside the U.S. for one year."

Obviously, this is not an ideal long-term solution for either Shyiak or UAA, so Shyiak has applied for his "permanent residence," what is commonly known as a green card.

The requirements for hiring a foreign worker seeking permanent residence are much stricter than for an H-1B temporary worker. UAA must receive a "permanent labor certification" from the Department of Labor.

A key element in getting that certification, and the reason UAA is advertising for a new hockey head coach, is that the Labor Department must certify "there are no qualified U.S. workers able, willing, qualified and available to accept the job at the prevailing wage for that occupation in the area of intended employment and that employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers."

Because of that provision, UAA could be forced into a coaching change if qualified U.S. citizens apply.

"That's a risk," Cobb said.

It's not immediately clear who will make the determination on the availability of qualified U.S. candidates, or whether those candidates are more qualified than Shyiak.

But the timing of the search — during the hockey season when few coaches who fulfill the job requirements are seeking work — favors the status quo.

For now, Shyiak will continue coaching as the university accepts applications through Jan. 21.

"I'm tickled to death with the performance of our hockey team," Cobb said. "I'm very, very happy with the direction of our program. I don't want anybody to think that there's anything (else) causing this."

Shyiak said he did not meet qualification requirements to apply for permanent residency when he was hired 18 months ago. That's why this is an issue now.

Cobb said he knew Shyiak's status would have to be dealt with at some point when he hired him on June 14, 2005.

"It's an awful simple story that's going to get twisted and turned," Cobb said. "And you'll have the conspiracy people out there saying there's something going on between me and Dave."

And why are they addressing the issue now, and not in the off-season when it would be less disruptive to the team?

"My short answer to that is, if you've got to eat a frog, eat it first thing in the morning so it doesn't ruin your whole day," Cobb said. "I see it coming in the future, and it's something Dave and I would both like resolved."

"If we wait too much longer, people might use it against us in recruiting. It will help give Dave more stability and peace of mind." Said Shyiak: "I'm happy here. My wife and I want permanent residency, and we're going through the application process. I want to be here." Still, just one U.S. qualified applicant could force Cobb's hand and leave Shyiak out of work.

"In this day and age you just don't ask immigration for any exceptions," Cobb said. "You dot the i's and cross the t's." Daily News reporter Andrew Hinkelman can be reached at ahinkelman@adn.com.

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