

PERM Workshop:

Breaking it All Down

Handouts

Maggie Murphy

Jeffery Zimskind

Rebecca Massiatte

PERM Resources for the Beginner to the Advanced Practitioner

PERM Resources for the Beginner to Advanced Practitioner

Part of: PERM Workshop- Breaking It All the Way Down

Presented at the AILA Texas, New Mexico & Oklahoma 2016 Spring Conference

April 14-16, 2016

Maggie Murphy, Jeffrey M. Zimskind & Rebecca R. Massiatte

1. PERM REGULATIONS

Getting to know the language of the PERM regulation and the abundant resources that can provide assistance throughout the process is critical. Of course, in order to do so, you need to know where to go. This summary provides an overview of where to go to start thinking about the who, what, where, when and why concerning the PERM labor certification process. And, before we get too far into this, it is important to know that all the acronym PERM stands for the Program Electronic Review Management process- not nearly as interesting as "PERM"- so, let the PERM discussion begin!

Found in **20 CFR Part 656**, the **PERM Regulations** were implemented December 27, 2004. The introduction to the regulations provides a comprehensive backdrop to what led to the new process as well as the underlying policies that persuaded changes in the system. At the onset, the new process anticipated an ever-more efficient system than that experienced before. The rules sought to identify the structure of the labor market test requirements as well as timelines required to ensure compliance. For the last 11 years that the PERM regulations have been in effect, practitioners have realized in varying circumstances, some kinder than others, that certain aspects of the rules have not always been interpreted favorably to the employer. It is because of the various interpretations, trends and developments witnessed over the past years, that practitioners should be mindful of all resources available to help navigate the PERM process. Starting with a solid understanding of the regulatory language is unmistakably the best place to find yourself. So, keep a copy of the PERM regulations on your desktop, in your library, or wherever you so choose. Reference the regulations often; develop tools that will help you navigate the process; and without fail keep up to date on news that stems from sources concerning the PERM process, including but not limited to the U.S. Department of Labor and the AILA DOL Liaison Committee.

2. GETTING TO KNOW THE PERM ONLINE SYSTEM

a. PERM Registration

The U.S. Department of Labor's (DOL) Foreign Labor Certification (FLC) **PERM Online Filing System** can be found at <https://www.plc.doleta.gov>. The website includes an "About Permanent Online" link to get an overview of the site and is also the site where an employer will both register to use the site and set up an attorney account to access, draft and submit applications on behalf of the employer.

The U.S. DOL published a **Permanent Online System User Guide** (User Guide), which can be found here: <https://www.plc.doleta.gov/onlinehelp.pdf> and can also be accessed from the DOL's FLC website via the "Online Help" button (top right corner). The User Guide provides instruction concerning accessing the system and managing profiles, employer information and user accounts. How to register a company to use the PERM online system is also included in the User Guide.

In order to register a company to use the PERM online system, the DOL system must be able to verify the company's FEIN. The FEIN verification process is similar to that required for the Labor Condition Process via the DOL's iCERT Portal (more on this site below); and requires the submission of documentation to the DOL that verifies the FEIN assigned to the employer seeking to register.

b. Form ETA 9089, Application for Alien Labor Certification

It is a good idea to keep on hand a clean **ETA 9089 Application for Alien Labor Certification** to assist with the PERM Strategy process. Specifically, keeping the ETA 9089 as a reference to visualize up front the manner in which you will draft both the EAT 9141 Prevailing Wage Request as well as the ETA 9089 as you are identifying position duties/functions and requirements for employment.

c. Related Resources Provided by the U.S. DOL

The U.S. Department of Labor currently has 12 PERM FAQ Rounds published on its website that includes a variety of insight concerning program requirements that can be found here: https://www.foreignlaborcert.doleta.gov/faqs_pdf.cfm.

The DOL has also published an index for ease in identifying the location of relevant information. The FAQs include discussion concerning guidance from logistics related to posting notices, required advertisements, emailing questions, advertising timeframes, among many other topics.

3. TAKING THE FIRST STEP: PREVAILING WAGE REQUEST, FORM ETA 9141

a. The iCERT Visa Portal System

To keep the process interesting, the Prevailing Wage Request process is facilitated in a site separate from the DOL's FLC website, and that is via the DOL's **iCERT Visa Portal System**, which can be found here: <http://flcdatcenter.com/>. If you have never been in the iCert Portal, you must create a portal account to access the site. As a point of reference, this site is also used for Labor Condition Applications, in connection with applications including the H-1B and E-3 work visa applications, as well as for other purposes.

The iCERT Portal also provides you with processing time information concerning the processing of prevailing wage requests submitted for PERM Labor Certification processing as well as PERM Processing Times, to include cases in “Analyst Review”, “Audit Review”, “Reconsideration Requests to the CO”, and “Government Error Reconsiderations”. The website also advises that if an application was filed more than 3 months prior to the month that is posted, contact may be made to the DOL’s help desk [plc.atlanta@dol.gov] to inquire on the application status.

b. Resources for Prevailing Wage Preparation, Form ETA 9141

The U.S. DOL published **Prevailing Wage Guidance** that includes a description of the prevailing wage determination process. The Guidance can be found here: [https://www.foreignlaborcert.doleta.gov/pdf/NPWHC Guidance Revised 11 2009.pdf](https://www.foreignlaborcert.doleta.gov/pdf/NPWHC%20Guidance%20Revised%2011%202009.pdf) and is a good resource to gain an understanding of the process, which includes the initial understanding of the OES Wage Level System, the Education and Training Categories used, Specific Vocational Preparation (SVP) values and parameters for using Employer-Provided Wage Surveys. Helpful information and details concerning Employer-Provided Surveys can also be found here: <https://wdr.doleta.gov/directives/attach/GAL1-00AttachA.pdf>.

The **Online Wage Library**: <http://www.flcdatacenter.com/> provides the **Foreign Labor Certification (FLC) Search Wizard** to search, by state, then county, for keywords or phrases of a position to identify occupation matches to consider for exploring prevailing wage requirement. Using the **Worksheet for Use in Determining OES Wage Level**, as provided in the DOL’s Prevailing Wage Guidance.

Alternative Wage Surveys: There are many alternative wage survey options that exist to consider. The key is to assess whether the survey is acceptable when placed in the context of what the DOL requires.

4. Ready to Start Advertising

There are multiple resources that you can use to help with the brainstorming process of where to advertise and which resources to use. The place to start the discussion is with your client and with your PERM regulations at your fingertips, specifically the regulations that relate to the advertising requirements at 20 CFR Part 656 .17(f).

Depending on your client’s “normal” recruiting channels, you can start checking off the boxes of the required recruitment sources. If you do not come up with the minimum recruitment resources required, then referring to the regulations to discuss other options is a great next step. Keep in mind that the **DOL’s FAQ’s** as well as **BALCA Decisions** can also serve as a resource with regard to what is required for the varying recruitment sources (e.g. employer referral programs demonstrating a “nexus” between the program and the PERM position).

5. Novel Issues

Positions that include travel requirements, special licensure requirements as well as supervisory responsibilities should be documented with special care, from the ETA 9141 prevailing wage preparation phase, recruitment process to drafting of the ETA 9089. In addition to referring to the PERM Regulations, DOL FAQ's, DOL Committee Practice Pointers and Stakeholder Meeting Minutes and BALCA Decisions (see below) all provide excellent guidance and informative parameters essential to a successful PERM case.

6. Degree Equivalency Issues

Assessing foreign credentials is an essential part of the PERM strategy and review process. Becoming familiar with Credentials Evaluation Service Providers will assist with this process. Providing candid explanations concerning degree equivalency is part of building the PERM foundation, which will carry through the Form I-140 Immigrant Petition process with USCIS. Foreign Credentials Evaluation Service Providers include, but not limited to: Trusforte Corporation, Morningside and Silvergate Evaluations. This is certainly *not* an exhaustive list, but rather serves as an example of the type of resource that is available. It is important for evaluations that will be used to support a PERM case to include and reference essential criteria, such as whether the evaluation is based on a four-year degree program, for example. If such an explicit statement cannot be made, then perhaps explore whether the evaluation can opine on the manner in which the number of coursework hours completed compares to the desired degree program.

AACRAO (American Association of Collegiate Registrars and Admissions Officers) "Edge" (Electronic Database for Global Education) (www.edge.aacrao.org) language is also another area to explore with evaluators, as the EDGE database is one that serves as a resource, among others, to USCIS when it comes to degree equivalency. The Edge database is accessible via membership, which many education evaluation service providers subscribe to.

There are also many resources and experts in the field of degree equivalency issues, including Mr. Ron Wada who has written extensively on the topic. Mr. Wada's resources can be found on AILA's website, along with other valuable resources concerning PERM: <http://agora.aila.org/Product/Search?searchText=wada>).

7. Other Valuable Resources

The AILA Department of Labor Liaison Committee provides **Practice Pointer's** as well as **Stakeholder Meeting Minutes** that often times provides helpful information concerning the PERM LC process. Information spans supervised recruitment, special handling, and alternative wage surveys, among other topics. Easy search terms to locate these resources in the AILA Research Library include "DOL Practice Pointer", "DOL FAQ", and "DOL Stakeholder Meeting".

In addition, careful review and tracking of **BALCA Decisions** is also essential. BALCA decisions provide insight into the “thinking” of the Board concerning varying aspects of the PERM process and can serve as an enlightening tool to your PERM practice and strategy development. Reading the decisions has many benefits and while we are often not in the position of having hours of available time to do so, BALCA decisions are a place that you want to go to for review of uncertain questions and/or presenting issues.

Finally, do not underestimate the value of “phoning a friend” to discuss your case if you are not sure. Processing trends often times change without notice. What was once a fine way to draft an application may now be an uncertain approach. Take, for example, issues surrounding the use of Section K to list employee’s qualifications. When in doubt, do not hesitate to ask and poll your peers. Until a more improved application is made available that provides clearer instructions and places to correctly describe all facets of a job offer and the named beneficiary’s employment history it will be in our best interest to be as creative as possible to convey the essential information.

Scenario 1: Philip

Case 1: Philip

Philip, a citizen of Canada, has worked for your client, Lone Star Extrusion, in Plano, Texas for 10 years. First in TN status and then, since January 2012, in H1-B status.

Philip was born in the Philippines. He attended high school in Montreal, Quebec. After high school he attended CEGEP for two years and then completed a three year degree in electrical engineering at McGill University in Montreal.

Philip worked for many years at a company called Frozen Lone Star Extrusion Canada. The company was an affiliate of your client until it was sold in 2007. At the time of the sale, Philip had held the position of Manager of Production Technology for three years.

Philip was very highly thought of by his colleagues at Lone Star Extrusion in Plano, and when Frozen Lone Star Extrusion Canada was sold off, they offered him a job at the plant in Plano, which he accepted.

He applied for and was accorded TN status as an engineer, and his wife and children were accorded TD status.

They continued to have TN/TD status until January 2012, when they applied at the Peace Bridge for H-1B/H-4 status following the approval of an H-1B petition filed by your client, Lone Star Extrusion in Plano.

Philip met his wife Candace when they were students at McGill. Candace's parents, also from the Philippines, immigrated to Canada before she was born. They have two children, Jean-Pierre (who now goes by Slim), who is 26 years old, an LPR, and lives in Atlanta with his U.S. Citizen wife, and Marie-Jose, now known as Clementine, who is 19 years old and is a sophomore at Texas A&M.

As Production Manager for Lone Star Extrusion in Plano, Philip is responsible for production, operations, technology, maintenance, training, safety, and quality for three extrusion lines. This work includes troubleshooting electrical and mechanical problems and coordinating the work of production employees and production line supervisors according to lean manufacturing principles. He doesn't directly supervise employees in the sense that they report to him, but he works closely with and coordinates the production team, which includes operators and supervisors.

Because Philip is so technically knowledgeable, he ends up spending about nine weeks out of the year at the other North American extrusion plants owned by your client, generally three weeks in Oregon, three weeks in Missouri, and three weeks in Guadalajara. Provided he can remain in the United States, it is anticipated that he will serve in the same role or a very similar role for many years.

Lone Star Extrusion has indicated that the minimum requirements for the posting of Production Manager are a bachelor's degree in electrical or mechanical engineering and 15 years of experience as a production manager, including five years of experience working with Lone Star Extrusion's proprietary extrusion machinery and process.

Philip's current salary is \$90,000 and it is envisioned that in two years his salary would be in the neighborhood of \$95,000. Lone Star Extrusion has indicated to you informally that if it would make a big difference in the immigration process, they would be willing to go up to something like \$98,000.

Because he was born in the Philippines and therefore is chargeable to the Philippines for immigrant visa purposes, it is important that Philip be EB-2, since the cutoff date for EB-3 Philippines in the visa bulletin is in 2008 and by the time they could adjust status his daughter Clementine would have aged out.

Scenario 1: Philip – Prevailing Wage Printouts



Wage Library
Quick Search
Search Wizard

FLC Wage Results New Quick Search New Search Wizard

You selected the All Industries database for 7/2015 - 6/2016.

Your search returned the following: Print Format

**Case Disclosure
Data Archive**

H1B Data
H2A Data
H2B Data
Perm Data

Area Code: 19124
Area Title: Dallas-Plano-Irving, TX Metropolitan Division
OES/SOC Code: 17-2071
OES/SOC Title: Electrical Engineers
GeoLevel: 1
Level 1 Wage: \$30.64 hour - \$63,731 year
Level 2 Wage: \$37.44 hour - \$77,875 year
Level 3 Wage: \$44.23 hour - \$91,998 year
Level 4 Wage: \$51.03 hour - \$106,142 year
Mean Wage (H-2B): \$44.24 hour - \$92,019 year

Also available:
File Archive

Skill Level
Explanation

This wage applies to the following O*Net occupations:

17-2071.00 Electrical Engineers

SVP Explanation

Research, design, develop, test, or supervise the manufacturing and installation of electrical equipment, components, or systems for commercial, industrial, military, or scientific use.
O*Net™ JobZone: 4
Education & Training Code: 5-Bachelor's degree

FLC Wage Data
updated
July 1, 2015

For information on determining the proper occupation and wage level see the new Prevailing Wage Guidance on the Skill Level page.

Job Zones
updated
January 6, 2016
See change
history

The prevailing wage must be at, or above the federal or state or local minimum wage, whichever is higher. The federal minimum wage is \$7.25/hr effective July 24, 2009.

Technical Support
& Help FAQ page.



Wage Library
Quick Search
Search Wizard

FLC Wage Results New Quick Search New Search Wizard

You selected the All Industries database for 7/2015 - 6/2016.

Your search returned the following: Print Format

Case Disclosure
Data Archive

H1B Data
H2A Data
H2B Data
Perm Data

Area Code: 19124
Area Title: Dallas-Plano-Irving, TX Metropolitan Division
OES/SOC Code: 11-9041
OES/SOC Title: Architectural and Engineering Managers
GeoLevel: 1
Level 1 Wage: \$46.02 hour - \$95,722 year
Level 2 Wage: \$56.65 hour - \$117,832 year
Level 3 Wage: \$67.29 hour - \$139,963 year
Level 4 Wage: \$77.92 hour - \$162,074 year
Mean Wage (H-2B): \$67.29 hour - \$139,963 year

Also available:
File Archive

Skill Level
Explanation

This wage applies to the following O*Net occupations:

11-9041.00 Architectural and Engineering Managers

SVP Explanation

Plan, direct, or coordinate activities in such fields as architecture and engineering or research and development in these fields.

FLC Wage Data
updated
July 1, 2015

O*Net™ JobZone: 5
Education & Training Code: 4-Work experience, plus a bachelor's or higher degree

Job Zones
updated
January 6, 2016
See change
history

11-9041.01 Biofuels/Biodiesel Technology and Product Development Managers

Define, plan, or execute biofuels/biodiesel research programs that evaluate alternative feedstock and process technologies with near-term commercial potential.

Technical Support
& Help FAQ page.

O*Net™ JobZone: 4
Education & Training Code: No Level Set

For information on determining the proper occupation and wage level see the new Prevailing Wage Guidance on the Skill Level page.

The prevailing wage must be at, or above the federal or state or local minimum wage, whichever is higher. The federal minimum wage is \$7.25/hr effective July 24, 2009.



Wage Library
Quick Search
Search Wizard

FLC Wage Results New Quick Search New Search Wizard

You selected the All Industries database for 7/2015 - 6/2016.

Your search returned the following: Print Format

Case Disclosure Data Archive

H1B Data
H2A Data
H2B Data
Perm Data

Also available:
File Archive

Area Code: 19124
Area Title: Dallas-Plano-Irving, TX Metropolitan Division
OES/SOC Code: 11-3051
OES/SOC Title: Industrial Production Managers
GeoLevel: 1
Level 1 Wage: \$29.27 hour - \$60,882 year
Level 2 Wage: \$39.57 hour - \$82,306 year
Level 3 Wage: \$49.86 hour - \$103,709 year
Level 4 Wage: \$60.16 hour - \$125,133 year
Mean Wage (H-2B): \$49.87 hour - \$103,730 year

Skill Level
Explanation

This wage applies to the following O*Net occupations:

SVP Explanation

11-3051.00 Industrial Production Managers

Plan, direct, or coordinate the work activities and resources necessary for manufacturing products in accordance with cost, quality, and quantity specifications.

FLC Wage Data
updated
July 1, 2015

O*Net™ JobZone: 4

Education & Training Code: 5-Bachelor's degree

Job Zones
updated
January 6, 2016
See change
history

11-3051.01 Quality Control Systems Managers

Plan, direct, or coordinate quality assurance programs. Formulate quality control policies and control quality of laboratory and production efforts.

O*Net™ JobZone: 4

Education & Training Code: No Level Set

Technical Support
& Help FAQ page.

11-3051.02 Geothermal Production Managers

Manage operations at geothermal power generation facilities. Maintain and monitor geothermal plant equipment for efficient and safe plant operations.

O*Net™ JobZone: 3

Education & Training Code: No Level Set

11-3051.03 Biofuels Production Managers

Manage biofuels production and plant operations. Collect and process information on plant production and performance, diagnose problems, and design corrective procedures.

O*Net™ JobZone: NA

Education & Training Code: No Level Set

11-3051.04 Biomass Power Plant Managers

Manage operations at biomass power generation facilities. Direct work activities at plant, including supervision of operations and maintenance staff.

O*Net™ JobZone: 4

Education & Training Code: No Level Set

11-3051.05 Methane/Landfill Gas Collection System Operators

Direct daily operations, maintenance, or repair of landfill gas projects, including maintenance of daily logs, determination of service priorities, and compliance with reporting requirements.

O*Net™ JobZone: NA

Education & Training Code: No Level Set

11-3051.06 Hydroelectric Production Managers

Manage operations at hydroelectric power generation facilities. Maintain and monitor hydroelectric plant equipment for efficient and safe plant operations.

O*Net™ JobZone: NA

Education & Training Code: No Level Set

For information on determining the proper occupation and wage level see the new Prevailing Wage Guidance on the Skill Level page.

The prevailing wage must be at, or above the federal or state or local minimum wage, whichever is higher. The federal minimum wage is \$7.25/hr effective July 24, 2009.

The Foreign Labor Certification Data Center is developed and maintained by the State of Utah under contract with the US Department of Labor, Office of Foreign Labor Certification.

Sample Notice of Filing

**NOTICE OF FILING OF APPLICATIONS UNDER THE U.S. DEPARTMENT OF
LABOR'S PERMANENT LABOR CERTIFICATION PROGRAM**

Applications concerning the employment of alien workers for the following permanent position will be filed with the Department of Labor. This Notice of Filing will be posted for 10 consecutive business days, ending between 30 and 180 days before filing the permanent labor certification applications.

EMPLOYER

Lone Star Extrusion Corporation

POSITION TITLE

Extrusion Production Manager

LOCATION OF EMPLOYMENT

Plano, Texas

POSITION DUTIES

Responsible for production, operations, technology, maintenance, training, safety, and quality assurance for the three extrusion lines, including troubleshooting electrical and mechanical problems, and coordinating the work of production employees and production line supervisors according to lean manufacturing principles.

- Would you word this any differently?
- Add anything else?

REQUIRES

Bachelor's degree or foreign equivalent in electrical engineering or mechanical engineering, plus two years of extrusion production management experience.

- Would you word this any differently?
- Add anything else?

SPECIAL REQUIREMENTS

The required extrusion production management experience must have included (1) troubleshooting electrical and mechanical problems for extruders, cooling systems, chillers, coilers/winders, packaging equipment, and plant electrical systems; and (2) implementing lean manufacturing practices for extrusion production.

- **Would you word this any differently?**
- **Add anything else?**

RATE OF PAY

\$xx,xxx to \$xxx,xxx per year depending on experience.

The employer will pay or exceed the prevailing wage, as determined by the U.S. Department of Labor.

EMPLOYER CONTACT

Samantha Houston
VP Human Resources
Lone Star Extrusion Corp.
76 Eagles Avenue
Plano, TX 75124
(972) 360-9292

This notice is provided in compliance with 20 CFR 656.10(d). Any person may provide documentary evidence bearing on the application to the Certifying Officer of the U.S. Department of Labor. The contact information for the U.S. Department of Labor Certifying Officer is as follows:

Certifying Officer
United States Department of Labor
Employment and Training Administration
Atlanta National Processing Center
Harris Tower
233 Peachtree Street, N.E., Suite 410
Atlanta, Georgia 30303
Telephone: (404) 893-0101 FAX: (404) 893-4642

This notice is being provided to workers in the place of intended employment by the following means:

 X Posting a clearly visible and unobstructed notice, for at least ten (10) consecutive business days, in conspicuous location(s) in the workplace, where the employer's U.S. workers can readily read the posted notice, including but not limited to locations in the immediate vicinity of the wage and hour notices.

AND

 ?? Publishing the notice in any and all in-house media, whether electronic or printed, in accordance with the normal procedures used for the recruitment of similar positions in the employer's organization.

THIS PAGE NOT POSTED – SEE INSTRUCTIONS BELOW

1. INSERT DATE POSTED AND LOCATIONS UPON POSTING. INSERT DATE REMOVED UPON REMOVAL. DO NOT REMOVE UNTIL NOTICE HAS BEEN POSTED FOR MINIMUM OF **10 BUSINESS DAYS** – MAKE SURE YOU DIDN'T COUNT A HOLIDAY OR WEEKEND AS A BUSINESS DAY. TO BE SAFE – POST FOR 16 CALENDAR DAYS AND BETTER YET JUST KEEP IT POSTED FOR A MONTH OR TWO.
2. MAKE SURE TO RETAIN DOCUMENTATION OF IN-HOUSE NOTICE, IF APPLICABLE. THIS INCLUDES DATED HARD COPY OR DATED PRINTOUTS OF THE IN-HOUSE MEDIA CONTAINING THE ABOVE NOTICE.
3. SIGN AND DATE.

DATE POSTED

_____, 2014

DATE REMOVED

_____, 2014

LOCATIONS WHERE THE NOTICE WAS POSTED (**WRITE IN BELOW EXACTLY WHERE** - e.g., "Cafeteria bulletin board at 48 Maple Street")

MEANS OF IN-HOUSE NOTICE, if applicable

EXPLANATION OF ANY LACK OF IN-HOUSE NOTICE, if applicable

I attest, under penalty of perjury, that the above notice was provided as shown.

PRINTED NAME AND TITLE:

Samantha Houston
VP Human Resources

SIGNATURE: _____

DATE

Sample PERM/I-140 Questionnaire

PRELIMINARY EB-2/EB-3 PERM/I-140 QUESTIONNAIRE

Contact/Background Information (For completion by EMPLOYEE)

Today's date: _____

Name: _____ E-mail Address: _____

Title: _____

Office Phone: _____ Fax: _____

Office Address: _____

Supervisor's Name: _____

Supervisor's Title: _____

Supervisor's Office Phone: _____

Supervisor's Fax: _____

Supervisor's Office Address: _____

Personal Information (For completion by EMPLOYEE)

Full Name: _____
(First Name) (Middle Name) (Family Name)

All Other Names Used (including names by previous marriages): _____

U.S. Home Address: _____

Home Phone Number: _____

Date of Birth: _____ Place of Birth: _____
(Month / Day / Year) (City / State / Country)

U.S. Social Security #: _____ Nationality(ies): _____

U.S. Alien Registration Number ("A#") (if any): _____ ☐ Male ☐ Female

Date of First Arrival in U.S.: _____ Status on Entry (i.e. H-1 / L / F): _____
(Month / Day / Year)

Date of most recent arrival to U.S.: _____ Status on Entry: _____
(Month / Day / Year)

Form I-94#: _____ Current Immigration Status: _____

Expiration of Status as shown on Form I-94: _____
(Month / Day / Year)

Have you held Nonimmigrant Worker Status before? ☐ Yes ☐ No

If yes, please list:

Status: _____ Employer: _____ Status valid from: _____ to _____
(Mo/Day/Yr) (Mo/Day/Yr)

Status: _____ Employer: _____ Status valid from: _____ to _____
(Mo/Day/Yr) (Mo/Day/Yr)

Status: _____ Employer: _____ Status valid from: _____ to _____
(Mo/Day/Yr) (Mo/Day/Yr)

Has your current or former employer previously filed a labor certification on your behalf? ☐ Yes ☐ No
If so, please provide approximate date of filing: _____

If Applicable:

Home Phone in Home Country: _____ Work Phone in Home Country: _____

Foreign Address: _____

If not in the U.S. list the U.S. Consulate nearest to you: _____
(City / Country)

Marital status: ☐ Married ☐ Single ☐ Widowed ☐ Divorced ☐ Separated

If applicable, list names of spouse and eligible dependents:

A.
Name: _____ Relationship: _____
(First Name) (Middle Name) (Family Name)

Date of Birth: _____ Country of Birth: _____
(Month / Day / Year)

B.
Name: _____ Relationship: _____
(First Name) (Middle Name) (Family Name)

Date of Birth: _____ Country of Birth: _____
(Month / Day / Year)

C.
Name: _____ Relationship: _____
(First Name) (Middle Name) (Family Name)

Date of Birth: _____ Country of Birth: _____
(Month / Day / Year)

D.
Name: _____ Relationship: _____
(First Name) (Middle Name) (Family Name)

Date of Birth: _____ Country of Birth: _____
(Month / Day / Year)

Please attach one copy each of the following DOCUMENTS:

- Current resume including your education and employment histories
- Copy of your baccalaureate, masters, and doctorate degrees
- Copy of transcripts from university program(s)
- Copy of passport, I-94 card, all U.S. immigration-related documents for you, spouse and dependents (approval notices, receipt notices, EADs, etc.)
- If available, letters verifying previous employment (if not available, such letters must be obtained – we will help draft such letters).

Please complete the following with information regarding your education.

Name and full address of school, college or university attended:	Dates attended (Mo/Day/Yr): Please include date of start and finish:	Degree or certificate received: Field of Study:

Please complete the following detailed description of your work history. Be sure to provide all information requested.

List all jobs held prior to joining your current employer. Begin with current employment and work back. Be sure to describe any prior work related to the occupation for which the company is seeking certification. If you need additional space, please prepare a supplement.

A.

Name of Employer: _____

Address of Employer: _____
(COMPLETE ADDRESS, INCLUDING POSTAL CODE)

Telephone Number of Employer (including country code): _____

Name of Job: _____

Supervisor's Name: _____

Date Started: _____ Date Left: _____
(Month / Day /Year) (Month / Day /Year)

Kind of Business: _____

DESCRIBE IN DETAIL THE DUTIES PERFORMED, INCLUDING THE USE OF TOOLS, MACHINES OR EQUIPMENT:

_____ NO. OF HOURS PER WEEK: _____

B.

Name of Employer: _____

Address of Employer: _____
(COMPLETE ADDRESS, INCLUDING POSTAL CODE)

Telephone Number of Employer (including country code): _____

Name of Job: _____
Supervisor's Name: _____
Date Started: _____ Date Left: _____
(Month / Day /Year) (Month / Day /Year)
Kind of Business: _____

DESCRIBE IN DETAIL THE DUTIES PERFORMED, INCLUDING THE USE OF TOOLS, MACHINES OR EQUIPMENT:

_____ NO. OF HOURS PER WEEK: _____

C.

Name of Employer: _____
Address of Employer: _____
(COMPLETE ADDRESS, INCLUDING POSTAL CODE)

Telephone Number of Employer (including country code): _____

Name of Job: _____
Supervisor's Name: _____
Date Started: _____ Date Left: _____
(Month / Day /Year) (Month / Day /Year)
Kind of Business: _____

DESCRIBE IN DETAIL THE DUTIES PERFORMED, INCLUDING THE USE OF TOOLS, MACHINES OR EQUIPMENT:

_____ NO. OF HOURS PER WEEK: _____

D.

Name of Employer: _____
Address of Employer: _____
(COMPLETE ADDRESS, INCLUDING POSTAL CODE)

Telephone Number of Employer (including country code): _____

Name of Job: _____
Supervisor's Name: _____
Date Started: _____ Date Left: _____
(Month / Day /Year) (Month / Day /Year)
Kind of Business: _____

DESCRIBE IN DETAIL THE DUTIES PERFORMED, INCLUDING THE USE OF TOOLS, MACHINES OR EQUIPMENT:

NO. OF HOURS PER WEEK: _____

ADMISSIBILITY
(FOR COMPLETION BY EMPLOYEE)

EXCEPT AS OTHERWISE PROVIDED BY LAW, ALIENS WITHIN THE
FOLLOWING CLASSIFICATIONS ARE INELIGIBLE TO RECEIVE A VISA.
DO ANY OF THE FOLLOWING CLASSES APPLY TO YOU, YOUR SPOUSE OR DEPENDENTS? IF YES,
PLEASE EXPLAIN.

An alien who has a communicable disease of public health significance; who has failed to present documentation of having received vaccinations in accordance with U.S. law; who has or has had a physical or mental disorder that poses or is likely to pose a threat to the safety or welfare of the alien or others; or who is a drug abuser or addict.
[212(a)(1)]

☐ Yes ☐ No

An alien convicted of, or who admits having committed a crime involving moral turpitude or violation of any law relating to a controlled substance; who has been convicted of 2 or more offenses for which the aggregate sentences were 5 years or more; who is coming to the United States to engage in prostitution or commercialized vice or who has engaged in prostitution or procuring within the past 10 years; who is or has been an illicit trafficker in any controlled substance; or who has committed a serious criminal offense in the United States and who has asserted immunity from prosecution.
[212(a)(2)]

☐ Yes ☐ No

An alien who seeks to enter the United States to engage in espionage, sabotage, export control violations, terrorist activities, overthrow of the Government of the United States or other unlawful activity; who is a member of or affiliated with the Communist or other totalitarian party; who participated in Nazi persecutions or genocide; or who has engaged in genocide. Are you a member or representative of a terrorist organization as currently designated by the U.S. Secretary of State? [212(a)(3)]

☐ Yes ☐ No

An alien who is likely to become a public charge. [212(a)(4)]

☐ Yes ☐ No

An alien who failed to attend a hearing on deportation or inadmissibility within the last 5 years; who seeks or has sought a visa, entry into the United States, or any immigration benefit by fraud or misrepresentation; who knowingly assisted any other alien to enter or try to enter the United States in violation of law; who, after November 30, 1996, attended on student (F) visa status a U.S. public elementary school or who attended a U.S. public secondary school without reimbursing the school; or who is subject to a civil penalty under INA 274C. [212(a)(6)]

☐ Yes ☐ No

An alien who is permanently ineligible to U.S. citizenship; or who departed the United States to evade military service in time of war. [212(a)(8)]

☐ Yes ☐ No

An alien previously ordered removed within 5 years or ordered removed a second time within 20 years; who was previously unlawfully present and ordered removed within 10 years or ordered removed a second time within 20 years; who was convicted of an

☐ Yes ☐ No

aggravated felony and ordered removed; who was previously unlawfully present in the United States for more than 180 days but less than one year who voluntarily departed within the last 3 years; or who was unlawfully present for more than one year or an aggregate of one year within the last 10 years. [212(a)(9)]

An alien who is coming to the United States to practice polygamy; who withholds custody of a U.S. citizen child outside the United States from a person granted legal custody by a U.S. court; who has voted in the United States in violation of any law or regulation; or who renounced U.S. citizenship to avoid taxation. [212(a)(10)]

☐ Yes

☐ No

An alien who is a former exchange visitor who has not fulfilled the 2-year foreign residence requirement. [212(e)]

☐ Yes

☐ No

An alien physically present in the United States within 90 days who was not maintaining lawful nonimmigrant status at the time of departure. [212(o)]

☐ Yes

☐ No

An alien determined by the Attorney General to have knowingly made a frivolous application for asylum. [208(d)(6)]

☐ Yes

☐ No

“MINIMUM AND SPECIAL REQUIREMENTS”
TO BE COMPLETED BY MANAGER AND FOREIGN NATIONAL APPLICANT

Manager – Please include specialized knowledge, specific expertise, skills, or experience in certain types of hardware, software, operating systems, programming languages, tools, etc. Please note that requirements may NOT be included in the PERM Application if the employee gained this experience at your company in a similar position.

Employee – For any special requirements listed in the labor certification, we must verify where you gained the required experience or knowledge. Verification will either be in the form of a letter from previous employer(s) or by a course catalog.

Manager to complete first two columns:		Employee completes this column:
<u>Education:</u> <i>(Enter minimum level of education required)</i> Level (e.g. Masters): Field of Study:	Explain why required:	Your degree/field <i>(include name and address of institution where degree obtained)</i> :
<i>If alternate field of education and years of experience acceptable, please include here:</i>		
<u>Work Experience:</u> Amount (months or years): Particular type/field?	Explain why required:	When/where you satisfied this requirement (e.g. “XYZ Company 3/92 – 2/93.” Note, part time work may be counted only as ratio of full time):
<u>Special Requirements</u> (Background in):	Explain why required:	Where you gained this experience or knowledge e.g., “two years with Employer X” or “course number YYY.” Include course numbers and titles where applicable.
1.		1.
2.		2.
3.		3.
4.		4.

FOR COMPLETION BY MANAGER

Name of Employee: _____

Hire Date: _____

Salary: _____ Work Hours: _____ a.m. _____ p.m.

Job Title: _____

JOB DUTIES

Description of job duties to be carried out over a long-term period (please list at least 4-7 job duties):

Full address of primary work location:

Full address of other regular work locations:

Nature of any travel requirements:

Number of employees your employee will supervise: _____

Job titles of supervised employees: _____

Has the employer had any layoffs for this or a related occupation within the past six months?

☐ YES ☐ NO

If so, please explain: _____

Prevailing Wage Calculation Chart

Appendix B: Check Sheet for Use in Determining OES Wage Level

Indicator	Job Offer Requirements	O*NET-Usual Requirements	Instruction	Wage Level Result
Step 1. Requirements				1
Step 2. Experience	Enter the years of experience required by the employer.	Job Zone (overall experience, job training)	If the years of required experience in the job order are greater than the low end of the O*NET usual requirements, enter 1, 2, or 3.	
Step 3. Education	Enter the education or training required by the employer.	Professional Occupations Appendix D Other occupations - Job Zone (overall experience, job training, education)	If the years of required education in the job order are greater than the Categories for Professional Occupations OR O*NET usual requirements for non-professional occupations, enter 1 or 2.	
Step 4. Special Skills (Y/N)	Note special requirements from the job description or other special requirements including licensure or certification.	O*NET Tasks, Knowledge, and Work Activities. National or state licensing/certification requirements.	Consider if skills, knowledge, work activities, tasks, licensure or certification requirements indicate a higher level of complexity or decision-making. Enter 1 or 2 as appropriate.	
Step 5. Supervisory duties (Y/N)	Note any supervisory duties indicated in the job duties or description.		If Yes, enter a 1 – UNLESS supervision is generally required by the O*NET occupation.	
			Sum:	

Appendix C: Worksheet for Use in Determining OES Wage Level

Employer's Job Title:

O*NET Title:

Date:

O*NET Code:

Reviewer:

Indicator	Job Offer Requirements	O*NET-Usual Requirements	Comments	Wage Level Result
Step 1. Requirements				1
Step 2. Experience				
Step 3. Education				
Step 4. Special Skills and Other Requirements? (Y/N)				
Step 5. Supervisory duties (Y/N)				
			Sum:	

Blank Form 9141

Application for Prevailing Wage Determination
ETA Form 9141
U.S. Department of Labor



Please read and review the instructions carefully before completing this form and print legibly. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/>.

A. Employment-Based Visa Information

1. Indicate the type of visa classification supported by this application (<i>Write classification symbol</i>): *	
---	--

B. Requestor Point-of-Contact Information

1. Contact's last (family) name *	2. First (given) name *	3. Middle name(s) *
4. Contact's job title *		
5. Address 1 *		
6. Address 2		
7. City *	8. State *	9. Postal code *
10. Country *	11. Province (if applicable)	
12. Telephone number *	13. Extension	14. Fax Number
15. E-Mail Address		

C. Employer Information

1. Legal business name *		
2. Trade name/Doing Business As (DBA), if applicable §		
3. Address 1 *		
4. Address 2		
5. City *	6. State *	7. Postal code *
8. Country *	9. Province (if applicable)	
10. Telephone number *	11. Extension	
12. Federal Employer Identification Number (FEIN from IRS) *	13. NAICS code (must be at least 4-digits) *	

D. Wage Processing Information

1. Is the employer covered by ACWIA? *	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the position covered by a Collective Bargaining Agreement (CBA)? *	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Is the employer requesting consideration of Davis-Bacon (DBA) or McNamara Service Contract (SCA) Acts? *	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DBA <input type="checkbox"/> SCA

Application for Prevailing Wage Determination
ETA Form 9141
U.S. Department of Labor



D. Wage Processing Information (cont.)

4. Is the employer requesting consideration of a survey in determining the prevailing wage? *	<input type="checkbox"/> Yes <input type="checkbox"/> No
4a. Survey Name: §	
4b. Survey date of publication: §	

E. Job Offer Information

a. Job Description:

1. Job Title *	
2. Suggested SOC (ONET/OES) code *	2a. Suggested SOC (ONET/OES) occupation title *
3. Job Title of Supervisor for this Position (if applicable) §	
4. Does this position supervise the work of other employees? * <input type="checkbox"/> Yes <input type="checkbox"/> No	4a. If "Yes", number of employees worker § will supervise: _____
4b. If "Yes", please indicate the level of the employees to be supervised:	<input type="checkbox"/> Subordinate <input type="checkbox"/> Peer
5. Job duties – Please provide a description of the duties to be performed with as much specificity as possible, including details regarding the areas/fields and/or products/industries involved. A description of the job duties to be performed MUST begin in this space. *	
6. Will travel be required in order to perform the job duties? * <input type="checkbox"/> Yes <input type="checkbox"/> No	6a. If "Yes", please provide details of the travel required, such as the area(s), frequency and nature of the travel. §

Application for Prevailing Wage Determination
ETA Form 9141
U.S. Department of Labor



E. Job Offer Information (cont.)

b. Minimum Job Requirements:

1. Education: minimum U.S. diploma/degree required *	
<input type="checkbox"/> None <input type="checkbox"/> High School/GED <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate (PhD) <input type="checkbox"/> Other degree (JD, MD, etc.)	
1a. If "Other degree" in question 1, specify the diploma/degree required §	1b. Indicate the major(s) and/or field(s) of study required § (May list more than one related major and more than one field)
2. Does the employer require a second U.S. diploma/degree? *	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
2a. If "Yes" in question 2, indicate the second U.S. diploma/degree and the major(s) and/or field(s) of study required §	
3. Is training for the job opportunity required? *	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
3a. If "Yes" in question 3, specify the number of <u>months</u> of training required §	3b. Indicate the field(s)/name(s) of training required § (May list more than one related field and more than one type)
4. Is employment experience required? *	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
4a. If "Yes" in question 4, specify the number of <u>months</u> of experience required §	4b. Indicate the occupation required §
5. Special Requirements - List specific skills, licenses/certificates/certifications, and requirements of the job opportunity. *	

c. Place of Employment Information:

1. Worksite address 1 *	
2. Address 2	
3. City *	4. County *
5. State/District/Territory *	6. Postal code *
7. Will work be performed in multiple worksites within an area of intended employment or a location(s) other than the address listed above? *	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
7a. If "Yes", identify the geographic place(s) of employment indicating each metropolitan statistical area (MSA) or the independent city(ies)/township(s)/county(ies) (borough(s)/parish(es)) and the corresponding state(s) where work will be performed. If necessary, submit a second completed ETA Form 9141 with a listing of the additional anticipated worksites. Please note that wages cannot be provided for unspecified/unanticipated locations. §	

Application for Prevailing Wage Determination
ETA Form 9141
U.S. Department of Labor



F. Prevailing Wage Determination

FOR OFFICIAL GOVERNMENT USE ONLY	
1. PW tracking number	2. Date PW request received
3. SOC (ONET/OES) code	3a. SOC (ONET/OES) occupation title
4. Prevailing wage \$ _____ . _____	4a. OES Wage level <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> N/A
5. Per: (Choose only one) <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input type="checkbox"/> Year <input type="checkbox"/> Piece Rate	
5a. If Piece Rate is indicated in question 2, specify the wage offer requirements :*	
6. Prevailing wage source (Choose only one) <input type="checkbox"/> OES (All Industries) <input type="checkbox"/> OES (ACWIA – Higher Education) <input type="checkbox"/> CBA <input type="checkbox"/> DBA <input type="checkbox"/> SCA <input type="checkbox"/> Other/Alternate Survey	
6a. If "Other/Alternate Survey" in question 7, specify	
7. Additional Notes Regarding Wage Determination	
8. Determination date	9. Expiration date

F. OMB Paperwork Reduction Act (1205-0508)

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Respondent's reply to these reporting requirements is mandatory to obtain the benefits of temporary employment certification (Immigration and Nationality Act, Section 101). Public reporting burden for this collection of information is estimated to average 55 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to the Office of Foreign Labor Certification * U.S. Department of Labor * Room C4312 * 200 Constitution Ave., NW, * Washington, DC * 20210. **Do NOT send the completed application to this address.**

Blank Form 9089



Please read and review the filing instructions before completing this form. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/pdf/9089inst.pdf>

Employing or continuing to employ an alien unauthorized to work in the United States is illegal and may subject the employer to criminal prosecution, civil money penalties or both.

A. Refiling Instructions

1. Are you seeking to utilize the filing date from a previously submitted Application for Alien Employment Certification (ETA 750)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
1-A. If Yes, enter the previous filing date		
1-B. Indicate the previous SWA or local office case number OR if not available, specify state where case was originally filed:		

B. Schedule A or Shepherder Information

1. Is this application in support of a Schedule A or Shepherder Occupation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes, do NOT send this application to the Department of Labor. All applications in support of Schedule A or Shepherder Occupations must be sent directly to the appropriate Department of Homeland Security office.		

C. Employer Information (Headquarters or Main Office)

1. Employer's name			
2. Address 1			
Address 2			
3. City	State/Province	Country	Postal code
4. Phone number		Extension	
5. Number of employees		6. Year commenced business	
7. FEIN(Federal Employer Identification Number)		8. NAICS Code	
9. Is the employer a closely held corporation, partnership, or sole proprietorship in which the alien has an ownership interest, or is there a familial relationship between the owners, stockholders, corporate officers, incorporators, or partners, and the alien?			<input type="checkbox"/> Yes <input type="checkbox"/> No

D. Employer Contact Information (This section must be filled out. This information must be different from the agent or attorney information listed in Section E).

1. Contact's last name	First name	Middle initial	
2. Address 1			
Address 2			
3. City	State/Province	Country	Postal code
4. Phone number		Extension	
5. E-mail address			



E. Agent or Attorney Information (If applicable)

1. Agent or attorney's last name	First name	Middle initial	
2. Firm name			
3. Firm EIN	4. Phone number	Extension	
5. Address 1			
Address 2			
6. City	State/Province	Country	Postal code
7. E-mail address			

F. Prevailing Wage Information (as provided by the State Workforce Agency)

1. Prevailing wage tracking number (if applicable)	2. SOC/O*NET(OES) code
3. Occupation Title	4. Skill Level
5. Prevailing wage \$ Per: (Choose only one) <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input type="checkbox"/> Year	
6. Prevailing wage source (Choose only one) <input type="checkbox"/> OES <input type="checkbox"/> CBA <input type="checkbox"/> Employer Conducted Survey <input type="checkbox"/> DBA <input type="checkbox"/> SCA <input type="checkbox"/> Other	
6-A. If Other is indicated in question 6, specify:	
7. Determination date	8. Expiration date

G. Wage Offer Information

1. Offered wage	
From: \$	To: (Optional) \$
Per: (Choose only one) <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input type="checkbox"/> Year	

H. Job Opportunity Information (Where work will be performed)

1. Primary worksite (where work is to be performed) address 1		
Address 2		
2. City	State	Postal code
3. Job title		
4. Education: minimum level required: <input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other		
4-A. If Other is indicated in question 4, specify the education required:		
4-B. Major field of study		
5. Is training required for the job opportunity? <input type="checkbox"/> Yes <input type="checkbox"/> No		5-A. If Yes, number of months of training required:



H. Job Opportunity Information Continued

5-B. Indicate the field of training:	
6. Is experience in the job offered required for the job? <input type="checkbox"/> Yes <input type="checkbox"/> No 6-A. If Yes, number of months experience required:	
7. Is there an alternate field of study that is acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	
7-A. If Yes, specify the major field of study:	
8. Is there an alternate combination of education and experience that is acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	
8-A. If Yes, specify the alternate level of education required: <input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other	
8-B. If Other is indicated in question 8-A, indicate the alternate level of education required:	
8-C. If applicable, indicate the number of years experience acceptable in question 8:	
9. Is a foreign educational equivalent acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	
10. Is experience in an alternate occupation acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No 10-A. If Yes, number of months experience in alternate occupation required:	
10-B. Identify the job title of the acceptable alternate occupation:	
11. Job duties – If submitting by mail, add attachment if necessary. Job duties description must begin in this space.	
12. Are the job opportunity's requirements normal for the occupation? <i>If the answer to this question is No, the employer must be prepared to provide documentation demonstrating that the job requirements are supported by business necessity.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
13. Is knowledge of a foreign language required to perform the job duties? <i>If the answer to this question is Yes, the employer must be prepared to provide documentation demonstrating that the language requirements are supported by business necessity.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
14. Specific skills or other requirements – If submitting by mail, add attachment if necessary. Skills description must begin in this space.	



H. Job Opportunity Information Continued

15. Does this application involve a job opportunity that includes a combination of occupations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
16. Is the position identified in this application being offered to the alien identified in Section J?	<input type="checkbox"/> Yes <input type="checkbox"/> No
17. Does the job require the alien to live on the employer's premises?	<input type="checkbox"/> Yes <input type="checkbox"/> No
18. Is the application for a live-in household domestic service worker?	<input type="checkbox"/> Yes <input type="checkbox"/> No
18-A. If Yes, have the employer and the alien executed the required employment contract and has the employer provided a copy of the contract to the alien?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

I. Recruitment Information

a. Occupation Type – All must complete this section.

1. Is this application for a professional occupation, other than a college or university teacher? Professional occupations are those for which a bachelor's degree (or equivalent) is normally required.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is this application for a college or university teacher? If Yes, complete questions 2-A and 2-B below.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2-A. Did you select the candidate using a competitive recruitment and selection process?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2-B. Did you use the basic recruitment process for professional occupations?	<input type="checkbox"/> Yes <input type="checkbox"/> No

b. Special Recruitment and Documentation Procedures for College and University Teachers – Complete only if the answer to question I.a.2-A is Yes.

3. Date alien selected:
4. Name and date of national professional journal in which advertisement was placed:
5. Specify additional recruitment information in this space. Add an attachment if necessary.

c. Professional/Non-Professional Information – Complete this section unless your answer to question B.1 or I.a.2-A is YES.

6. Start date for the SWA job order	7. End date for the SWA job order
8. Is there a Sunday edition of the newspaper in the area of intended employment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Name of newspaper (of general circulation) in which the first advertisement was placed:	
10. Date of first advertisement identified in question 9:	
11. Name of newspaper or professional journal (if applicable) in which second advertisement was placed: <div style="text-align: right;"><input type="checkbox"/> Newspaper <input type="checkbox"/> Journal</div>	



I. Recruitment Information Continued

12. Date of second newspaper advertisement or date of publication of journal identified in question 11:

d. Professional Recruitment Information – Complete if the answer to question I.a.1 is YES or if the answer to I.a.2-B is YES. Complete at least 3 of the items.

13. Dates advertised at job fair From: To:	14. Dates of on-campus recruiting From: To:
15. Dates posted on employer web site From: To:	16. Dates advertised with trade or professional organization From: To:
17. Dates listed with job search web site From: To:	18. Dates listed with private employment firm From: To:
19. Dates advertised with employee referral program From: To:	20. Dates advertised with campus placement office From: To:
21. Dates advertised with local or ethnic newspaper From: To:	22. Dates advertised with radio or TV ads From: To:

e. General Information – All must complete this section.

23. Has the employer received payment of any kind for this submission of this application?	<input type="checkbox"/> Yes <input type="checkbox"/> No
23-A. If Yes, describe details of the payment including the amount, date and purpose of the payment :	
24. Has the bargaining representative for workers in the occupation in which the alien will be employed been provided with notice of this filing at least 30 days but not more than 180 days before the date the application is filed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
25. If there is no bargaining representative, has a notice of this filing been posted for 10 business days in a conspicuous location at the place of employment, ending at least 30 days before but not more than 180 days before the date the application is filed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
26. Has the employer had a layoff in the area of intended employment in the occupation involved in this application or in a related occupation within the six months immediately preceding the filing of this application?	<input type="checkbox"/> Yes <input type="checkbox"/> No
26-A. If Yes, were the laid off U.S. workers notified and considered for the job opportunity for which certification is sought?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

J. Alien Information (This section must be filled out. This information must be different from the agent or attorney information listed in Section E).

1. Alien's last name	First name	Full middle name	
2. Current address 1			
Address 2			
3. City	State/Province	Country	Postal code
4. Phone number of current residence			
5. Country of citizenship		6. Country of birth	
7. Alien's date of birth		8. Class of admission	
9. Alien registration number (A#)		10. Alien admission number (I-94)	
11. Education: highest level achieved as required by the requested job opportunity: <input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other			



J. Alien Information Continued

11-A. If Other indicated in question 11, specify			
12. Specify major field(s) of study			
13. Year relevant education completed			
14. Institution where relevant education specified in question 11 was received			
15. Address 1 of conferring institution			
Address 2			
16. City	State/Province	Country	Postal code
17. Did the alien complete the training required for the requested job opportunity, as indicated in question H.5?		<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> NA
18. Does the alien have the experience as required for the requested job opportunity indicated in question H.6?		<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> NA
19. Does the alien possess the alternate combination of education and experience as indicated in question H.8?		<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> NA
20. Does the alien have the experience in an alternate occupation specified in question H.10?		<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> NA
21. Did the alien gain any of the qualifying experience with the employer in a position substantially comparable to the job opportunity requested?		<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> NA
22. Did the employer pay for any of the alien's education or training necessary to satisfy any of the employer's job requirements for this position?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
23. Is the alien currently employed by the petitioning employer?		<input type="checkbox"/> Yes	<input type="checkbox"/> No

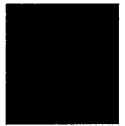
K. Alien Work Experience

List all jobs the alien has held during the past 3 years. Also list any other experience that qualifies the alien for the job opportunity for which the employer is seeking certification.

a. Job 1

1. Employer name			
2. Address 1			
Address 2			
3. City	State/Province	Country	Postal code
4. Type of business		5. Job title	
6. Start date	7. End date	8. Number of hours worked per week	

Job 1 continued on next page



U.S. Department of Labor

K. Alien Work Experience Continued

9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)

b. Job 2

1. Employer name			
2. Address 1			
Address 2			
3. City	State/Province	Country	Postal code
4. Type of business		5. Job title	
6. Start date	7. End date	8. Number of hours worked per week	
9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)			

c. Job 3

1. Employer name			
2. Address 1			
Address 2			
3. City	State/Province	Country	Postal code
4. Type of business		5. Job title	
6. Start date	7. End date	8. Number of hours worked per week	

Job 3 continued on next page



K. Alien Work Experience Continued

9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)

L. Alien Declaration

I declare under penalty of perjury that Sections J and K are true and correct. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine or imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.

In addition, I further declare under penalty of perjury that I intend to accept the position offered in Section H of this application if a labor certification is approved and I am granted a visa or an adjustment of status based on this application.

1. Alien's last name	First name	Full middle name
2. Signature		Date signed

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification MUST be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

M. Declaration of Preparer

1. Was the application completed by the employer? If No, you must complete this section.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
---	------------------------------	-----------------------------

I hereby certify that I have prepared this application at the direct request of the employer listed in Section C and that to the best of my knowledge the information contained herein is true and correct. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine, imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.

2. Preparer's last name	First name	Middle initial
3. Title		
4. E-mail address		
5. Signature		Date signed

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification MUST be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.



N. Employer Declaration

By virtue of my signature below, I **HEREBY CERTIFY** the following conditions of employment:

1. The offered wage equals or exceeds the prevailing wage and I will pay at least the prevailing wage.
2. The wage is not based on commissions, bonuses or other incentives, unless I guarantees a wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage.
3. I have enough funds available to pay the wage or salary offered the alien.
4. I will be able to place the alien on the payroll on or before the date of the alien's proposed entrance into the United States.
5. The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.
6. The job opportunity is not:
 - a. Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage; or
 - b. At issue in a labor dispute involving a work stoppage.
7. The job opportunity's terms, conditions, and occupational environment are not contrary to Federal, state or local law.
8. The job opportunity has been and is clearly open to any U.S. worker.
9. The U.S. workers who applied for the job opportunity were rejected for lawful job-related reasons.
10. The job opportunity is for full-time, permanent employment for an employer other than the alien.

I **hereby designate** the agent or attorney identified in section E (if any) to represent me for the purpose of labor certification and, by virtue of my signature in Block 3 below, I **take full responsibility** for the accuracy of any representations made by my agent or attorney.

I **declare** under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge the information contained herein is true and accurate. *I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine or imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.*

1. Last name	First name	Middle initial
2. Title		
3. Signature	Date signed	

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification **MUST** be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

O. U.S. Government Agency Use Only

Pursuant to the provisions of Section 212 (a)(5)(A) of the Immigration and Nationality Act, as amended, I hereby certify that there are not sufficient U.S. workers available and the employment of the above will not adversely affect the wages and working conditions of workers in the U.S. similarly employed.

This Certification is valid from _____ to _____

Signature of Certifying Officer

Date

Signed

Case Number

Filing Date



P. OMB Information

Paperwork Reduction Act Information Control Number 1205-0451

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

Respondent's reply to these reporting requirements is required to obtain the benefits of permanent employment certification (Immigration and Nationality Act, Section 212(a)(5)). Public reporting burden for this collection of information is estimated to average 1¼ hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to the Office of Foreign Labor Certification * U.S. Department of Labor * Room C4312 * 200 Constitution Ave., NW * Washington, DC * 20210.

Do NOT send the completed application to this address.

Q. Privacy Statement Information

In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), you are hereby notified that the information provided herein is protected under the Privacy Act. The Department of Labor (Department or DOL) maintains a System of Records titled Employer Application and Attestation File for Permanent and Temporary Alien Workers (DOL/ETA-7) that includes this record.

Under routine uses for this system of records, case files developed in processing labor certification applications, labor condition applications, or labor attestations may be released as follows: in connection with appeals of denials before the DOL Office of Administrative Law Judges and Federal courts, records may be released to the employers that filed such applications, their representatives, to named alien beneficiaries or their representatives, and to the DOL Office of Administrative Law Judges and Federal courts; and in connection with administering and enforcing immigration laws and regulations, records may be released to such agencies as the DOL Office of Inspector General, Employment Standards Administration, the Department of Homeland Security, and the Department of State.

Further relevant disclosures may be made in accordance with the Privacy Act and under the following circumstances: in connection with federal litigation; for law enforcement purposes; to authorized parent locator persons under Pub. L. 93-647; to an information source or public authority in connection with personnel, security clearance, procurement, or benefit-related matters; to a contractor or their employees, grantees or their employees, consultants, or volunteers who have been engaged to assist the agency in the performance of Federal activities; for Federal debt collection purposes; to the Office of Management and Budget in connection with its legislative review, coordination, and clearance activities; to a Member of Congress or their staff in response to an inquiry of the Congressional office made at the written request of the subject of the record; in connection with records management; and to the news media and the public when a matter under investigation becomes public knowledge, the Solicitor of Labor determines the disclosure is necessary to preserve confidence in the integrity of the Department, or the Solicitor of Labor determines that a legitimate public interest exists in the disclosure of information, unless the Solicitor of Labor determines that disclosure would constitute an unwarranted invasion of personal privacy.

Addendum

H. 11. Job duties

Addendum

H. 14. Specific skills or other requirements

Addendum

I. 5. Specify additional recruitment information in this space

Addendum

K. 9. Job Details

Addendum

K. Alien Work Experience Continued

1. Employer name			
2. Address 1			
Address 2			
3. City	State/Province	Country	Postal code
4. Type of business		5. Job title	
6. Start date	7. End date	8. Number of hours worked per week	
9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)			

1. Employer name			
2. Address 1			
Address 2			
3. City	State/Province	Country	Postal code
4. Type of business		5. Job title	
6. Start date	7. End date	8. Number of hours worked per week	
9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)			

Sample Candidate Questionnaire

LONE STAR EXTRUSION
LABOR CERTIFICATION APPLICATION
FOR
EXTRUSION PRODUCTION MANAGER

CANDIDATE QUESTIONNAIRE

CANDIDATE NAME: _____

CONTACT ATTEMPTS (CONTACTS SHOULD BE MADE WITHIN ONE WEEK OF RECEIPT OF RESUME/APPLICATION):

- | | | |
|----|------------|------------|
| 1. | Date _____ | Time _____ |
| 2. | Date _____ | Time _____ |
| 3. | Date _____ | Time _____ |

If unable to make contact, certified letter sent on _____

SUMMARY OF CONTACT:

INTRODUCTORY QUESTIONS:

- | | | |
|----|---|---|
| 1. | Are you legally authorized to work in the United States? | Yes <input type="checkbox"/>
No <input type="checkbox"/> |
| 2. | Will you now or in the future require sponsorship by Lone Star Extrusion Corporation for employment visa status in order to begin or continue working in the United States? | Yes <input type="checkbox"/>
No <input type="checkbox"/> |
| 3. | The salary range for this position is \$95,000 to \$105,000 per year, depending on experience. Are you interested in the full-time, permanent position of Extrusion Production Manager at a salary within that range? | Yes <input type="checkbox"/>
No <input type="checkbox"/> |
| | 3. (a) If no – if we determined that you met the requirements for this position, and that your experience warranted a salary offer at the maximum of the \$95,000 to \$105,000 range, would that be acceptable to you? | Yes <input type="checkbox"/>
No <input type="checkbox"/> |
| 4. | When are you available to fill the full-time, permanent position of Extrusion Production Manager? _____ | |

IF THE CANDIDATE HAS ANSWERED **NO** TO QUESTION 1 ABOVE OR TO **BOTH QUESTIONS 3 AND 3(a)** ABOVE, OR **YES** TO QUESTION 2 ABOVE, STOP HERE. PLACE YOUR SIGNATURE, TITLE, DATE AND TIME ON THE APPROPRIATE LINES AT THE END OF THIS FORM.

EDUCATION

- (a) Do you have a Bachelor's degree (or the foreign equivalent) or higher in Electrical Engineering or Mechanical Engineering? Yes ☐
No ☐

_____ Bachelor's _____ Master's _____ Doctorate

- (b) **If no to (a) above**, what degree(s) do you have?

- (c) **If no degree**, what is the extent of your formal education in the above fields?

EXPERIENCE

- (a) Do you have at least two years of extrusion production management experience? Yes ☐
No ☐

- (b) If yes, please describe your experience in detail:

(IF KELLOGG APPLICABLE, WHICH IT ISN'T HERE)

SUITABLE COMBINATION OF EDUCATION, EXPERIENCE OR TRAINING

If the candidate does not meet the educational requirement of _____, or the experience requirement of _____, it may be necessary to determine if the combination of the candidate's education, experience or training would enable him/her to competently perform the job following a "reasonable period" of on-the-job training. Accordingly, such candidates should be asked the following:

What other education, experience or training do you have that you feel would enable you to competently perform the duties of this position?

NOTE HERE IN DETAIL NATURE AND LENGTH OF EXPERIENCE.

SPECIAL REQUIREMENTS

You have determined that the following special requirements are essential to the successful performance of this position. Accordingly, all candidates should be asked the following:

- Did your extrusion production management experience include troubleshooting electrical and mechanical problems for extruders, cooling systems, chillers, coilers/winders, packaging equipment, and plant electrical systems?
Yes ☐
No ☐
 - If yes, please describe that experience in detail:
- Did your extrusion production management experience include implementing lean manufacturing practices for extrusion production?
Yes ☐
No ☐
 - If yes, please describe that experience in detail:
- And so forth for each special requirement . . .
Yes ☐
No ☐
 - If yes, please describe that experience in detail:

JOB DUTIES

If the candidate has the required education and experience, it is necessary to determine if the candidate is able to competently perform the job duties listed on the Form 9089. Such candidates should be asked the following questions. **KEEP IN MIND THAT IF THE APPLICANT LACKS A SKILL THAT CAN BE LEARNED DURING A REASONABLE PERIOD OF ON-THE-JOB TRAINING, APPLICANTS WHO LACK ONLY THOSE SKILLS ARE CONSIDERED QUALIFIED.**

Are you able to:

- (a) Job Duty #1
Yes ☐
No ☐
- (b) If yes, explain. If no, what training would you require?

(a) Job Duty #2, and so forth

Yes ☐
No ☐

(b) If yes, explain. If no, what training would you require?

DOCUMENTATION AND REFERENCES

- Are you willing to provide documentation of your education, and your experience performing the duties of this position? Yes ☐
No ☐
- Are you willing to provide specific references? Yes ☐
No ☐

Date

Signature

Time

Name and Title

IF QUALIFIED, REFERENCE CHECK SUMMARY:

Sample Job Duties Comparison Grid

Identify, analyze, synthesize, evaluate key intelligence questions relative to the Key Intelligence Questions (KIQs) and the Intelligence Requirements (IRs) that are derived from them. This process involves identifying and gathering information and then analyzing and synthesizing it to answer the KIQs.									
		0	40	20	40	20	40	20	40
a	Develop list of questions to be addressed in project scope	0	8	12	0	0	0	0	0
b	Use secondary research methods to develop baseline report	0	4	8	0	0	0	0	0
c	Identify target firms and sources to address KIQs and IRs	0	10	12	0	0	0	0	0
d	Establish contact with sources	0	6	15	0	0	0	0	0
e	Obtain necessary information using primary research techniques	0	2	17	0	0	0	0	0
f	Analyze insights and tailor to client specific needs based on client priority	0	4	10	0	0	0	0	0
g	Focus on identifying gaps in information and validate existing intelligence	0	8	11	0	0	0	0	0
h	Develop, structure and analyze client, sources and discuss findings to client	0	40	27	0	0	0	0	0
a	Create blank document structure using client suggested format	0	4	8	0	0	0	0	0
b	Populate existing template with intelligence gathered from primary research	0	6	13	0	0	0	0	0
c	Complete analysis by creating executive summaries using dashboards etc	1	8	7	1	1	1	1	1
d	Conduct quality control check by circulating with project team	1	6	8	1	1	1	1	1
e	Discuss report with executive oversight / project manager for feedback	1	6	11	1	1	1	1	1
f	Incorporate feedback and modify report accordingly	0	4	8	0	0	0	0	0
g	Present findings to client	1	6	12	1	1	1	1	1
h	Present findings to client	3	16	28	6	3	2	2	2
a	Receive feedback on project findings and develop plan to investigate findings	2	6	6	2	2	2	2	2
b	Communicate to client estimated target completion date for questions / concerns	2	8	3	2	2	2	2	2
c	Perform additional primary research and develop solutions to client issues	0	4	8	0	0	0	0	0
d	Modify report / present new findings to client	0	10	9	0	0	0	0	0
e	Identify actionability to solve problems	2	8	5	2	2	2	2	2
f	Identify actionability to solve problems	2	8	5	2	2	2	2	2
g	Identify actionability to solve problems	2	8	5	2	2	2	2	2
h	Identify actionability to solve problems	2	8	5	2	2	2	2	2
a	Identify manpower budget needs based on project revenue etc	8	10	0	0	0	0	0	0
b	Build project team comprised of consultants / analysts etc	6	14	0	0	0	0	0	0
c	Allocate manpower commitments on a weekly basis to team members	3	8	0	0	0	0	0	0
d	Track billable hour usage on weekly basis and adjust commitments accordingly	3	10	0	0	0	0	0	0
e	Coordinate with global affiliate on resource management	7	8	0	0	0	0	0	0
f	Conduct weekly / bi weekly internal meetings to track status of project	0	10	0	0	0	0	0	0
g	Conduct weekly / bi weekly internal meetings to track status of project	0	10	0	0	0	0	0	0
h	Conduct weekly / bi weekly internal meetings to track status of project	0	10	0	0	0	0	0	0
a	Establish regular contact with client teams and manage ad hoc requests etc	6	4	0	0	0	0	0	0
b	Schedule presentations and updates with client for multiple projects	12	4	0	0	0	0	0	0
c	Target development of project teams across all projects managed	4	2	0	0	0	0	0	0
d	Manage manpower needs across all projects	6	2	0	0	0	0	0	0
e	Manage manpower needs across all projects	6	2	0	0	0	0	0	0
f	Manage manpower needs across all projects	6	2	0	0	0	0	0	0
g	Manage manpower needs across all projects	6	2	0	0	0	0	0	0
h	Manage manpower needs across all projects	6	2	0	0	0	0	0	0
a	Receive RFP from client and communicate target delivery date	8	0	0	0	0	0	0	0
b	Understanding project needs and develop background information	12	0	0	0	0	0	0	0
c	Design and structure proposal based on project schedule etc	16	0	0	0	0	0	0	0
d	Discuss with Executive Management team on pricing etc	10	0	0	0	0	0	0	0
e	Discuss with Executive Management team on pricing etc	10	0	0	0	0	0	0	0
f	Discuss with Executive Management team on pricing etc	10	0	0	0	0	0	0	0
g	Discuss with Executive Management team on pricing etc	10	0	0	0	0	0	0	0
h	Discuss with Executive Management team on pricing etc	10	0	0	0	0	0	0	0
a	Build internal capabilities by engaging resources in managed vertical	14	0	0	0	0	0	0	0
b	Develop capabilities presentations / decks for use by business development team	10	0	0	0	0	0	0	0
c	Identify target clients and establish contact for new revenue generation	16	0	0	0	0	0	0	0
d	Take part in client introductions and capabilities discussions	14	0	0	0	0	0	0	0
e	Take part in client introductions and capabilities discussions	14	0	0	0	0	0	0	0
f	Take part in client introductions and capabilities discussions	14	0	0	0	0	0	0	0
g	Take part in client introductions and capabilities discussions	14	0	0	0	0	0	0	0
h	Take part in client introductions and capabilities discussions	14	0	0	0	0	0	0	0
a	Train new employees on various aspects of job role etc	10	0	0	0	0	0	0	0
b	Build training materials etc	12	0	0	0	0	0	0	0
c	Guide employees on project deliverables etc	10	0	0	0	0	0	0	0
Total		194	190	180	46	10			

Scenario 2: Raj

Case 2: Raj

Raj is a citizen and national of India. He just transferred to eStores in November 2015. eStores is an e-commerce business that designs and services websites for stores and businesses, to allow them to sell their products over the internet. This is newly-emerging technology, and so they highly value their software and systems developers. Raj was hired as a Developer and works primarily with QA/QC testing of e-commerce programs and systems.

He works at the main office in Palo Alto, California. He has a sweet cubicle, there is a video game room and fro-yo machine “on campus,” and he has about 5,000 shares in the company. eStores is currently privately held, but they expect to go public in 2-3 years. His current salary is \$125,000.

Raj started working in H-1B status in November 2008. eStores filed his H-1B transfer and received a full three years of work authorization because he has an approved I-140 with his previous employer (EB-3, priority date is May 14, 2010). His current H-1B expires November 11, 2018. His previous PERM and I-140 are for an EB-3 professional position.

Raj really wants an EB-2. He has told you that about 10 times in the last 2 days, and he thinks it should be a “no-brainer” because he has a “Master’s degree and well over 7 years of experience.” He has “almost” 5 years of experience designing and testing eCommerce applications.

As Raj completes his PERM questionnaire and starts sending his documents for review, you notice a few things about his qualifications:

- He has a three-year bachelor’s degree in Computer Technology from India

- He has a two-year Master’s degree in Computer Engineering from India

- He has 4 years and 5 months of progressively-responsible experience in software development for eCommerce applications

The HR manager gave you the company’s PERM questionnaire which indicates:

There are currently 7 other workers in the “Developer” title, although only three of them do quality assurance/testing.

Raj is considered a “tester”. Of the 7 “Developers,” two have Master’s degrees, 4 have bachelor’s degrees, and one has 25 years of experience and no degree (“but he’s a genius”). Of the three testers, 1 has a Master’s degree and the other has no degree/25 years of experience. Raj is a superstar – they anticipate he will be promoted to “Major Developer,” which is a supervisory role, in the next 18 months.

They don’t have a Major Developer right now for the testers, so this will be a new position. The Major Developer will supervise 2-3 Developers and oversees all of the final testing. So, heavier focus on testing and recommending/overseeing design changes after testing.

Scenario 2: Raj – Prevailing Wage Printouts

Foreign Labor Certification Data Center Online Wage Library

www.flcdatacenter.com


Wage Library
Quick Search
Search Wizard

FLC Wage Results New Quick Search New Search Wizard

You selected the All Industries database for 7/2015 - 6/2016.

Your search returned the following: Print Format

Case Disclosure
Data Archive
H1B Data
H2A Data
H2B Data
Perm Data

Area Code: 41940
Area Title: San Jose-Sunnyvale-Santa Clara, CA MSA
OES/SOC Code: 15-1132
OES/SOC Title: Software Developers, Applications
GeoLevel: 1
Level 1 Wage: \$47.28 hour - \$98,342 year
Level 2 Wage: \$57.86 hour - \$120,349 year
Level 3 Wage: \$68.45 hour - \$142,376 year
Level 4 Wage: \$79.03 hour - \$164,382 year
Mean Wage (H-2B): \$68.45 hour - \$142,376 year

Also available:
File Archive

This wage applies to the following O*Net occupations:

Skill Level
Explanation

15-1132.00 Software Developers, Applications

SVP Explanation

Develop, create, and modify general computer applications software or specialized utility programs. Analyze user needs and develop software solutions. Design software or customize software for client use with the aim of optimizing operational efficiency. May analyze and design databases within an application area, working individually or coordinating database development as part of a team. May supervise computer programmers.
O*Net™ JobZone: 4
Education & Training Code: No Level Set

FLC Wage Data
updated
July 1, 2015

For information on determining the proper occupation and wage level see the new Prevailing Wage Guidance on the Skill Level page.

Job Zones updated
January 6, 2016
See change
history

The prevailing wage must be at, or above the federal or state or local minimum wage, whichever is higher. The federal minimum wage is \$7.25/hr effective July 24, 2009.

Technical Support
& Help FAQ page.

The Foreign Labor Certification Data Center is developed and maintained by the State of Utah under contract with the US Department of Labor, Office of Foreign Labor Certification.

Foreign Labor Certification Data Center Online Wage Library

www.flcdatacenter.com


Wage Library
Quick Search
Search Wizard

FLC Wage Results New Quick Search New Search Wizard

You selected the All Industries database for 7/2015 - 6/2016.

Your search returned the following: Print Format

Area Code: 41940
Area Title: San Jose-Sunnyvale-Santa Clara, CA MSA
OES/SOC Code: 15-1199
OES/SOC Title: Computer Occupations, All Other
GeoLevel: 1
Level 1 Wage: \$31.62 hour - \$65,770 year
Level 2 Wage: \$44.37 hour - \$92,290 year
Level 3 Wage: \$57.13 hour - \$118,830 year
Level 4 Wage: \$69.88 hour - \$145,350 year
Mean Wage (H-2B): \$57.13 hour - \$118,830 year

Case Disclosure Data Archive

H1B Data
H2A Data
H2B Data
Perm Data

Also available:
File Archive

Skill Level
Explanation

SVP Explanation

FLC Wage Data
updated
July 1, 2015

Job Zones updated
January 6, 2016
See change
history

Technical Support
& Help FAQ page.

This wage applies to the following O*Net occupations:

15-1199.00 Computer Occupations, All Other

All computer occupations not listed separately.
O*Net™ JobZone: NA
Education & Training Code: No Level Set

15-1199.01 Software Quality Assurance Engineers and Testers

Develop and execute software test plans in order to identify software problems and their causes.
O*Net™ JobZone: 4
Education & Training Code: No Level Set

15-1199.02 Computer Systems Engineers/Architects

Design and develop solutions to complex applications problems, system administration issues, or network concerns. Perform systems management and integration functions.
O*Net™ JobZone: 4
Education & Training Code: No Level Set

15-1199.03 Web Administrators

Manage web environment design, deployment, development and maintenance activities. Perform testing and quality assurance of web sites and web applications.
O*Net™ JobZone: 3
Education & Training Code: No Level Set

15-1199.04 Geospatial Information Scientists and Technologists

Research or develop geospatial technologies. May produce databases, perform applications programming, or coordinate projects. May specialize in areas such as agriculture, mining, health care, retail trade, urban planning, or military intelligence.
O*Net™ JobZone: 4
Education & Training Code: No Level Set

15-1199.05 Geographic Information Systems Technicians

Assist scientists, technologists, or related professionals in building, maintaining, modifying, or using geographic information systems (GIS) databases. May also perform some custom application development or provide user support.
O*Net™ JobZone: 4
Education & Training Code: No Level Set

15-1199.06 Database Architects

Design strategies for enterprise database systems and set standards for operations, programming, and security. Design and construct large relational databases. Integrate new systems with existing warehouse structure and refine system performance and functionality.

O*Net™ JobZone: 4
Education & Training Code: No Level Set

15-1199.07 Data Warehousing Specialists

Design, model, or implement corporate data warehousing activities. Program and configure warehouses of database information and provide support to warehouse users.

O*Net™ JobZone: NA
Education & Training Code: No Level Set

15-1199.08 Business Intelligence Analysts

Produce financial and market intelligence by querying data repositories and generating periodic reports. Devise methods for identifying data patterns and trends in available information sources.

O*Net™ JobZone: 4
Education & Training Code: No Level Set

15-1199.09 Information Technology Project Managers

Plan, initiate, and manage information technology (IT) projects. Lead and guide the work of technical staff. Serve as liaison between business and technical aspects of projects. Plan project stages and assess business implications for each stage. Monitor progress to assure deadlines, standards, and cost targets are met.

O*Net™ JobZone: 4
Education & Training Code: No Level Set

15-1199.10 Search Marketing Strategists

Employ search marketing tactics to increase visibility and engagement with content, products, or services in Internet-enabled devices or interfaces. Examine search query behaviors on general or specialty search engines or other Internet-based content. Analyze research, data, or technology to understand user intent and measure outcomes for ongoing optimization.

O*Net™ JobZone: 4
Education & Training Code: No Level Set

15-1199.11 Video Game Designers

Design core features of video games. Specify innovative game and role-play mechanics, story lines, and character biographies. Create and maintain design documentation. Guide and collaborate with production staff to produce games as designed.

O*Net™ JobZone: 4
Education & Training Code: No Level Set

15-1199.12 Document Management Specialists

Implement and administer enterprise-wide document management systems and related procedures that allow organizations to capture, store, retrieve, share, and destroy electronic records and documents.

O*Net™ JobZone: 4
Education & Training Code: No Level Set

For information on determining the proper occupation and wage level see the new Prevailing Wage Guidance on the Skill Level page.

The prevailing wage must be at, or above the federal or state or local minimum wage, whichever is higher. The federal minimum wage is \$7.25/hr effective July 24, 2009.

The Foreign Labor Certification Data Center is developed and maintained by the State of Utah under contract with the US Department of Labor, Office of Foreign Labor Certification.

Foreign Labor Certification Data Center Online Wage Library

www.flcdatadcenter.com


Wage Library
Quick Search
Search Wizard

FLC Wage Results New Quick Search New Search Wizard

You selected the All Industries database for 7/2015 - 6/2016.

Your search returned the following: Print Format

Area Code: 41940
Area Title: San Jose-Sunnyvale-Santa Clara, CA MSA
OES/SOC Code: 11-3021
OES/SOC Title: Computer and Information Systems Managers
GeoLevel: 1
Level 1 Wage: \$59.98 hour - \$124,758 year
Level 2 Wage: \$74.25 hour - \$154,440 year
Level 3 Wage: \$88.52 hour - \$184,122 year
Level 4 Wage: \$102.79 hour - \$213,803 year
Mean Wage (H-2B): \$88.52 hour - \$184,122 year

This wage applies to the following O*Net occupations:

11-3021.00 Computer and Information Systems Managers

Plan, direct, or coordinate activities in such fields as electronic data processing, information systems, systems analysis, and computer programming.

O*Net™ JobZone: 4

Education & Training Code: 4-Work experience, plus a bachelor's or higher degree

For information on determining the proper occupation and wage level see the new Prevailing Wage Guidance on the Skill Level page.

The prevailing wage must be at, or above the federal or state or local minimum wage, whichever is higher. The federal minimum wage is \$7.25/hr effective July 24, 2009.

Case Disclosure Data Archive

H1B Data
H2A Data
H2B Data
Perm Data

Also available:
File Archive

Skill Level
Explanation

SVP Explanation

FLC Wage Data
updated
July 1, 2015

Job Zones updated
January 6, 2016
See change
history

Technical Support
& Help FAQ page.

The Foreign Labor Certification Data Center is developed and maintained by the State of Utah under contract with the US Department of Labor, Office of Foreign Labor Certification.