

The Catholic University of America
Request for H-1B Sponsorship Hiring
School/Department Portion

For use by Catholic University departments wishing to employ international professionals in permanent positions. It is to be completed and sent to International Student and Scholar Services. **Pryzbyla Center – Room 201.**

School/Department Information

Department Name:		
Department Campus Address:		
Name of Supervisor:		
Title of Supervisor:		
Contact Information for Supervisor:	Phone:	
	Email:	
Name of Administrative Contact Person:		
Contact Information for Administrator:	Phone:	
	Email:	
	Fax:	

Employee Information

Name of Employee:		
Employee's current Contact Information:	Home Address:	
	Phone:	
	E-mail:	
Name of current employer, if any:		

Position Information

Official CUA Position Title:		
Proposed Salary:		
Desired dates for immigration sponsorship (max. of 3 years):	Start Date _____ End Date _____	



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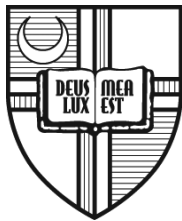
<p>Position description: Please provide a brief, clear description of the duties the individual will perform at CUA. Provide enough general detail for the Department of Labor to classify the position. This should match any official description on file with the university. Do not provide vague descriptions such as “will work on grant XYZ.” For non-teaching positions, please attach University job description on file with Human Resources or Provost’s Office.</p>	
<p>Minimum Education Required to function in position:</p>	<p>Degree:</p> <hr/> <p>Field(s):</p> <hr/>
<p>Minimum Experience Required (apart from degree)</p>	

<p>Name(s) of Dependents who will need H-4 status</p>	
<p>List any specific skills, licenses, etc. required by position:</p>	
<p>Does this position support a federal contract? Federal contract = government contract over \$100,000 lasting more than 120 days</p>	<p>[<input type="checkbox"/>] No [<input type="checkbox"/>] Yes, Name/number of contract:</p> <hr/>
<p>Is the position full time?</p>	<p>[<input type="checkbox"/>] Yes [<input type="checkbox"/>] No, # of hours per week: _____ or ____% FTE</p>
<p>Is the position Unionized?</p>	<p>[<input type="checkbox"/>] No [<input type="checkbox"/>] Yes</p>
<p>How many people does this individual formally supervise?</p>	
<p>Physical U.S. Address Where work is to be performed:</p>	<p>Street:</p> <hr/> <p>Street:</p> <hr/> <p>City:</p> <hr/> <p>County:</p> <hr/> <p>State:</p> <hr/>



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	Zip Code:	
Will the employee travel as part of his / her job duties?		
List any other work sites in the U.S. where the individual will work for more than 5 consecutive days that are not covered by the address listed above:	Street:	
	Street:	
	City:	
	County:	
	State:	
	Zip Code:	
Will the department pay for (Optional) Premium Processing? Please provide the reason (e.g., timing).	__ Yes __ No Reason:	
	The information provided above is true and accurate to the best of my knowledge. I understand that ISSS reserves the right to refer cases to outside counsel at the expense of the requesting department.	
Attestation by supervisor or Department Chair:		
	Name:	
	Signature:	Date:
Signature of Dean:	Name:	
	Signature:	Date:



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This information below serves as a guide for completing the forms on pages 6 – 8.

Required Wage Requirements for H-1B Petitions

20 C.F.R. § 655.731(a)

(a) Establishing the wage requirement. The first LCA requirement shall be satisfied when the employer signs Form ETA 9035 or 9035E attesting that, for the entire period of authorized employment, the required wage rate will be paid to the H-1B nonimmigrant(s); that is, that the wage shall be the greater of the actual wage rate or the prevailing wage. The wage requirement includes the employer's obligation to offer benefits and eligibility for benefits provided as compensation for services to H-1B nonimmigrants on the same basis, and in accordance with the same criteria, as the employer offers to U.S. workers.

20 C.F.R. § 655.731(a)(1)

(1) The actual wage is the wage rate paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question. In determining such wage level, the following factors may be considered: Experience, qualifications, education, job responsibility and function, specialized knowledge, and other legitimate business factors... Where there are other employees with substantially similar experience and qualifications in the specific employment in question--i.e., they have substantially the same duties and responsibilities as the H-1B nonimmigrant--the actual wage shall be the amount paid to these other employees. Where no such other employees exist at the place of employment, the actual wage shall be the wage paid to the H-1B nonimmigrant by the employer.

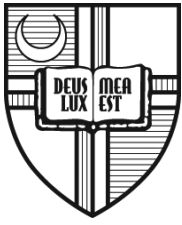
The Actual Wage

The employer must agree to pay an H-1B nonimmigrant the required wage rate, which is defined as the higher of the actual and prevailing wage rate. The prevailing wage is the rate being paid in the greater Washington, D.C. area for the same occupation. If employment will take place at more than one site, we must determine the prevailing wage for both locations. **To document the actual wage, the Department must list all other persons currently employed in the department with the same job classification as the potential H-1B employee. If the salaries do not match, the department must provide the reasons for the discrepancies. (Please be specific.)**

If the prospective H-1B employee's salary is not equal to nor higher than the salaries of the comparable employees (if the department cannot justify why another employee earns more than the H-1B), ISSS will be unable to submit an H-1B petition for this employee and he/she may not be employed by TU. The department must use the same criteria for comparison for each Actual Wage Calculation of every H-1B to be hired.

Valid Criteria for determining the actual wage at the Catholic University of America:

1. Relevant experience, including the length of any such employment, the type of employment, the depth and breadth of employment and any special achievements;
2. Educational background, including the level of education obtained, notable educational accomplishments, and/or reputation of the degree granting institution;
3. Job responsibility and function, including the nature of duties and responsibilities to be performed and the degree of supervision, if any, to be exercised;
4. Possession of specialized knowledge, skills or training;



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5. Other indicators of performance and ability, including job references, performance evaluations, awards, achievements and/or accomplishments.
6. We also may consider other legitimate business factors such as the current market for individuals with the applicant's experiences and qualifications. The consideration of such factors conforms to recognized principles of educational hiring practices.
7. Salaries of employees may be adjusted on an annual basis, dependent upon individual performance and budget considerations. We apply the same methodology to all U.S. and H-1B visa employees in this classification when determining the actual wage based upon the referenced criterion.

Valid criteria for stating employee is not comparable:

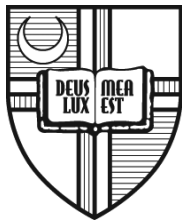
- Employee has more relevant work experience than H-1B employee
- Employee has specialized knowledge relevant to the field
- Employee has more responsibility than H-1B employee
- Employee has better educational credentials than H-1B employee (more prestigious school)
- Employee does not work same number of hours or performs more duties

Not valid:

- Salary compression/inversion (person recently hired earns more than someone who's worked at CUA longer) or CUA salary freeze (past or present) resulted in different pay
- Funded by different grant (salary limitations of a particular grant do not count)
- Department had more money when it hired another employee
- Different area of research
- Another employee demanded a higher salary or H-1B is willing to work for less money
- H-1B would be paid less if s/he was in home country
- Another employee is paid more due to abilities or qualifications irrelevant to the position

It is extremely important that the department not misrepresent any fact or situational development. In the event that Catholic University of America is audited by the US Department of Labor, USCIS or other local, state, or federal agency, the hiring department is responsible for any misinformation it provided, not ISSS. See <http://international.cua.edu/scholars/LCAviolations.cfm> for a list of LCA

Violations and DOL Penalties



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**Actual Wage Determination Worksheet
H-1B Specialty Occupation Employment**

****Note that grant availability may not influence the determination of the actual wage.***

Please do NOT list Names on this document – rather, use CUA ID #s instead.

The purpose of this document is to report in writing the wage rate levels paid to all personnel who have the same job title as the H-1B Applicant. If no other employee in the department holds the same title as the H-1B Applicant, please list employees with similar job duties/responsibilities. This worksheet will be made available to the Department of Labor and the US Citizenship and Immigration Services in inspection folders.

Is the position unique, in that there are no other employees in the department with the same or similar job title and basic duties?

☐ No

☐ Yes— please provide specific, employment-related reasons why the position is unique and therefore the actual wage rate is that paid to the H-1B employee. Presently, there are _____ individuals with similar duties and/or responsibilities in the department/unit.

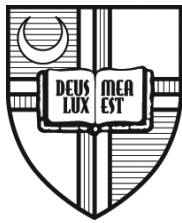
Begin by listing the H-1B applicant. Please note that Post-Doctoral Fellows are considered “training” positions and should not be compared to jobs that are offered through Human Resources.

EMPLOYEE CUA ID	HIGHEST DEGREE	YEARS OF EXP	SPECIAL SKILLS/KNOWLEDGE/DUTIES	WORKER SUPERVISION DUTIES	HOURS/ WEEK	WORK MONTHS (9 OR 12)	ANNUAL SALARY
				<input type="checkbox"/> YES <input type="checkbox"/> NO			
				<input type="checkbox"/> YES <input type="checkbox"/> NO			
				<input type="checkbox"/> YES <input type="checkbox"/> NO			
				<input type="checkbox"/> YES <input type="checkbox"/> NO			
				<input type="checkbox"/> YES <input type="checkbox"/> NO			
				<input type="checkbox"/> YES <input type="checkbox"/> NO			

Use the following section to explain wage-level differences not based on information listed above:

--

Name of Person Completing this Form	
Signature	
Date	



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Actual Wage Memorandum

Federal regulations require that the employer retain documentation specifying the basis it used to establish the actual wage, i.e. how the wage for the H-1B worker relates to the wages paid other individuals with similar experience and qualifications for the specific employment at the place of employment. Please complete this form, then print out and attach appropriate signatures

Today's Date:					
# of People Who Have Same Job Duties/Responsibilities As H-1B Applicant:					
Name of Position H-1B will hold:					
Hiring Dept Name:					
Address of Hiring Dept:					
Salary Range of Employees In This Position:	<table border="1"><tr><td>\$</td><td>to \$</td></tr></table>			\$	to \$
\$	to \$				

The salaries of individuals holding this position were determined on the basis of a number of factors, including: (check the criteria that apply in this case plus add any other factors that your department used to determine these salaries):

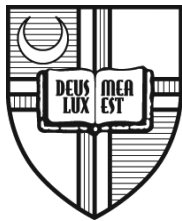
- ☐ Level of education
- ☐ Years of experience in the field
- ☐ Specific job responsibility
- ☐ Specialized knowledge
- ☐ Degree of independent responsibility
- ☐ Nature of the duties involved
- ☐ Other applicable criteria _____

(Include criteria that are specifically relevant to the position in question, such as knowledge of and/or experience in specific software programs for computer systems analysts, or knowledge of and/or experience in specific financial modeling tools for financial analysts, etc.)

Salaries of employees are adjusted on an ☐ annual ☐ periodic basis, based upon ☐ performance reviews ☐ cost of living adjustments ☐ other _____.

Please note that the employer applies the same methodology to all US and H-1B employees in this classification when determining the actual wage, based upon the above referenced criterion.

Name of Sponsoring Department	
Name of Person Completing this Form	
Signature	
Date	



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Wage Rate Memorandum/Benefits Summary

Please complete this form, then print out and attach appropriate signatures

MEMORANDUM

TO: International Student and Scholar Services

This is to confirm that as of _____ (requested start date of H-1B),

_____ (name of H-1B Applicant) will be paid

\$_____ (salary) per year for his/her service in the position of

_____ (position title).

In addition, there is no differentiation between the employment benefits offered to H-1B professionals and other similarly-situated full-time employees, including, but not limited to, health insurance plans, long term/disability insurance options, pension plans, tuition remission eligibility, domestic partner benefits and FMLA/Leave of Absence Eligibility.

Further, I attest to the following:

1. The H-1B non-immigrant will be paid the higher of either the actual wage (within the range of salaries on this page for faculty and postdocs or the salary range for the position as listed staff positions) or the prevailing wage as determined by the Department of Labor and is eligible for the same benefits as other similarly employed individuals.
2. The employment of this individual will not adversely affect working conditions of the individuals listed above.
3. There is no strike, lockout or work stoppage in this Department for the position indicated above. Should such an event occur, the Department will notify ISSS.

Dept. Administrator Signature: _____ Date: _____

Name of Person Completing this Form	
Signature	
Date	