

H-1B Department's Notice of Required Documents

To: Missouri S&T Department
From: Roger Jett
Subj: Sponsoring an H1-B

The following contains information regarding the legal obligations of the employer, an overview of the process and a list of documents needed to file an H-1B petition. Please become familiar with the information before making a final decision to support an H-1B visa. Feel free to call me if you have any questions.

Legal Obligations

Termination. The most infamous regulation concerns termination of employment. In the event you find it necessary to terminate the worker's employment the department is legally obligated to pay the reasonable transportation costs of returning the worker to his/her home country. This obligation extends to the worker and not to the worker's dependents.

Material Change. A second and equally important regulation concerns notifying the USCIS in the event of a material change in employment terms. The H-1B visa is valid for employment only by the sponsoring entity. It covers employment for a particular position, for specific rate of pay, for a specific FTE, and a specific period of time. Before changing any of these factors consultation with HR is necessary. We will help determine if the change can be made and will file the necessary forms with the USCIS.

Prevailing Wage. The prevailing wage is determined by the Missouri Department of Economic Development. The department must pay the prevailing wage or the actual wage whichever is higher. The actual wage is defined as the average wage paid for employees with similar qualifications in similar positions. We must post information containing the prevailing wage (known as the LCA) and we must also provide a copy of the same information to the intended employee.

Strike. Employers can't use H-1B employees to break a strike, and must notify their U.S. workforce when they hire an H-1B worker. Employers cannot make the H-1B employee work under conditions different from their U.S. co-workers, including hours, shifts and benefits.

Not Replace U.S. Workers. The department must make every attempt to find U.S. workers before hiring an H-1B worker. We must also attest that we have not laid off or displaced a U.S. worker and replaced that position with a foreign worker.

Timeline

Here is the outline of the steps and an approximate timeline for each step. Provided that I already have the documents listed below and documents from the beneficiary I can begin the process fairly quickly.

- | | |
|---|----------------|
| • Obtain Prevailing Wage from MO Dept of Economic Development | 1-2 weeks |
| • Prepare I-129, I-129w, I-539 for dependents | 1-2 weeks |
| • Send petition to USCIS | 1 day |
| • USCIS processing time | up to 4 months |

Documents Needed From Department

I may already have most of the recruiting and hiring documents. However, please let me know who I should contact should I need any of the following from your department.

1. Recruitment documents
 - Request to Fill
 - Job Description
 - Vacancy Announcement

Documents Needed From Department – Continued

- Advertisement Clippings
 - List of Candidates Selected For Interview
 - List of Candidates Not Interviewed
 - Recommendation to Hire
 - Any supporting documentation
2. Letter of Support from the Chairman of the Department. Template attached. Please do not type this letter until I let you know the prevailing wage determination.
 3. Check(s) made payable to US Citizenship & Immigration Services, California Service Center, 24000 Avila Road, 2nd Floor, Room 2312, Laguna Niguel, CA 92677.
 - \$320.00 filing fees for Form I-129 Petition for Alien Worker
 - \$500.00 for Fraud Prevention/Detection (for new H-1B assignment to Missouri S&T)
 - \$1000.00 for Form I-107 Premium Processing (if applicable).
 4. Department's FedEx Account Number to be charged for shipment of documents.
 5. Statement of Actual Wage Determination (see attached).

Statement of Actual Wage Determination

INSTRUCTIONS: *The person in the employing department who is responsible for employment issues should complete this form. The prospective employee should not have access to the information required of this worksheet as payroll information is confidential.*

Documentation on the actual wage determination is required by Department of Labor regulations in order to ensure that employers are paying similarly situated employees equivalent salaries. This statement must specify the criteria used by the employer to differentiate among employees included in the same occupation with similar experience and education.

- A. H-1B Employee's Name:
- B. Hiring Department:
- C. Position Title:
- D. Position Salary:
- E. Please check which of the following factors were considered in determining salary:
 - Degree(s) earned
 - Area of specialization
 - Previous work experience
 - Comparable rate of pay at similar institutions
 - Other (please explain):

As required by the Department of Labor (DOL), please provide the following information for those individuals employed in the department at this time with the same job title and similar skills, education and experience as the person for whom the H-1B petition will be filed (use additional sheets if necessary):

Name	Job Title	Highest Degree	MS&T Years of Experience	Current Annual Salary

I hereby certify that the salary listed above reflects the wage level paid to all other individuals with similar experience and qualifications working in this department.

Signature and title of person completing this form

Sample Letter of Support-Type on Department Letterhead

If you need to change the wording to accurately reflect the duties please do so.

United States Department of Homeland Security
United States Citizenship and Immigration Services
California Service Center

This correspondence is in support of the H-1B petition on behalf of _____ .

I am the Chair of the Department of _____ at Missouri University of Science and Technology and in this capacity I participate in the recruiting and hiring of the faculty for the Department.

An offer has been extended to _____ for temporary/full-time employment at will in the Specialty Occupation of _____ in _____ here in the Department commencing (or as soon thereafter as appropriate visa status is granted), and for subsequent years at least through _____.

_____ will design and conduct experiments, implement apparatuses at the pilot scale, supervise graduate students and lab activities, develop and implement analytical methods and present research results in various settings. He/she will receive an annual salary of \$_____ per year. In addition, _____ will engage in additional research, publication, lecturing, consultation, and other related activities on behalf of the University. The University will provide him/her to those institutions and organizations that request these services, and will compensate him/her in a manner commensurate with his/her efforts. _____ salary will be augmented periodically based in part upon the amount of receipts he/she generates through these professional activities that are within the scope and terms of his/her appointment. The amount of additional compensation is not identifiable at this time.

Sincerely,

Dept