

Revised 8-17-2016

This application is for:

- New H-1B employment (first time on H-1B at Florida Tech)
- Continuation of previously approved H-1B employment without change
- Change in previously approved H-1B employment
- New concurrent H-1B employment

SECTION A: INFORMATION ABOUT INDIVIDUAL COMPLETING THE QUESTIONNAIRE

Name _____ Department _____

SECTION B: GENERAL AND BIOGRAPHICAL INFORMATION ABOUT THE EMPLOYEE BEING SPONSORED

Name _____

Date of Birth _____ Country of Citizenship _____

SECTION C: INFORMATION ABOUT THE OFFERED POSITION

Department _____ Job Title _____

Is this an externally funded research scholar position? Yes ___ No ___ (If Yes, be sure to initial Section F.8 "Departmental Affirmations.")

Annual Salary Offered _____ Terms of Employment: H-1B Start _____ H-1B End Date _____

Please list all work sites for this position. If the alien will not be at a worksite on a regular basis, then you must include information for each such worksite, the duration of time he/she will spend there during the duration of the H-1B visa. NOTE: IF THE ALIEN'S WORKSITE CHANGES AT ANY TIME DURING THE H-1B, CLEARANCE FROM THE INTERNATIONAL OFFICE MUST BE OBTAINED **BEFORE** THE CHANGE TAKES EFFECT.

Brief description of duties to be performed

Minimum U.S. degree requirements of offered position _____

Indicate the major and/or field of study required _____

List specific skills, licenses/certificates/certifications, and requirements of the position _____

Minimum number of months or years of experience after receipt of the degree required for the position. This must be consistent with Florida Tech policies related to the position _____

Address of employee's actual worksite _____

Will travel be required in order to perform job duties? Yes No

If yes, please explain travel requirements. _____

SECTION D: NOTES

Employers must secure certification from the Department of Labor that Florida Institute of Technology will fulfill its obligations under the law before filing a petition to the U.S. Department of Homeland Security (DHS) for an H-1B Temporary Worker. Please notice the conditions of employment below to which the employer must attest before gaining certification of the Department of Labor.

Additionally, effective January 19, 1995, the regulations require, in part, that the employer document “a full, clear explanation of the system/methodology that the employer used to set the ‘actual wage’ the employer has paid or will pay workers in the occupation for which the H-1B nonimmigrant is sought, including any periodic increases which the system may provide...” [20 CFR Part 655 and 29 CFR Part 507]. Please note that this must be clearly outlined and premised upon legitimate business factors. This information must be retained in the employee’s personnel file and in a public access file.

In order to meet federal regulations, you must provide information and confirmation as outlined in this form. It must be returned to the ISSS Office with a completed request packet before we can move forward with the H-1B process. **ALL** questions must be answered. Please attach additional sheets if necessary.

SECTION E: AFFIRMATIONS REQUIRED BY THE U.S. DEPARTMENT OF LABOR [20 CFR 655]

1. **Wages:** The employer attests that H-1B nonimmigrants will be paid wages which are at least the higher of the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question or the prevailing wage level for the occupational classification in the area of intended employment. H-1B nonimmigrants will be paid the required wage for time in nonproductive status due to a decision of the employer or due to the H-1B nonimmigrant’s lack of a permit or license. The employer further attests that H-1B nonimmigrants will be offered benefits and eligibility for the benefits on the same basis, and in accordance with the same criteria as offered to U.S. workers. **[Florida Tech Note: This section in conjunction with the Fair Labor Standards Act (FLSA) means that Florida Tech must pay the alien an equitable wage to other similarly employed workers based upon legitimate business factors but no lower than 100% of the Prevailing Wage (PW) assigned by the Department of Labor (DOL). The ISSS Office will obtain a PW from DOL based upon the data provided in the H-1B request packet.]**
2. **Working Conditions:** The employer attests that the employment of H-1B nonimmigrants in the named occupation will not adversely affect the working conditions of workers similarly employed. The employer further attests that H-1B nonimmigrants will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to similarly employed U.S. workers. **[Florida Tech Note: This means that Florida Tech is required to treat the employee exactly as we would any other similarly employed worker.]**
3. **Notice:** The employer attests that as of the date of filing, notice of labor condition application has been or will be provided to workers employed in the named occupation. Notice of the application shall be provided to workers through the bargaining representative, or where there is no such bargaining representative, notice of the filing shall be either through physical posting in conspicuous locations where H-1B nonimmigrants will be employed, or through electronic notification to employees in the occupational classification for which H-1B nonimmigrants are sought. **[Florida Tech Note: After a viable Prevailing Wage determination is secured from Labor, the ISSS Office will fax to the Department contact notices of intent to hire an H-1B temporary worker which must be posted in two conspicuous locations in the department/division for at least 10 federal working days.]**

SECTION F: OTHER DEPARTMENTAL AFFIRMATIONS REQUIRED FOR COMPLIANCE WITH FEDERAL REGULATIONS

Please **initial** each statement – READ EACH CAREFULLY—and contact the ISSS Office with any questions.

1. _____ The prospective employee and the department understand that the employee may not receive payment from any other source than Florida Tech payroll, unless the person is part-time and another employer has an approved H-1B petition for employment of the person.
2. _____ The prospective employee understands that his/her spouse and children cannot be employed in any capacity as long as they are his/her dependents in H4 nonimmigrant status.
3. _____ For persons not currently in H-1B nonimmigrant status, the department understands that the prospective employee may not be employed by Florida Tech until the H-1B petition is approved (unless the person is already in a status that allows employment at Florida Tech.)
4. _____ If the H-1B nonimmigrant employee is terminated (even for cause) before the date the H-1B petition ends, the employer WILL pay for the reasonable transportation cost to return the employee to the home country.
5. _____ The H-1B nonimmigrant will be employed ONLY in the position outlined in this form.
6. _____ The alien is being offered a position for the period outlined on this form.
7. _____ There is secured Florida Tech funding available to employ the alien at or above the salary noted on this form for the entire period of the H-1B sponsorship being requested on this form.

8. Externally Funded Research Scholars (initial if applicable, if not, leave blank):

_____ the Principal Investigator (PI) confirms there is a sufficient and stable source of funding available for: a) fees associated with initiating the H-1B petition b) compensation for the entire period of proposed sponsorship and c) the return airfare home in case the position is terminated (see 4 above.)

9. _____ No changes of the H-1B nonimmigrant's position, title, duties, hours, location or salary (other than standard, annual increases) will be made until the clearance is received from the ISSS Office. NOTE: Such changes typically require that an amended petition be filed. Processing changes prior to the date cleared by the ISSS Office may place both Florida Tech and the international employee in violation of federal regulations and place the international employee "out of status."

SECTION G: DETERMINATION OF ACTUAL WAGE FOR THE POSITION

1. Does this position supervise the work of other employees (not students)? Yes No If yes, how many? _____

2. What is the pay rate or pay range for other workers in the same position in the department who have the same level of education, experience and skills as the alien employee? The salary offered to this H-1B applicant cannot be below this amount. _____

3. If there is variation in the salaries of workers in the same job as that of the alien employee, specify and explain the factors that account for this variation (i.e., additional duties such as supervisory duties, differences in the number of publications produced, significant awards held, etc: _____

4. Explain the system or factors used to determine the wage offered to the alien employee. _____

5. Explain the system used to evaluate the employee's performance and to provide for periodic pay increases. _____

6. Job title of supervisor for the H-1B beneficiary _____

SECTION H: DEPARTMENT CERTIFICATION

- I have read, understand and affirm all conditions outlined in all Sections of this form.
 I certify that all information contained in this actual wage statement is true to the best of my knowledge.
 Based upon the information provided in this form and related request packet, I request the Florida Tech ISSS Office obtain Prevailing Wage from the Florida Department of Labor and subsequently submit an ETA 9035 Labor Condition Application and petition for H-1B nonimmigrant worker on the department's behalf.
 I understand that failure to meet the condition of the application or misrepresentation of a material fact may result in civil monetary penalties, debarment and other appropriate relief.
 I understand that any false statement(s) or misrepresentation(s) can lead to civil or criminal prosecution, fine or imprisonment, or both, under 18 U.S.C. 1546, or other provisions of law.
 I can provide additional details pertaining to statements made regarding the actual wage for the occupation if needed.

Signature of Faculty Supervisor _____ Date _____

Name and Title Typed or Printed _____

Signature of Department Head _____ Date _____

Name and Title Typed or Printed _____

Signature of Dean _____ Date _____

Name and Title Typed or Printed _____

Signature of Senior Vice President for Academic Affairs & Provost _____ Date _____

Name and Title Typed or Printed _____