



9. Does the H-1B employee possess sufficient proficiency in the English language?  Yes  No

How this has been determined?

10. Where at the University will the H-1B employee be located?

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11. Will this employee work at multiple sites?  Yes  No

If yes, please list dates at site, a contact person, and location, using the back of this page if more space is needed:

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Dates at site	Contact name	Title		
<hr/>				
Number & street	City	County	State	Zip Code
<hr/>				
Telephone	Email			

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Dates at site	Contact name	Title		
<hr/>				
Number & street	City	County	State	Zip Code
<hr/>				
Telephone	Email			

12. Will any aspect of this employee's work be done from their home? Yes No

If yes, please include employee's local mailing address while they are working for the University

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Number & street	City	
<hr/>		
County	State	Zip Code

NOTE: The H-1B non-immigrant status is specific to the:

- **Employer**
- **H-1B employee or new hire**
- **Job being performed by the H-1B employee or new hire**
- **Job location(s)**
- **Authorized period of employment**

H-1B work authorization is granted by USCIS to the University for a specific employee. H-1B work authorization only authorizes the employee to work for the University in Rochester at the location(s) listed in the H-1B petition. If the H-1B employee is going to work for the University at a location(s) other than the location(s) listed in the H-1B petition, the US Dept. of Labor and USCIS must be informed prior to the H-1B employee beginning work at the new location(s).

Name of H-1B employee

Surname or family name

Given name

Middle name

**Job Description for an H-1B Specialty Occupation's  
Labor Condition Application (LCA)**

The H-1B program allows companies in the United States to temporarily employ foreign workers in specialty occupations that require a bachelor's degree or higher in the specific specialty, or its equivalent. Also note that USCIS will no longer approve entry level, bachelor's degree required positions in computer systems, programmers, analysts or information analysts.

Prepare an accurate job description that includes necessary duties and minimum requirements. This job description will be used to determine the comparable group of similarly employed people at the University for determination of the actual wage. This job description will also be used to determine the group of similarly employed people in the geographic area of intended employment as required for the prevailing wage determination. ***The position must be full-time; no H-1Bs for part-time positions will be processed for the University of Rochester.***

Title of Position: \_\_\_\_\_

Proposed Salary: \_\_\_\_\_

U of R Position Code: \_\_\_\_\_ U of R HRMS Title: \_\_\_\_\_

Will the H-1B employee supervise anyone?  Yes  No

• If yes, indicate the title and number of his or her subordinates: \_\_\_\_\_

**Job Description:**

**Minimum Education Requirements - list level of education and field(s) acceptable:**

**# of months/years of experience required after obtainment of highest degree:**

**(Note: Postdoctoral fellows/associates and entry-level positions can only require 0 years of experience.)**

**Special skills required:**

The University must attest to four statements when filing an LCA:

- a) **Wages:** Pay non-immigrants at least the local prevailing wage or the employer’s actual wage, whichever is higher, and pay for non-productive time. Offer non-immigrants benefits on the same basis as U.S. workers. The employer shall not make deductions to recoup a business expense(s) of the employer including attorney fees and other costs connected to the performance of H-1B, functions which are required to be performed by the employer. This includes expenses related to the preparation and filing of this LCA and related visa petition information. 20 CFR 655.731;
- b) **Working Conditions:** Provide working conditions for non-immigrants that will not adversely affect the working conditions of workers similarly employed. The employer’s obligation regarding working conditions shall extend for the duration of the validity period of the certified LCA or the period during which the worker(s) working pursuant to the LCA is employed by the employer, whichever is longer. 20 CFR 655.732;
- c) **Strike, Lockout, or Work Stoppage:** At the time of filing the LCA, the employer is not involved in a strike, lockout, or work stoppage in the course of a labor dispute in the occupational classification in the area(s) of intended employment. The employer will notify the Department of Labor within 3 days of the occurrence of a strike or lockout in the occupation, and in that event the LCA will not be used to support a petition filing with the U.S. Citizenship and Immigration Services (USCIS) until the DOL Employment and Training Administration (ETA) determines that the strike or lockout has ended. 20 CFR 655.733;and
- d) **Notice:** Notice of the LCA filing was provided no more than 30 days before the filing of the LCA or will be provided on the day the LCA is filed to the bargaining representative in the occupation and area of intended employment, or if there is no bargaining representative, to workers in the occupation at the place(s) of employment either by electronic or physical posting. This notice was or will be posted for a total period of 10 days, except that if employees are provided individual direct notice by e-mail, notification need only be given once. A copy of the notice documentation will be maintained in the employer’s public access file. A copy of this LCA will be provided to each nonimmigrant worker employed pursuant to the LCA. The employer shall, no later than the date the worker(s) report to work at the place(s) of employment, provide a signed copy of the certified LCA to the worker(s) working pursuant to this LCA. 20 CFR 655.734.

**The prevailing and actual wage must be determined.** The University is required by law to pay the H-1B non-immigrant employee either 100% of the prevailing wage or 100% of the actual wage, whichever wage is higher.

The LCA is a document that could expose the University to liability. Any aggrieved person may file a complaint against the University with the DOL. If the University is found to be in violation of one of the statements it attests to complying with on the LCA, the University **may be debarred from filing any petitions or extensions with the Department of Labor and U.S. Citizenship and Immigration Services for one year.** This debarment would affect all foreign national students, exchange visitors and faculty at the University. In addition, the University could be charged fines and payments for back wages to foreign employees.

Attest to the following:

1. The undersigned confirms that he or she is authorized to offer this position to the H-1B employee and that the information contained in this request is correct according to the best information available.
2. The undersigned agrees to ensure compliance by the hiring department with the above listed attestations, a–d, required by the U.S Department of Labor.
3. As required by the U.S. Citizenship and Immigration Services, the hiring department agrees to pay the reasonable cost of return transportation for the H-1B employee to his or her home country, if he or she is dismissed before the end of the H-1B validity period of work authorization.

Name printed \_\_\_\_\_

Department Chairperson or Division Chief

Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Chairperson or Division Chief







## **Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States – H-1B / O-1 petitions (Part 6 of the Form I-129 Petition for Nonimmigrant Worker)**

### **University of Rochester Policy**

The University of Rochester has an [openness in research policy](#), and does not routinely enter into agreements that would impose a fundamental limitation on the ability to publish research results or restrict the participation of individuals (e.g. based on citizenship) from intellectually significant portions of educational and research activities.

### **U.S. Export Control Laws**

The [Export Administration Regulations \(EAR\)](#) and the [International Traffic in Arms Regulations \(ITAR\)](#) control both the:

- Actual shipment or transmission of items and export controlled information out of the U.S.; and
- Releasing or transferring export controlled information and source code to foreign persons in the U.S. (“deemed export”)

The following are generally not subject to U.S. export control laws:

- Published / public domain information
- Information resulting from research in which the results are ordinarily published and shared broadly in the scientific community (results of “fundamental research”)
- Information released by instruction in a catalog course or associated teaching laboratory of an academic institution

The ITAR controls defense articles and defense services, which are information, services and tangible items that are listed on the [U.S. Munitions List \(“USML”\)](#).

Please contact Josef Mejido, the University’s Export Control Officer, at [export@rochester.edu](mailto:export@rochester.edu) if you have any questions about export compliance or this certification



**Certification by Hosting Faculty Member, Department Chair or Division Chief**

Print name of employee:

Employee's current non-immigration status (select one):      H-1B      O-1      Other \_\_\_\_\_

I, \_\_\_\_\_, hereby certify to each of the following:  
(Name of Department Chair or Division Chief)

- All information that will be released or provided to the above named beneficiary will be:
- Already published / in the public domain;
  - Information resulting from fundamental research; and/or
  - Information released by instruction in a University catalog course or associated teaching laboratory

The beneficiary will not work with anything subject to the ITAR

Print name: \_\_\_\_\_  
(Department Chair or Division Chief)

Signature: \_\_\_\_\_

Title (Department Chair or Division Chief): \_\_\_\_\_

Department: \_\_\_\_\_

Date: \_\_\_\_\_  
(mm/dd/yyyy)

**Federal Express Account Number for H-1B Petitions**

H-1B petitions require express mail to the Bureau of Citizenship and Immigration Services. Please indicate below your Federal Express account number and your internal U or R Express Mail account numbers.

H-1B employee's Name:

\_\_\_\_\_

Department: \_\_\_\_\_

Name of Department Contact and U of R extension:

\_\_\_\_\_

Federal Express Account Number:

U of R Express Mail Account Number:

**\*Please return paperwork printed *single-sided only*, not double-sided\***

**Return questionnaire to:**

International Services Office  
University of Rochester  
40 Celebration Drive, PO Box 270446  
Rochester, New York 14627-0446  
Telephone: +1 (585) 276-3254 for Jeff Rodgers  
Fax: +1 (585) 276-2943

## Hiring Department Documentation Required for H-1B Petition

Submit the following documentation to Jeff Rodgers in the International Services Office and send to:

40 Celebration Drive, Suite 100  
 PO Box 270446  
 Rochester, New York 14627-0446.

1. Completed, signed, and dated H-1B Department Questionnaire, including detailed job description and requirements, actual wage comparison page, wage methodology page, and LCA attestation statement page.
2. Completed H-1B Employee Questionnaire and required documentation.
3. Completed H-1B Family Member Information form, if applicable, with required documentation.
4. Make check(s) payable to **“U.S. Department of Homeland Security”**. A separate check is required for each fee. The hiring department pays the H-1B fee, the fraud detection fee and the premium processing fee. The H-1B employee pays H-4 fees.

USCIS Form	Purpose	Separate check for each fee
I-129	H-1B Petition Processing Fee	\$460.00
	Fraud Detection Fee (If <b>initial</b> H-1B filed by the U of R)	\$500.00
I-539	Spouse and Dependents Seeking Change of Status to or Extension of H-4 status. Only one fee is required regardless of the number of dependents.	\$370.00
I-907	Premium Processing Fee	\$2,805.00

5. A letter of support from the hiring department needs to be included with the H-1B petition. The Department Chair should sign this letter of support.

**This letter is sent to the International Services Office and NOT directly to USCIS.**

The letter of support should be **addressed** to (but not sent to):

USCIS California Service Center  
 24000 Avila Road  
 Laguna Niguel, CA 92607.

The letter should detail the foreign national’s responsibilities and qualifications and include the following items.

1. Name of foreign national
  2. Dates of intended employment period (Dates should match the dates on the LCA and H-1B Petition)
  3. Title of Position
  4. Description of responsibilities
  5. Educational Requirements for position, specify field or fields of study
  6. Description of how the prospective foreign employee is qualified for the position (include education and specific field of study along with any experience)
  7. Annual salary (**Do not** elaborate on funding sources.)
6. Copies of signed offer of employment and acceptance letters **and** a signed contract between the employee and the University of Rochester.
  7. Signed and dated certification regarding the release of controlled technology or technical data to foreign persons in the United States. The Department Chair or Division Chief needs to sign this certification.