

RECOMMENDATION FOR APPOINTMENT OF TEMPORARY WORKER
(H-1B, SPECIALTY OCCUPATION) [PAGE 1 OF 2]

Initiator: _____

Date: _____

Contact person: _____

Phone: _____

Department: _____

Email: _____

Location Code: _____

FEDEX Internal Billing Reference: _____

New Petition Extension of Stay** Is the appointee a foreign medical graduate YES NO
[**PLEASE NOTE THAT THE APPOINTEE *MUST BE PHYSICALLY PRESENT IN THE US WHEN THE EXTENSION IS FILED*].

I recommend that the following person be *appointed / reappointed* (select one):

Name of appointee: _____

Position Title at CWRU: _____

Current residential address of appointee: _____

Non-technical description of duties: _____

_____ % Time devoted to teaching

_____ % Time devoted to research

Minimum degree required: _____

_____ % Time devoted to incidental care

Field of Education required: _____

_____ % Other (please specify)

Please list the position's minimum requirements (do not list the appointee's qualifications).

Minimum experience required: _____ (years) performing _____

Appointment dates from (M/D/Y) _____ to (M/D/Y) _____

Salary: \$ _____ per HR/MO/YR Source: _____ Will work _____ % of time

Approved: _____, Chair, Department of _____
signature

Approved: _____, Director, _____ School Budget Office
signature

Approved: _____, Dean, School of _____
signature

WARNING: Petitions will not be filed until addendum(s) are received by Immigration and HR Services.

Addendum 1. Is required for all H-1B petitions (attached);

Addendum 2. Must be completed by employee/beneficiary. This is required for appointment extensions and change of nonimmigrant status to H-1B. (Found on HR Forms Page, titled Public Charge Rule Questionnaire_Addendum 2

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**ADDENDUM TO RECOMMENDATION FOR APPOINTMENT OF
H-1B TEMPORARY WORKER**

This is to certify that [*insert name of Principal Investigator/Program Manager*]
_____ has reviewed the Export Administration Regulations (“EAR”), located at: http://www.access.gpo.gov/bis/ear/ear_data.html, and the International Traffic in Arms Regulations (“ITAR”), located at: http://www.pmdtc.state.gov/regulations_laws/itar_official.html and upon review of the content in regards to the technology or technical data that may be released to the foreign worker in this position:

_____ no license is required _____.
Initial

_____ a license is required and no controlled technology or technical data requiring a license will be released to, or accessed by, the foreign worker until and unless the undersigned has received the required license or other authorization from the U.S. Government _____.
Initial

X _____
Principal Investigator/Program Manager’s Signature

*(If after review of the EAR and ITAR, you are unsure whether or not the technology or data that may be disclosed requires an export license, please contact Lisa Palazzo, Office of Export Control and Privacy Management, at 368-5791 or Lisa.Palazzo@case.edu for further guidance).

Actual Wage Worksheet - *This is to be completed for the position and not the employee*

Job Title: _____

Date: _____

Reviewer: _____

Indicator	Job Offer Requirements	O*Net Usual Requirements	Comments	Wage Level Result
Step 1. Requirements	0			1
Step 2. Experience				
Step 3. Education				
Step 4. Special Skills, Knowledge, Work Activities, or Tasks? (Y/N)				
Step 5. Licensure/Certification Requires? (Y/N)				
Step 6. Supervisory duties? (Y/N)				
			Sum:	

You selected the ACWIA - Education Industry database for 7/2019 - 6/2020.

Area Code: 17460

Area Title: Cleveland-Elyria, OH

OES/SOC Code: _____

OES/SOC Title: _____

GeoLevel: _____

Level 1 Wage: _____

Level 2 Wage: _____

Level 3 Wage: _____

Level 4 Wage: _____

MEMORANDUM

TO: Labor Condition Application File (PAF)

FROM: _____

RE: Prevailing and Actual Wage Memorandum for the position of: _____

The following summarizes compliance with the actual and prevailing wage requirements for the H-1B position of _____ with Case Western Reserve University (CWRU) in the department of _____ in Cleveland, Ohio. This memorandum is solely for the purposes of compliance with the U.S. Department of Labor requirements in connection with the Labor Condition Application of CWRU to be filed in support of its proposed H-1B employment.

ACTUAL WAGE:

Based on its review of the major job duties, responsibilities, functions, requirements and other legitimate business factors, CWRU has determined that there are no other similarly situated employees in the position of _____ at this location who will be performing substantially similar duties to that of this position.

Because there are no similarly situated employees, there is not controlling actual wage. The wage to the H-1B worker is based on the following legitimate factors: education, experience, years of service to the University and the skills that an individual has with a particular technology. Based upon this analysis, the wage being paid to this foreign national is at least \$ _____ per _____.

PREVAILING WAGE:

The following summarizes compliance with the prevailing wage requirements for the intended H-1B position of _____. For the purposes of this analysis only, CWRU considers the job in question to fall within the O*Net classification of _____,

In determining the prevailing wage in this case, the University relied upon OES Wage Surveys for the Education Industry database, updated in 2018. A copy of the pertinent material from the OES Wage Survey is attached. In accordance with “The H-1B Visa Reform Act of 2004,” the survey now provides 4 wage levels for the _____ occupation and Level _____ accurately reflects the level of responsibility and prior experience associated with this position. The wage statistics being used are for ACWIA-Higher Education Industry for Cleveland, Ohio, the location where the H-1B employee will be employed.

The OES Wage Survey meets the Department of Labor's criteria of a "legitimate prevailing wage source" for the following reasons:

- (1) It is published by the Department of Labor within the 24-month period immediately preceding the (prospective) filing of the Form 9035 Labor Condition Application;
- (2) It reflects the average wage paid to workers similarly employed in the area of intended employment;
- (3) It is based on recently collected data, specifically, data collected within the 24-month period immediately preceding the data of the survey's publication;
- (4) It is the latest published prevailing wage findings by the OES Online Wage Library for the occupation in the area of intended employment.

Based on the above analysis, the prevailing wage for this position is \$_____. Since this foreign national will be compensated at a rate of at least \$_____ per _____, the actual wage _____ the prevailing wage. A copy of the pertinent materials from the OES Online Wage Library is attached.

NOT H-1B DEPENDENT:

The University is not an H-1B dependent employer. Far less than 15% of the University's total workforce is comprised of H-1B employees.

WORKING CONDITIONS & BENEFITS:

Neither the working conditions nor the benefits of the University are affected by the employment of this H-1B employee. The H-1B employee will work normal business hours and has been offered the same benefit package as the University's other employees.

CONCLUSION:

Based upon the foregoing, since the actual wage exceeds the prevailing wage, CWRU has complied in good faith with the Department of Labor's requirement that it pay the H-1B worker at least the prevailing wage; or, the greater of the prevailing wage or actual wage for the position.