

Please use this template memo to initiate an H1b request. **THIS MEMO MUST BE ON LETTERHEAD AND SIGNED BY THE DEPT CHAIR.** Please adjust the job title, duties, requirements, etc. as appropriate.

MEMORANDUM

TO: International Student and Scholar Services

FROM: John Doe, **Chair, Department Chemistry and Biochemistry**

SUBJECT: Joan Brown

DATE:

We request your assistance in filing a Prevailing Wage Determination and a Labor Condition Application, and the subsequent H-1b petition for Dr. Joan Brown. We understand that there is a \$500 Anti Fraud Fee that the Department must pay for all new Hs and that this fee cannot be paid by the employee.

Dr. Brown has been appointed as a *Research Associate* in the Department of Chemistry and Biochemistry at an annual salary of \$35,000. We would like Dr. Brown to hold H-1b status for the period of (*February 1, 200_ to January 31, 200_*). This is a (*XX%*) appointment and Dr. Brown will work *X* hours/week at the hourly wage of (*\$xx.xx/hour*).

Dr. Brown will work in the Jet-Cooled Molecule Laboratory in the Department of Chemistry and Biochemistry at the University of Colorado at Boulder under the direction of (*supervisor name*). The work will be performed at (*actual physical addresses of all work sites*).

Dr. Brown will be engaged in scientific research in the field of (*physical sciences/life sciences/engineering/etc.*) in collaboration with (*Supervisor name*). Specifically, she will be responsible for establishing and exploiting a new high-resolution absorption experiment for jet-cooled molecules. She will work under close supervision and receive specific instructions on required tasks and results expected. The minimum qualifications for this position are a ___ degree in biochemistry or a related field. Dr. Brown has a ___ degree in biochemistry.

This position (*does/does not*) require travel in order to perform the job duties.

I attest to the following terms and conditions necessitated by the H-1b visa regulations:

1. The salary paid to Dr. Brown for her services is equal to or greater than the salary being paid similarly-situated employees in the Department of Chemistry and Biochemistry.
2. The completed "Actual Wage Form" substantiates the salary actually being paid to Dr. Brown, as well as the salaries paid to similarly employed individuals in the Department of Chemistry and Biochemistry.
3. We understand that if we (the employer) place Dr. Brown in a nonproductive status, we have to continue to pay her the offered salary stated above, as required by the U.S. Department of Labor.
4. Dr. Brown will be offered benefits and eligibility for benefits on the same basis, and in accordance with the same criteria, as offered to U.S. workers.

Comment [01]: Use dates in the future, for when you want the H1b period to begin. The max. amount of time we can request is 3 years, if funding is reasonably secure for those 3 years.

Comment [02]: Indicate a range of hours to be worked if it might fluctuate dependant on funding, e.g. 20-40 hours/week.

Comment [03]: Indicate within the job duties the amount of supervision the employee will have. The more independence the position has in the position, the higher the prevailing wage determination will be.

Comment [04]:
•List the actual minimum qualifications for this position, NOT the qualifications that your employee holds.
•If employment experience is required, list the number of months of employment experience required to perform the job duties.
•Note that TA/RA experience are not considered employment experience, but part of the educational experience. Don't include this if you mean TA/RA experience.

Comment [05]: Only indicate travel is required to perform the job duties if the travel is an integral part of the job. Incidental travel for conferences and meetings do not qualify as being 'required'.

5. Dr. Brown's employment will not adversely affect the working conditions of workers similarly employed in the department.
6. The department agrees to post a notice of the filing of the Labor Condition Application (LCA) for ten days in a conspicuous place in the department. We understand that this notice of filing will be made available to the department in an appropriate form by ISSS. We agree to return the posting to ISSS once the ten days has elapsed. We understand that this is part of our obligation for appropriate record-keeping for H-1b workers.
7. The department agrees to inform ISSS of any substantial changes to Dr. Brown's employment (in terms of changes in job duties or in FTE), as that will require an amended H1b petition to be filed.
8. The department also agrees to provide return transportation to her home country for Dr. Brown should her employment in the department be prematurely terminated. If that should happen, the department will also inform ISSS so that appropriate notification can be made to the Dept. of Labor and the US Citizenship and Immigration Services.

We look forward to hiring Dr. Brown as a Research Associate and appreciate your assistance in obtaining the approvals of the Prevailing Wage Determination, the Labor Condition Application, and the H-1b petition.

Comment [O6]: These 8 points MUST be in your memo. Filing for an H-1b means the University must attest to certain working conditions, as stated above and as required by the U.S. Department of Labor. If you do not include this language, we will not be able to file the H-1b for your employee.

[revised 1/26/2010]