The Office of International Programs
Martindale 331• University, MS 38677
Phone: 662.915.7404
E-mail: scholar@olemiss.edu
http://www.international.olemiss.edu

H-1 B – Enclosure A Form: For the Department

It is very important that you read the following carefully and not sign anything unless you are in total agreement.

REQUIRED WAGE DETERMINATION WORKSHEET AND COMPLIANCE AGREEMENT
REGARDING H-1B TEMPORARY WORKERS

PART 1: POSITION DESCRIPTION – TO BE COMPLETED BY DEPARTMENT CHAIR

PLEASE ENTER INFORMATION ABOUT POSITION REQUIREMENTS, NOT PROSPECTIVE EMPLOYEE'S QUALIFICATIONS

Hiring Department/ Unit: _____

School/ Division: _____

Position Title : _____

Position's minimum degree requirement: _____ Field(s) of study: _____

Position's minimum required experience. Please quantify in number of years: _____

_____

Position's minimum required training other than that which would or could have been obtained during the normal course of the degree program listed above. Please quantify: _____

Special Requirements (Specific skills, licenses/certificates, etc.): _____

Description of job duties: _____

_____

_____

Proposed Salary: _____

Hours/ Range of hours per week: _____ ☐ Per year **or** ☐ Per nine months

There are no additions nor deductions from each pay period, nor overtime. _____ (Check if true)

Benefits: (Check all that apply)

☐ Position includes **NO** additional compensation or benefits

☐ Position includes standard University of Mississippi employee benefits

☐ Position includes additional compensation (specify) _____

with an estimated dollar value of (per year): _____

Number of employees applicant will supervise (other than students): _____

Dates of intended employment (Total H-1B limit is 6 years – 3 years allowed per petition): From _____ To _____

Work location (Check all that apply)

☐ Oxford ☐ DeSoto ☐ Tupelo ☐ Booneville ☐ Other: _____

Occupational title of person who will be employee's immediate supervisor: _____

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University of Mississippi

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PART 2: ACTUAL WAGE DETERMINATION – TO BE COMPLETED BY DEPARTMENT CHAIR

Prospective H-1B employee name: _____ : _____ : _____
Family Name (Last) Given Name (First) Middle Name (if any)

U.S. Social Security # (if any): _____

For "actual wages," the Department of Labor refers to the range of wages paid to all workers similarly employed i.e. those with the same job title and basic job duties for which educational requirements are the same. Please list below the University Personnel Number or Social Security Number and actual wages of ALL workers similarly employed in your department. **Explain ANY salary differences by describing factors such as experience, unique skills or abilities, quality of the program from which an employee graduated, extraordinary or meritorious contributions, or other variables resulting in a higher salary being paid when applicable.**

Salary data as of (Month/Day/Year): _____

UM Personnel Number or Social Security Number	Current Salary	Basis (9 mo/ yr)	When salary differs from prospective employee's, please explain why
1.	$		
2.	$		
3.	$		
4.	$		
5.	$		

☐ Presently, the department has no one filling a position comparable to the proposed H-1B. Check if true.

(Note: If there is no comparable position to the proposed H-1B, the position may have to be compared to others on a school-wide or division-wide basis. If no comparable position exists within the school or division, the dean's office or equivalent must verify this.)

PART 3: PROSPECTIVE EMPLOYEE CONTACT INFORMATION

Current Mailing Address : _____

_____

_____

E-mail address: _____

Phone Number (with country and city code): _____

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DEEMED EXPORT CONTROL REQUIREMENT

A new requirement in the H-1B process is to determine whether or not an Export Control license is necessary for the sponsored scholar. OIP can complete the H-1B application once the office receives confirmation from the Chair/Director or Dean that the position does not fall under the purview of the Deemed Export Control (EAR or ITAR), or if an Export Control license is necessary, until clearance is granted by the Office of Research and Sponsored Programs.

Any future changes or extensions of the sponsored H-1B worker's employment must also be reviewed for compliance. For details about Export Control please see: http://www.research.olemiss.edu/compliance/export.

PART 4: PROSPECTIVE H-1B SCHOLAR AND DEPARTMENT DETAILS
Scholar's Name: _____
Faculty Supervisor's Name: _____
School/Division: _____ Department: _____

PART 5: DETERMINATION FOR EXPORT ADMINISTRATION REGULATIONS (EAR)	
Is the nature of the professor/researcher's work confidential/proprietary (i.e. the results of the work/research projects ***are not*** intended for teaching, publication, or to be otherwise shared broadly with the interested public and within the scientific community)?	☐ YES ☐ NO

PART 6: DETERMINATION OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)	
1. Will the professor/researcher be provided access to any UM-owned technical data or technology that is considered proprietary or confidential to The University of Mississippi?	☐ YES ☐ NO
2. Will the professor/researcher be provided access to any third party-owned technical data or technology that is considered proprietary or confidential to the third party owner? This includes U.S. government furnished technical data with dissemination controls or other restrictive markings, as well as ITAR-controlled software.	☐ YES ☐ NO
3. Will the professor/researcher be provided access to equipment specifically designed or developed for military or space applications? (see U.S. Munitions List under 22 CFR § 121)	☐ YES ☐ NO

Printed Name of Chair/Director or Dean: _____

Signature of Chair/Director or Dean: _____ **Date:** _____

If all answers in Sections 2 & 3 are "NO" please submit to OIP with other H-1B application materials.

If the answer to any of the above questions is "YES" please send this form for a secondary review to Tom Lombardo, pytwl@olemiss.edu. If an export license is not required, this form will be signed by the Director of Research Integrity and Compliance and returned directly to OIP.

After secondary review, it has been determined that a license for Export Control is not required for this scholar.
Director, RIC: _____ Date: _____

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PART 4: LEGALLY BINDING EMPLOYER ATTESTATIONS

From US Immigration Service [8 CFR 214.2 (h)] & US Department of Labor [20 CFR Parts 655 and 656]

By signing below, I attest that the above information is true and that the University of Mississippi will comply with the following statements as required by the Immigration Act of 1990 and conforming regulations issued by the US Department of Homeland Security and Department of Labor.

1) That the H-1B worker will be paid the actual or prevailing wage, **whichever is higher** (Actual wage is weighted average of salaries listed above; prevailing wage is set by Department of Labor);
2) That the H-1B worker will also be paid for non-productive time unless contract is for a specified time period common to the industry such as 9 month academic appointments;
3) That the H-1B worker will be offered benefits on the same basis as similarly employed US workers;
4) That the employment of H-1B workers will not adversely affect the working conditions of workers similarly employed in the area of intended employment;
5) That on the date this form is signed and submitted, there is no strike, lockout or work stoppage in the course of a labor dispute in the occupation in which the H-1B worker will be employed at the place of employment;
6) That notice of the H-1B application will be provided to workers employed in the occupation in which the H-1B will be employed as signified by posting the Labor Condition Application in two conspicuous places (The Office of International Programs will provide department with the Labor Certification Application along with posting and removal instructions);
7) That the reasonable cost of return transportation to the H-1B's home country will be covered by the employer in the event employment is terminated prior to the ending date on the H-1B petition submitted to US Citizenship and Immigration Services. (See dates entered in part 1)

Required Signatures:

Department Chair: _____ Date: _____

Dean: _____ Date: _____

LEGAL NOTES AND COMPLIANCE

Any misrepresentation of facts or employer's failure to comply may result in the following (affecting the entire University of Mississippi not just the department):

- Assessment of back pay for the foreign national and/or other employees in the occupational classification
- Maximum of $1000 fine for each violation
- Imposition of other appropriate administrative remedies
- A suspension of the employer's labor condition applications and a prohibition of filing and approval of labor condition applications or applications for permanent alien employment certification for one year
- A prohibition of the filing of immigrant or non-immigrant visa petitions with US Immigration and Citizenship Services for at least one year
- Federal criminal penalties for knowing and willful submission of false statements to the Federal Government of $10,000 and/or imprisonment of up to 5 years

After completion of parts 1-6, return Enclosure A,
the department support letter, and department mail card or FedEx account number to:
Office of International Programs
331 Martindale
University, MS 38677

SAMPLE LETTER FROM DEPARTMENT/ PETITIONER

March 1, 2011

USCIS - California Service Center
ATTN: CAP EXEMPT H-1B Processing Unit
P.O. Box 30040
Laguna Niguel, CA 92607-3004

To Whom It May Concern:

The University of Mississippi wishes to support the H-1B Visa on behalf of Dr. Anne Nurmi, a Finnish national, to serve as Assistant Professor in the School of Engineering, Department of Electrical Engineering.

<u>The Petitioner</u>

The University of Mississippi was established in 1848 and has 11,800 employees and an operating budget of $2.6 billion. The Department of Electrical Engineering has an undergraduate and graduate program which is active in externally funded research projects and industrial consulting.

<u>The Beneficiary</u>

Dr. Nurmi graduated from the University of Iowa in August of 1991 with a Ph.D. in Electrical Engineering. She has specialized in advanced electrodynamics. Her research in this field has resulted in presentations of her research at international conferences in Geneva, 1990 and Chicago, 1991. Documentation of this research is enclosed.

Dr. Nurmi's credentials make her particularly well-suited for the current research project of vehicular antenna systems funded by the National Science Foundation.

<u>Terms of Employment</u>

Dr. Nurmi is currently employed on an F-1 Practical Training Visa as an Assistant Professor of Electrical Engineering. We wish to continue her employment for several more years. She will be compensated at a rate of $50,000 per year. We understand the temporary scope of the H-1 Visa and have informed Dr. Nurmi that in the event we are unable to continue her employment to its expiration date, we will pay the reasonable costs of Dr. Nurmi's transportation home to Finland.

Sincerely,

Name and Title of Department Chair

Sample