

**LSUHSC H-1B NONIMMIGRANT WORKER INTRODUCTION
GENERAL INFORMATION AND APPLICATION INSTRUCTIONS**

**INTERNATIONAL SERVICES OFFICE
433 BOLIVAR STREET, SUITE 206B
NEW ORLEANS, LA 70112-2223**

Telephone (504) 568-4802

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E-Mail Address: InternationalServices@lsuhsc.edu

INTRODUCTION AND GENERAL H-1B INFORMATION

LSU Health Sciences Center (LSUHSC). International Services Office (ISO), as the petitioner is required to submit information to various Federal and State agencies when petitioning for H-1B status on behalf of a prospective alien employee as the beneficiary. An employment relationship between the petitioner and the beneficiary is required for H-1B status (no unpaid positions or direct external funding is permitted).

H-1B nonimmigrant status is frequently requested by LSUHSC on behalf of individuals coming temporarily to the United States to perform services in a “specialty occupation” (H-1B). A “specialty occupation” is one which requires the theoretical and practical application of a body of highly specialized knowledge, requiring at least a bachelor’s degree *in a specific area of study*. A nonimmigrant must hold a relevant U.S. baccalaureate degree or higher, or a foreign degree equivalent to a relevant U.S. baccalaureate degree and a state license to practice the profession (or be eligible to receive one), if applicable.

Laws and regulations have been enacted which effect an employer’s responsibilities and liabilities in the initial hire and continued employment of H-1B non-immigrants. Under the Immigration and Nationality Act (INA), an employer seeking to employ an alien who is coming temporarily to the U. S. in a specialty occupation on an H-1B visa is required to file a Labor Condition Application (LCA). The LCA provides a process for protecting the wages and working conditions of similarly employed U.S. workers in the area of employment from being adversely affected by the employment of foreign temporary workers.

In order to complete the LCA, the ISO must verify and document that the following statements are true:

- The H-1B employee will be paid 100% of either the “actual wage” or the “prevailing wage” for the occupation, *whichever is higher*. Departments should consider that the requirements, particularly years of experience, for any position could effect whether a Skill Level 1, 2, 3 or 4 prevailing wage is provided by the Department of Labor. For more information, contact The International Services Office.
- Employing the foreign national will not adversely affect the working conditions of similarly employed U.S. workers and H1B non-immigrants will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to U.S. workers.
- ALL possible/potential work locations that will be regularly used must be included on the 15s. This includes work from home/remote work locations, if the position is eligible for that option. Any location where work is performed occasionally (less than a total of 30 days/year) do not have to be included on the 15. Locations can be added after filing, but an amended petition will be required if the new location(s) is outside the geographic area of the other locations included in the original filing.
- The employer has posted a notice (LSUHSC-15) in “**two conspicuous locations**” at the work site for a minimum of ten working days. **This notice must indicate dates of employment for a full three year period beginning with the proposed start date, as ALL LCA filings will be submitted with a three year duration. The start date must be in the future (the day after expiration of current work authorization/status), not the date employment began if an existing employee is changing status.** This notice must be posted for the full ten day period and submitted to International Services **before** the H1B petition will be submitted. **Federal and State holidays, as well as days/partial days where HSC may be closed, for example, due to Hurricanes do NOT count toward the 10 day period.**

- After ten working days, please sign the posting notices, fill in the dates of posting and locations where posted (please indicate specific location-Room # or “conference room,” “break room,” etc.) and return the original documents to the ISO. The ISO will hold the original postings (with signatures) as documentation in support of the LCA in the Public Inspection File. International Services will review all LSU HSC-15 forms to ensure they were posted for the required period.
- Any notices not properly posted will be returned so posting can be completed properly. **The LSUHSC-15s may be sent electronically (via email) to International Services for review prior to posting/submission of the full H-1B packet so the required posting periods can be completed as soon as possible.**

Once a “Prevailing Wage” from the Department of Labor and an “Actual Wage” from LSUHSC HRM has been received and any salary adjustments required have been addressed by the ISO and the hiring department, an LCA can be obtained. Obtaining the prevailing and actual wages can take two to four weeks.

When the approved LCA has been obtained, the H-1B Petition can be submitted to Department of Homeland Security. An H-1B petition may be filed up to six months prior to the date of need. An application may be filed for a maximum of three years, based upon available departmental funding. An extension may also be filed for up to three years. The total maximum available time in H1B status is six years.

Dependents of H-1B Workers: The dependent spouse and children (under age 21) of individuals filing for or in H-1B status are eligible for H-4 status. Individuals in H-4 status are not allowed to work in the U.S.

Initial H-1B applicants who are out of the U.S. will not be required to complete or include a form I-539 or application fee for H-4 dependents. However, it is necessary to have a copy of the dependent’s passport in order that verification of name spelling and date of birth can take place allowing for a letter of invitation to be prepared.

When processing an H extension, change of status or change of employers for an applicant currently in the U.S. with dependents, a Form I-539 must be completed with a separate check or money order attached. For H-1B/H-4 extensions, copies of the marriage certificate and birth certificates with English translation for each dependent will be required by the Department of Homeland Security to prove relationship.

Application Process: Departments wishing to utilize the H-1B nonimmigrant visa category must comply with the procedures contained herein. Included in this packet are copies of LSUHSC forms required for the processing of an applicant. If you have any questions, please contact the International Services Office at 568-4802.

The department should have the proposed beneficiary/employee complete the [H1B worksheet](#) and return with all required documentation. The department should complete the attached H-1B application in full and attach required supporting documentation. Return the entire completed H1B worksheet from the proposed beneficiary and application with required supporting documents and the appropriate, separate application fees to the ISO for processing.

Following internal processing (typically **4-6 weeks**) and once the petition has been submitted to Department of Homeland Security the **normal adjudication time is three to six months**.

Petition Fee: For any petition received by the Department of Homeland Security after November 23, 2010, employers who file a petition for a new H-1B, a change of status to H-1B, or a change of employer for a current H-1B visa holder, will be required to pay a \$460 petition fee. This fee also applies to extensions of current

LSUHSC H-1B visa holders. This is a fee which must be paid by the department and **cannot** be passed on to the applicant. Departmental funds should be available to cover this \$460 fee.

Fraud Prevention Fee: For any petition received by the Department of Homeland Security after March 1, 2005 and in accordance with new legislation, employers who file a petition for a new H-1B, a change of status to H-1B, or a change of employer for a current H-1B visa holder, will be required to pay an additional \$500 Fraud Prevention Fee in addition to the normal processing fee and premium processing fee. This fee does not apply to extensions of current LSUHSC H-1B visa holders. This is a fee which must be paid by the department and **cannot** be passed on to the applicant. Departmental funds should be available to cover this \$500 fee.

Premium Processing Fee: For an additional \$2,805 fee (effective 2/26/2024), an H-1B petition can be “Premium Processed”. Specifically, Department of Homeland Security will provide 15-business day processing (in lieu of 3-6 months) on petitions for those LSUHSC departments who choose to utilize this service. Processing may be a notice of approval, request for evidence, intent to deny or notice of investigation for fraud or misrepresentation.

If the notice requires the submission of additional evidence or of a response to an intent to deny, a new 15-day period will begin upon the delivery to the Department of Homeland Security a complete response to the request for evidence or notice of intent to deny. This fee is normally considered a business expense and should be paid by the sponsoring department. If needed to meet the desired start date, departmental funds should be available to cover this \$2,805 fee.

Ideally, the Premium Processing Service should be requested in conjunction with the initial petition submission. However, the Service may be utilized to upgrade a regular petition, following initial submission, but only after a form I-797 receipt has been obtained by the ISO.

LSU System Policy ([PM-26](#)) allows the use of University funds for the fees associated with H-1B applications. The use of federal grant funds is permissible if for initial hire (recruitment), but not for extensions for current employees per the NIH Grants Policy Statement, [Section 7.9.1](#). The use of non-federal grant funds must be in accordance with the regulations of the granting agency.

Timing of Petition Filing:

An H-1B petition may be filed up to six months prior to the date of need (start date).

Change of Status/New employee petitions: To avoid gaps in work authorization and payment of the premium processing fee, petitions that request a change of status to H1B from another non-immigrant status should be filed as close to the six month mark as possible. **International Services recommends that the completed application packet be submitted no less than seven (7) months prior to expiration of current status/start date if premium processing is not anticipated (2 months with premium processing).** A change of status petition must be received and approved by USCIS **before** the individual may begin/continue employment in H-1B status at LSUHSC New Orleans.

Extension petitions: An extension petition must be received by USCIS no later than the date the current H-1B approval period ends. To facilitate I-9 re-verification, **International Services recommends the department submit the completed application packet at least three (3) months prior to the H1B approval period expiration date.** This will help facilitate International Services mailing of the petition to USCIS no later than 10 working days before expiration of the current approval period to increase the likelihood that the receipt notice is received from USCIS prior to expiration. An H-1B employee requesting an extension of their H-1B status is provided a 240 day grace period to continue their previously approved employment while awaiting a decision on the extension petition. If a denial is received or the 240 day grace period ends without receipt of a decision, employment must cease immediately.

Amendment petitions: An H-1B petition is employer, employee, job title, job duty, salary and location specific. Should there be any changes in an applicant's title, duties, work location, or salary, **before** changes can be processed internally at LSUHSC, an amended H-1B petition must be filed by the ISO. An amended petition will require the same documentation and application fees as an extension application. An amendment petition is required if a **material change** in employment is *planned* for an H-1B employee. **Material changes can include but are not limited to: promotions/title changes, changes in job duties, changes in work locations.** An amended petition must be received by USCIS *prior* to the date the proposed changes will be implemented internally. **International Services recommends the department submit the completed application packet at least three (3) months prior to the effective date for any changes.** While the petition is pending, once the receipt notice has been received, the proposed changes to H-1B employment are permitted to commence. If a denial of the amended petition is received, all material changes to the previously approved employment must cease immediately.

Transfer petitions: A “change of employer” petition or transfer petition permits an H-1B employee to move from one H-1B sponsoring employer to another. A “change in employer” petition must be received by USCIS *prior* to the proposed start date at the new employer. The employee is permitted to begin working for the new employer **on the start date requested** in the “change of employer” petition, ***provided the receipt notice has been received.*** **International Services recommends the department submit the completed application packet at least three (3) months prior to the anticipated employment start date.**

H-1B Status Duration: A single petition may be filed for a **maximum of three years**, based upon available departmental funding. An extension may also be filed for up to an additional three years. **The total maximum available time in H1B status is six calendar years** unless an exception exists due to 1) a pending labor certification, 2) a pending petition for permanent residency, 3) available recovery of days spent outside the U.S. while approved for H-1B status or 4) re-set of the six year clock due to time spent outside the U.S. Contact International Services for more information on H1B status beyond six years, or see our [website](#).

Dependents of H-1B Workers: The dependent spouse and children (under age 21) of individuals filing for or in H-1B status are eligible for H-4 status. **Individuals in H-4 status are not allowed to work in the U.S.** Initial H-1B applicants who are out of the U.S. will not be required to complete or include a form I-539 or application fee for H-4 dependents. However, it is necessary to have a copy of the dependent's passport in order that verification of name spelling and date of birth can take place allowing for a letter of invitation to be prepared. When processing an H extension or change of status for an applicant **currently in the U.S. with dependents**, a **Form I-539 must be completed with a separate check or money order** attached. Copies of the marriage certificate and birth certificates with English translation for each dependent will be required by the USCIS to prove relationship.

TERMINATION OF EMPLOYMENT: Pursuant to 8 C.F.R. § 214.2(h) (4) (iii) (E), if the employer dismisses the H-1B worker prior to the end of the period of authorized employment, **the employer must pay the reasonable cost of return transportation to the alien's last place of foreign residence. Dismissal for any reason, even for cause, triggers this provision.**

LEAVE WITHOUT PAY: Due to Department of Labor wage obligations under the LCA, LWOP status is not permitted for H1B employees without **prior approval from ISO**. A case by case evaluation will be required.

Unless the prospective H-1B employee currently holds a valid immigration status which permits employment, they may not begin to work until the start date on the approval notice for the H-1B petition.

LSUHSC-9 H-1B NONIMMIGRANT WORKER PRIOR APPROVAL FOR HIRE (OR EXTENSION)

- New Hire or Change of Status to H1B
- Extension for current LSU HSC H1B employee
- Change of Employer for current H1B beneficiary

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FACULTY SPONSOR: _____ DEPARTMENT: _____

Dept. Address: _____ Dept. Contact: _____

Dept. Contact Phone: _____ Dept. Contact Email: _____

POSITION TITLE: _____ PROPOSED SALARY: _____

***Attach Position Description, approved Training Plan and/or Advertisement.**

FEDEX ACCOUNT# _____ (required)

PROPOSED DATES OF EMPLOYMENT*: FROM: _____ To: _____

***Up to a 3 year period may be requested.**

(This does not have to match the LSUHSC-15 3 year period if a shorter period is desired.)

For new LSUHSC employees: The start date should be the anticipated date employment will begin at LSUHSC (allow at least 2 months for processing with premium service).

For existing LSUHSC employees: The start date should be the day after their current status or work authorization expires (see H1B worksheet submitted by employee and allow at least 2 months for processing with premium service).

PATIENT CARE/CONTACT REQUIRED: Yes No

LICENSE REQUIRED: Yes No

WILL ANY WORK BE PERFORMED OFF SITE? YES* NO

For purposes of an H1B petition, "off site" is considered to include locations where actual productive work will be performed, but which are not offices/facilities/locations of the petitioner (LSU HSC). Off site does **not** include locations where occasional lectures, educational conferences or meetings may take place.

*If **YES**, an itinerary detailing specific off site locations and work to be performed with corresponding dates at each location is required. **Do not include LSUHSC locations in the itinerary.** (See LSUHSC-17)

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NAME OF PROPOSED BENEFICIARY

LAST : _____ FIRST: _____ M: _____

DOES THE ALIEN SPEAK FLUENT ENGLISH: Yes No

HOW HAS ENGLISH FLUENCY BEEN VERIFIED? Interview Phone Call Other: _____

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Departmental Approvals:

Date:

Funds Approved/Business Manager: _____

Section Head (if applicable) _____

Department Head: _____

International Services: _____

Dean: _____

LSUHSC-10 H-1B APPLICATION DOCUMENTS CHECKLIST

PACKETS WHICH ARE NOT COMPLETED CORRECTLY OR IN THEIR ENTIRETY WILL BE RETURNED TO THE SPONSORING DEPARTMENT.

<u>Attached</u>	<u>Not Required</u>	
<input type="checkbox"/>	<input type="checkbox"/>	H1B Worksheet completed by beneficiary with all required documentation.
<input type="checkbox"/>	<input type="checkbox"/>	LSUHSC-9 PRIOR APPROVAL FOR HIRE (OR EXTENSION) OF H-1B NONIMMIGRANT WORKERS: Complete and submit with application to International Services Office with appropriate departmental signatures. The <i>International Services Office will obtain signature of the Dean</i> . A position description, training plan and/or job advertisement which details, minimum requirements and job duties should be attached.
<input type="checkbox"/>	<input type="checkbox"/>	LSUHSC-10 Documents Checklist. Complete and submit with application.
<input type="checkbox"/>	<input type="checkbox"/>	LSUHSC-11 INFORMATION FOR PREVAILING WAGE DETERMINATION: Complete and submit with application. This form will be used to make a “prevailing wage” determination using the OFLC Online Wage Data.
<input type="checkbox"/>	<input type="checkbox"/>	LSUHSC-12 LSUHSC ACTUAL WAGE REQUEST: Complete for submission with application.
<input type="checkbox"/>	<input type="checkbox"/>	LSUHSC-13 LSUHSC ACTUAL WAGE DETERMINATION: Complete for submission with application.
<input type="checkbox"/>	<input type="checkbox"/>	LSUHSC-15 NOTICE TO EMPLOYEES: The sponsoring department is required to post two LSUHSC 15s at every work location for 10 working days. After removal of postings, the <i>originals</i> must be submitted to the International Services Office for the Inspection Files. The H1B petition will not be submitted until <u>properly completed</u> LSU HSC-15s are obtained for each work location.
<input type="checkbox"/>	<input type="checkbox"/>	LSUHSC-16 WORKING CONDITIONS REPORT: Complete and submit with application for the Public Inspection File.
<input type="checkbox"/>	<input type="checkbox"/>	LSUHSC-17 ITINERARY: Complete and submit for full duration requested <i>if the employee will regularly work at non-LSUHSC locations (partner hospitals, VA, etc.)</i> . Only include off-campus locations on the itinerary.
<input type="checkbox"/>	<input type="checkbox"/>	LSUHSC-19 DEEMED EXPORT ATTESTATION: Must be completed and have all required signatures through department head. ISO will obtain signature from the Research Office.
<input type="checkbox"/>	<input type="checkbox"/>	LSUHSC-20 RESPONSIBILITY AGREEMENT: Must be completed and have all required signatures through department head.
<input type="checkbox"/>	<input type="checkbox"/>	HRM credential approval (CM-34) required for all NEW LSUHSC employees.

SUPPORTING DOCUMENTS REQUIRED

Submit to Direct Pay, **separate** Direct Pay Requests for *each* fee with appropriate addresses made payable to “Department of Homeland Security” as required for each petition. USCIS will not accept one check for the total amount of the required fees. Each fee must be paid in a **separate check**. **Direct Pay Account Code to use for check requests is: 539185 (Empl - International Fees)**

Provide ISO with a printed copy (screen shot) of the electronically submitted Direct Pay check requests with the packet. To request pick-up by ISO when checks are ready, note it in the special request section/screen for DP to e-mail InternationalServices@lsuhsc.edu or rall11@lsuhsc.edu (Remy Allen) for pick-up.

As of this H-1B application revision, fees associated with the H-1B petition are:

- \$460 I-129 Petition Fee** (Must be paid by the employer and required for all new and extension H-1B petitions)
- \$500 Fraud Prevention Fee** (Must be paid by the employer and required for new H-1B petitions, change of status to H and change of employer -- not required for extension petitions for current LSUHSC H-1B employees)
- \$2,805 Premium Processing Fee, if applicable** (may be paid by employer or employee provided wage requirements are still met).

Direct Pay Requests should utilize the following address:

U.S. Department of Homeland Security
California Service Center
24000 Avila Road, Room 2312 Laguna
Niguel, CA 92677

- Copy of written contract OR signed letter of offer between LSUHSC New Orleans and (proposed) employee.
- Copy of PeopleAdmin OR paper funding sheet (old paper PER 1 equivalent)

PETITIONS FOR H-1B PHYSICIANS OR DENTISTS TO PERFORM **DIRECT PATIENT CARE IN THE U.S MUST **ALSO** INCLUDE THE FOLLOWING DOCUMENTATION:**

FOR H1B PHYSICIANS ENGAGING IN PATIENT/CLINICAL CARE:

- Copies of United States Medical Licensing Examination (USMLE) Steps 1, 2, and 3 and;
- Copy of valid ECFMG Certificate and;
- Copy of actual license to practice in Louisiana from Louisiana State Board of Medical Examiners **OR** a Letter from LSBME indicating that (proposed) employee is eligible to obtain Louisiana license.
- USMLE EXCEPTION: (**Clinical trainees not eligible for this exception**) In some cases, senior faculty may not have completed USMLE 1,2, and 3 and may be eligible for an exception allowing for “patient care which is incidental to teaching and research” to be determined by the School of Medicine Dean’s Office.

FOR H1B DENTISTS/DENTAL FELLOWS/RESIDENTS ENGAGING IN PATIENT/CLINICAL CARE:

- Copy of full **or** restricted license to practice in Louisiana from Louisiana State Board of Dentistry **OR** a Letter from LSBDB indicating that (proposed) employee is eligible to obtain Louisiana license.

LSUHSC-11 H-1B PREVAILING WAGE REQUEST

EMPLOYER'S NAME & ADDRESS:

LSU Health Sciences Center
433 Bolivar Street, Suite 206B
New Orleans, LA 70112-2223

ADDRESS(ES) WHERE WORK WILL BE PERFORMED (include full address and parish):

NATURE OF EMPLOYER'S BUSINESS ACTIVITY: Higher Education, Research and Patient Care

TITLE OF POSITION BEING FILLED: _____

BASE HOURS/WEEK: _____

JOB DUTIES (include all possible duties for the position, even if not performed at present):

PROPOSED SALARY: \$_____ Base: _____ / Supplement: _____

***Proposed salary should only include guaranteed wages. Do not include supplement if not guaranteed as part of wages.**

MINIMUM EDUCATION REQUIRED (Degree and Field of Study): _____

MINIMUM EXPERIENCE REQUIRED: _____

(N/A or 0 if none or definite number; 6 months, 1 year)

PROFESSIONAL LICENSE REQUIRED: _____

TITLE OF POSITION'S IMMEDIATE SUPERVISOR (not name): _____

NUMBER OF EMPLOYEES POSITION TO SUPERVISE: _____

(N/A or 0 if none, definite number if known, or a range, 0-3 are acceptable. TBD is not an acceptable response.)

ALL INFORMATION PROVIDED ON THIS FORM SHOULD BE ABOUT THE POSITION'S REQUIREMENTS, NOT THE PROPOSED HIRE/EMPLOYEE'S CREDENTIALS/QUALIFICATIONS!!

SIGNATURE: _____ **DATE:** _____

(Faculty Sponsor)

LSUHSC-12 LSUHSC ACTUAL WAGE REQUEST

DATE: _____

TO: Mrs. Sara Schexnayder
Human Resource Management, LSUHSC
FOR: H-1B Public Inspection File
RE: Actual wage information related to the employment of an H1B Nonimmigrant Worker

With regard to the H-1B nonimmigrant worker position, we provide the following information:

JOB TITLE: _____
PROPOSED ANNUAL SALARY: _____ Base: _____/ Supplement: _____

MINIMUM EDUCATIONAL REQUIREMENT FOR POSITION: _____

FIELD OF STUDY REQUIRED: _____
ALIEN'S QUALIFICATIONS (academic degrees, experience, special attributes):

Based upon alien's academic background, experience and level of expertise, I have determined that the actual wage for his/her proposed position is stated above. Factors considered include the following:

The purpose of this memo is to request that your office provide, based upon the best information available to it, an actual wage or a range of actual wages paid to comparable workers at LSUHSC at this time.

Thank you for your assistance.

Faculty Sponsor Typed Name

Faculty Sponsor Signature

LSUHSC-13 LSUHSC ACTUAL WAGE DETERMINATION

Return to: Remy Allen
Director of International Services
433 Bolivar Street, Suite 206B
New Orleans, LA 70112-2223

DATE: _____

Department/School: _____

Position: _____

↑ COMPLETED BY DEPARTMENT

↓ COMPLETED BY HUMAN RESOURCE MANAGEMENT

Regarding the above-captioned prospective H-1B nonimmigrant worker, we have determined that the actual wage or range of actual wage at LSUHSC for comparable positions as of (date of determination) _____ is \$ _____ to _____ per year.

The method used for calculating this wage:

Sara Schexnayder
Human Resource Management

LSUHSC-15 NOTICE TO EMPLOYEES

PLEASE TAKE NOTICE that Louisiana State University Sciences Center has filed/will file a Labor Condition Application (LCA) with the United States Department of Labor and that the LCA is available for public inspection at:

433 Bolivar Street, New Orleans, LA 70112.

The posting of this notice is required by Federal Regulations as part of the process of legally classifying a particular temporary worker under U. S. Immigration Law. It is not an announcement of a job vacancy. This notice refers to a worker who has already been selected for a particular position as described.

NUMBER OF H-1B WORKERS SOUGHT: 1

JOB TITLE: _____

ANNUAL WAGES OFFERED*: _____ (Base: _____/Supplement: _____)

***Proposed salary should only include guaranteed wages. Do not include supplement if not guaranteed for the full 3 years.**

PERIOD OF EMPLOYMENT**: FROM: _____ TO: _____

****This notice must indicate dates of employment for a full three year period.**

LIST ALL LOCATIONS AT WHICH THE H-1B WORKER WILL BE EMPLOYED: (include full street address and parish)

Complaints alleging misrepresentation of material facts in the Labor Condition Application and/or failure to comply with the terms of the Labor Condition Application may be filed with any office of the Wage and Hour Division of the United States Department of Labor.

DATE POSTED: _____

Location Posted #1: _____

BY: _____

(Check location where notice posted (1 or 2) and highlight corresponding work address above for locations.)

DATE REMOVED: _____

Location Posted #2: _____

BY: _____

(Check location where notice posted (1 or 2) and highlight corresponding work address above for locations.)

A completed LSUHSC-15 MUST be posted in **“two conspicuous locations”** at each work location for a minimum of **ten working days**. (Break Room, HR, Job Board, Near other required notices). **Federal and State holidays, as well as days/partial days when the work location/HSC may be closed do NOT count toward the 10 day period (Hurricanes, etc.)**

COPY/PRINT AS NEEDED FOR POSTING IN TWO CONSPICUOUS LOCATIONS.

LSUHSC-16 WORKING CONDITIONS REPORT

DATE: _____

NAME OF H-1B WORKER: _____

JOB TITLE: _____

DEPARTMENT: _____

This will confirm that the above (proposed) employee will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to U.S. workers in the same or similar occupation.

Faculty Sponsor Name

Faculty Sponsor/Supervisor Signature

LSUHSC-19 DEEMED EXPORT ATTESTATION

Beneficiary Last Name: _____

First Name: _____

Date of Birth: _____

Email Address: _____

Citizenship Country: _____

Country of Permanent Residence: _____

Proposed Job Title: _____

Proposed Hire Date: _____

Brief Description of Beneficiary's Job Duties (attach sheet if necessary):

All I-129 petitions now require a mandatory certification regarding the release of controlled technology or technical data to foreign persons in the U.S. All investigators and departments have been made aware of International Traffic in Arms Regulations (ITAR) and Export Administration Regulations (EAR), including "dual use items", deemed exports and the Commerce Control List (CCL)) which can be found at http://www.lsuhs.edu/no/administration/rs/IBC_Biosafety/default.htm . For purposes of accurately preparing Part 6 of Form I-129, please answer the following questions after review of the above website:

Yes **No** 1. Will the beneficiary be provided access to any LSU System-owned technical data or Technology that is considered proprietary or confidential to the LSU System?

If yes, please attach separate page with explanation.

Yes **No** 2. Will the beneficiary 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 US government furnished technical data with dissemination controls or other restrictive markings, as well as ITAR-controlled items.

If yes, please attach separate page with explanation.

Yes **No** 3. Will the beneficiary be provided access to equipment specifically designed or developed for military or space applications?

If yes, please attach separate page with explanation.

Yes **No** 4. Will the beneficiary be involved in any research projects?

If yes, will any of the research be sponsored, in whole or part, by either the institution or an external sponsor, including the federal government? **Yes** **No**

If yes, please provide the project name and IBC identification #:

If yes, please attach a description of the research that will be performed, including whether the research results will be taught, published or otherwise shared with the interested public.

Based on the information provided above, with respect to the technology or technical data the LSUHSC will release or otherwise provide access to the beneficiary, the faculty sponsor/department certifies it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) determining:

A license **is not** required from either US Department of Commerce or the US Department of State to release such technology or technical data to the foreign person; or

A license **is** required from the U.S. Department of Commerce and/or the US Department of State to release such technology or technical data to the beneficiary and the petition will prevent access to the controlled technology or technical data by the beneficiary until and unless the LSUHSC has received the required license or other authorization to release it to the beneficiary.

By signing below I certify that all information contained herein is true and correct to the best of my knowledge. (Please note that inaccurate statements may cause LSUHSC-NO and/or its employees to be subject to criminal sanctions for false or inaccurate statements to the government with additional penalties possible for failure to comply with EAR and ITAR regulations for export controls.

Sponsoring Department: _____

Business Manager Name: _____ Signature: _____ Date: _____

Faculty Sponsor Name: _____ Signature: _____ Date: _____

Department Head Name: _____ Signature: _____ Date: _____

Reviewed by the LSUHSC Office of Research Services/Institutional Designee:

Name: _____ Signature: _____ Date: _____

LSUHSC-20
AGREEMENT TO ACCEPT RESPONSIBILITY FOR H1B EMPLOYEE

Name of proposed H1B employee: _____

The U.S. Citizenship and Immigration Service and U.S. Department of Labor have specific regulations regarding H1B employees. When sponsoring an H1B employee, LSUHSC has certain obligations with regard to those employees:

- Faculty members who request to sponsor H1B employees are bound by the professional and ethical obligations described in the Faculty Handbook, including: "...[P]rofessors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others... It is the basic principle that every member of the faculty of whatever rank shall at all times be held responsible for competent and effective performance of appropriate duties." (See [Faculty Handbook](#) at 10.2 and 10.5.1)
- The department agrees to accept fiscal responsibility for the H1B employee for the **entire** period requested and certify that the department has sufficient funding to support the H1B employee's salary (and supplement, if applicable) for the **entire** period requested.

As the signatory for all H1B petitions filed by LSUHSC, the ISO Director makes the final decision of whether action relative to the visa or immigration status of an H1B employee is appropriate or required.

- No faculty sponsor or department head may threaten, imply or suggest possible adverse action with regard to an H1B employee's visa or immigration without prior consultation and approval from ISO.
- LSUHSC policies provide employees protection from discrimination, including discrimination based on national origin. (Please see [CM-10](#), [Faculty Handbook](#) 4.5.2 and 10.6.3.) H1B employees may not be treated differently because of their H1B status.

CERTIFICATION BY DEPARTMENT

Should any problem occur with the H1B employee regarding employment, finances, etc., we agree to notify international services **prior** to initiating any action regarding the H1B employee, **including placing an employee on Leave Without Pay**. In addition, we agree to follow the appropriate standard LSUHSC procedures in remedying such problems. **We have read and agree to the above stated terms required to sponsor an H1B employee in the department.**

BUSINESS MANAGER _____ DATE _____

FACULTY SPONSOR _____ DATE _____

DEPARTMENT HEAD _____ DATE _____