



H-1B DEPARTMENT REQUEST FORM

FOR =k USE ONLY [] New, COS [] New, Consular Processing [] Extension [] Amendment [] Port

The information provided on this form will be used to complete the required USCIS Form I-129 (Petition for a Nonimmigrant Worker), file a Labor Condition Application (LCA) with the Department of Labor (DOL), and draft a support letter to be submitted to USCIS. Please ensure all information is true, complete, and accurate.

A. Employee (Beneficiary) Information

Family (last) Name: Given (first) Name: Middle Name(s):
Is the employee currently in the U.S.? [] No [] Yes If yes, what is their current immigration status? [] F-1 [] J-1 [] H-1B [] Other
Date status expires?

B. Sponsoring Department Information

Department Name: College Name:
Department Contact, Name and Title: Department Contact, Phone Number:
Employee's Direct Supervisor, Name and Title: Department Chair, Name and Title:

C. Job Details

Job Title: Proposed H-1B Start Date: Proposed H-1B End Date (3-year max.):
Is this position tenure/tenure-track? [] Yes [] No
Guaranteed Wage to be paid: [] Full-time wage offer: \$_____ annually [] per 9 months or [] per 12 months
[] Part-time wage offer: \$_____ per/hour Hours per week: _____ %FTE: _____
Is this employee eligible for standard WV SU benefits? [] Yes [] No
Job Description. Summarize the job duties to be performed. For STAFF positions, you must also submit a position description approved by HR.
Does this position have a teaching component? [] Yes [] No If yes, please explain:
Is travel required to perform the job duties? [] Yes [] No If yes, provide details such as the area(s), frequency and nature of travel:
Number of employees (not student workers) this position will supervise: Type of workers?

D. Minimum Job Requirements. Please only specify what is MINIMALLY REQUIRED in order to perform in this position; do not indicate preferred requirements; do not simply list the employee's qualifications. These should match the position description and/or job posting.

| | |
|--|--|
| Minimum education requirement (BS, MS, Ph.D, MD, etc.): | |
| Major field of study: | Is "all but dissertation ABD" acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Is there a second degree required? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please specify: | |
| Is any training required? (e.g., residency/fellowship or internship) <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe the training below: | |
| Is any employment experience required? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list number of years and in what occupation below: | |
| Are there any special requirements (e.g., special skills, licenses, foreign language proficiency, etc)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please describe below: | |

E. Recruitment Efforts

| | |
|---|--|
| Did you recruit/advertise for this position? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe when and where the ads were placed below: | |
| Selection Date (date listed on offer letter, if applicable): | |
| Is the College/Department considering sponsoring this individual for permanent residency ("green card")? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure | |

**Note: The College may but is never obligated to sponsor an individual for permanent residency (PR). Moreover, the Department never assumes a Department wants or intends to sponsor an individual for PR. The Department (NOT the foreign national) must initiate this process. In the event that your Department does intend on sponsoring this individual, there are some important dates and timelines to consider. Please consult the HR office.*

F. Job Locations/Worksites. Please be very specific when listing all worksites/buildings the employee will work during his/her H-1B period:

| | | | |
|---|-------|----------|------------------------------|
| Worksite 1 (please check one): <input type="checkbox"/> Main Campus <input type="checkbox"/> Off-site location | | | |
| Building Name or Business Name | | | |
| Street Number and Name: | | | Apartment/Suite/Floor Number |
| City | State | Zip Code | County |
| Worksite 2 (please check one): <input type="checkbox"/> Main Campus <input type="checkbox"/> Off-site location | | | |
| Building Name or Business Name | | | |
| Street Number and Name: | | | Apartment/Suite/Floor Number |
| City | State | Zip Code | County: |
| Worksite 3 (please check one): <input type="checkbox"/> Main Campus <input type="checkbox"/> Off-site location | | | |
| Building Name or Business Name | | | |
| Street Number and Name: | | | Apartment/Suite/Floor Number |
| City | State | Zip Code | County: |
| Worksite 4 (please check one): <input type="checkbox"/> Main Campus <input type="checkbox"/> Off-site location | | | |
| Building Name or Business Name | | | |
| Street Number and Name: | | | Apartment/Suite/Floor Number |
| City | State | Zip Code | County: |

H-1B DEPARTMENTAL OBLIGATIONS AND COMPLIANCE

Sponsoring WVSU departments assume significant responsibility on behalf of the University. Every sponsoring department is responsible for understanding and strictly adhering to any and all regulations mandated by the Department of Labor (DOL) and USCIS. These rules and obligations include but are not limited to:

- ✓ The Department (and/or College) agrees to pay all required filing fees; none of these fees may be charged back to the international employee;
- ✓ The Department attests to the four (4) labor condition statements summarized below upon the filing of a Labor Condition Application (LCA):
 1. **WAGES:** Pay nonimmigrants at least the local prevailing wage or the employer’s actual wage, whichever is higher, and pay for non-productive time. Offer nonimmigrants benefits on the same bases as offered to U.S. workers.
 2. **WORKING CONDITIONS:** Provide working conditions for nonimmigrants which will not adversely affect the working conditions of workers similarly employed.
 3. **NO STRIKE/LOCKOUT:** There is no strike, lockout, or work stoppage in the named occupation at the place of employment.
 4. **NOTICE:** The Department agrees to physically post a Notice of Filing of LCA in two conspicuous/obvious locations at each place of employment.
- ✓ **WAGES and CHANGES IN SALARY.** The Department agrees to pay the employee the amount listed on the certified Labor Condition Application (LCA) for the entire H-1B validity period. For salari ed employees, wages must be paid in equal prorated installments on a bi-weekly basis. For hourly employees, the required wages will be due at the end of the ordinary pay period (bi-weekly) for all hours worked and/or for any nonproductive time as specified in the H-1B petition. If frequency of payment changes or if payment ceases for any reason, it may violate DOL regulations. The Department agrees to notify HR immediately prior to any change in salary or compensation structure; which includes but is not limited to: a salary and/or benefit reduction or increase; or switching the employee to an incentive-based payment plan.
- ✓ **NO BENCHING.** The Department agrees to pay the required wage rate for all nonproductive time caused by conditions related to employment—such as lack of assigned work, lack of a permit, or studying for a licensing exam—during the entire H-1B validity period.
- ✓ **START DATE AND COMPENSATION.** WVSU’s obligation to pay begins upon the approved H-1B start date & when the worker makes him/herself available for work, regardless of any employer-related conditions that may prevent the employee from beginning work. In any case, compensation must begin no later than 30 days after the H-1B worker enters the U.S. to take the job, or where the worker is already in the U.S., 60 days after the H-1B worker is authorized to work for WVSU.
- ✓ **LEAVES OF ABSENCE.** The Department will not place the employee in an unpaid status and will notify OISSS if the employee takes any unpaid leaves of absence to ensure compliance with immigration regulations.
- ✓ **MATERIAL CHANGES.** The Department agrees to notify HR if this position changes in a material way during the H-1B approval period prior to that change going into effect. The University may be obligated to amend the H-1B petition with USCIS. Examples of a material change: changes in job title, job duties or requirement, # of hours (e.g., change from full to part-time or vice versa), salary, and work location.
- ✓ **CHANGE OF WORKSITE.** The Department agrees to notify HR of the intent to transfer their employee to a new worksite not listed on the original H-1B petition **before** employment commences at the new site. The University may have to file a new LCA and H-1B petition.
- ✓ **EMPLOYEE TERMINATION/RESIGNATION and RETURN TRANSPORTATION.** The Department agrees to notify HR if the employment is terminated or if the employee resigns prior to his or her approved H-1B end date. Please note that WVSU’s obligation to pay the required wage does not cease until USCIS is notified of the separation. **If the employee is terminated prior to his or her approved H-1B end date, the University must offer to pay reasonable costs for the employee to return to his or her home country of residence.** The University has no obligation to employees who voluntarily resign.
- ✓ **H-1B EXTENSIONS.** The Department agrees to notify HR six (6) months prior to expiration when an extension is desired.
- ✓ **I-9 OBLIGATION.** Please ensure Form I-9 Employment Eligibility Verification compliance.

CERTIFICATION BY DEPARTMENT CHAIR OR HIRING/AUTHORITY

Failure to comply with any of the above may result in substantial penalties for WVSU, including but not limited to: Back wage assessment, civil money penalties, disqualification from H-1B and other immigration programs, and in extreme cases, criminal penalties.

Your signature below certifies that you have reviewed, understand, and will comply with the statements listed above through the entire validity period indicated on approved USCIS Form I-797, Notice of Action should USCIS approve the H-1B petition.

| | | |
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| | | |
| Department Chair/Hiring Authority (Print name) | Signature | Date Signed |
| | | |
| Dean (Print name) | Signature | Date Signed |
| | | |
| Vice President/Athletic Director (Print name) | Signature | Date Signed |



WEST VIRGINIA STATE UNIVERSITY

FILING FEES (Checks made payable to the Department of Homeland Security)

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|---|------------|
| H-1B Filing Fee (paid by Department) | \$460.00 |
| H-1B Fraud & Detection Fee (paid by Department) | \$500.00 |
| Premium Processing Fee (optional fee, but must be paid by Department) | \$1,410.00 |
| Attorney Fee | TBD |

Choosing a Beginning Date of new or extended H-1B sponsorship. The timeframes listed below are estimates:

For new H-1B sponsorship

Earliest Beginning Date

| With Premium Processing | | |
|---------------------------------|---|---------------------------------------|
| | Employee is outside of US | 6 weeks after submitting this request |
| | Employee is inside US with H-1B status | 4 weeks |
| | Employee is inside US with other status | 5 weeks |
| With Standard Processing | Employee is outside of US | 8 months |
| | Employee is inside US with H-1B status | 4 weeks |
| | Employee is inside US with other status | 8 months |

For extending H-1B sponsorship: The day after current H-1B sponsorship expires

Disclaimer: Please be aware that these are tentative guidelines. If you or the prospective employee have any questions, please contact the Department of Human Resources. As of 2019, standard processing is taking an average of 6 to 8 months. Premium processing may require additional time if a Request for Evidence is issued.