

H-1B REQUEST FORM – PART A (To Be Completed by WSU Employing Department)

A. GENERAL AND POSITION INFORMATION

Hiring Department: _____ College/Division: _____

Name of foreign national: _____
Last name First name Middle name

Position Title: _____ Banner ID (if applicable): _____

Please check: New H-1B Extension w/o changes New Concurrent employment
 Extension of Concurrent Employment Change of employer (non-WSU to WSU)
 Amendment (including transfer w/WSU) – explain: _____
 New Concurrent employment with UPG full-time _____ part-time _____
 Other: _____

Will the employee mentioned above work **only** for Wayne State University?
 Yes No (attach the other H-1B receipts or approval notices, LCA & Offer Letter)

Explanation: _____

Will the employee be able to produce a Wayne State paycheck for the wage that will be certified for this petition if that information is requested by USCIS?
 Yes No If No, please attach an explanation

The position is (check all that apply): Temp Permanent Tenure Track Non-Tenure Track

Union Representation (if applicable): AAUP P & A Other: _____

The position is: Full time: Salary Offered \$ _____ (specify if 9-month) # of hours per week _____
 Part time: Hourly rate offered \$ _____ **AND** Annual salary offered: \$ _____
of hours per week _____

(If there will be any period, such as WSU Holiday Closure, when he/she will not get paid, put a range of hours starting with "zero," such as "0 to 30 hours per week")

*** In the case of part-time H-1B petitions, the hiring department, not the H-1B employee, MUST document in writing the number of hours per day & per week the H-1B employee worked for the entire duration of the part-time H-1B validity period.**

Duration of employment (as appears on the letter of offer): from _____ to _____

Hourly Work Schedule: _____ i.e. (Monday – Friday 8:30 a.m. – 5:00 p.m.)

Will travel be required to perform the job duties? Yes No
If yes, explain the travel requirements: _____

Does compensation package include fringe benefit? Yes, value of benefits \$ _____ No

Place of Employment Information:
Address where the foreign national will work:

Street City State Zip Code

Will work be performed in multiple worksites within an area of intended employment or location (s) other than the address listed above?
 Yes No

If yes, identify the geographic place(s) of employment with as much specificity as possible:

Beginning January, 2010

USCIS says that "an employer who seeks to sponsor a temporary worker in an H-1B specialty occupation is required to establish a valid employer-employee relationship." The memo instructs adjudicators that a petitioner "must be able to establish that it has control over when, where, and how the beneficiary performs the job," and lists 11 factors that an adjudicator can consider (with no one factor being decisive) when evaluating whether a petitioner has satisfactorily established the required employer-employee relationship. **Please check all that are applicable:**

- Does the petitioner supervise the beneficiary and is such supervision off-site or on-site?
- If the supervision is off-site, how does the petitioner maintain such supervision, i.e. weekly calls, reporting back to the main office routinely, or site visits by the petitioner?
- Does the petitioner have the right to control the work of the beneficiary on a day-to-day basis if such control is required?
- Does the petitioner have the tools or instrumentalities needed for the beneficiary to perform the duties of employment?
- Does the petitioner hire, pay, and have the ability to fire the beneficiary?
- Does the petitioner evaluate the work-product of beneficiary, i.e. progress/performance review?
- Does the petitioner claim the beneficiary for tax purposes?
- Does the petitioner provide the beneficiary with any type of employee benefits?
- Does the beneficiary use proprietary information of the petitioner in order to perform the duties of employment?
- Does the beneficiary produce an end-product that is directly linked to the petitioner's line of business?
- Does the petitioner have the ability to control the manner and means in which the work product of the beneficiary is accomplished?
- Does the petitioner will employ the beneficiary to perform job duties that directly and predominately furthers the normal, primary, or essential purpose, mission, objectives, or function of Wayne State University?

Therefore, the relationship test is met if petitioner is able to present evidence to establish its right to control the beneficiary's employment, if requested by USCIS.

Beginning December 22, 2010

With respect to the technology or technical data the petitioner will release or otherwise provide access to the beneficiary, the petitioner certifies that it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and has determined that:

Check Box 1 or Box 2:

- 1. A license is not required from either U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person; OR
- 2. A license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the beneficiary and the petitioner will prevent access to the controlled technology or technical data by the beneficiary until and unless the petitioner has received the required license or other authorization to release it to the beneficiary.

If you have any questions regarding deemed export, please visit Wayne State University Division of Research export control website at <http://www.research.wayne.edu/export-control/index.php>

B. DEPARTMENT CHAIR'S ATTESTATIONS (must be signed by the chair, not by his/her designee)

- By submitting this request to begin the H-1B petition process, I understand that the H-1B employee should be paid the higher of the prevailing wage (as determined by the Department of Labor (DOL) – the weighted average rate of wages paid to workers similarly employed in the area of intended employment) **OR** the actual wage (being paid to all other WSU individuals with similar experience or qualifications for the employment in question), whichever is higher.
- By submitting this request, I agree to the terms and conditions of the labor condition application (submitted to DOL by OISS based on the application submitted by the hiring department) for the duration of the H-1B employee's authorized period of stay for the H-1B employment.
- I certify under penalty of perjury that the information submitted is true and correct to the best of my knowledge. I understand that the supporting evidence submitted may be verified by USCIS through any means determined appropriate by USCIS, including on-site compliance review.
- By submitting this request, I certify that the employer will be liable for the reasonable costs of return transportation of the H-1B employee abroad if he/she is dismissed from employment by the employer for any reason before the end of the H-1B period.
- I agree that the department will consult with an OISS scholar advisor prior to any H-1B terminations or resignations.
- I understand that H-1B status may be granted in up to three-year increments, not to exceed six years total.

Department Chair's Signature: _____

Date: _____

Chair's Name: _____

C. ADMINISTRATIVE CONTACT INFORMATION

Name: _____ Title: _____

Phone: _____ Fax: _____ E-mail: _____

Address: _____

Street City State Zip Code

D. PRINCIPAL INVESTIGATOR CONTACT INFORMATION

Name: _____ Title: _____

Phone: _____ Fax: _____ E-mail: _____

Address: _____

Street City State Zip Code

Office of International Students and Scholars
Wayne State University

42 W. Warren, Suite 416 ♦ Detroit, Michigan 48202 ♦ (313) 577-3422 ♦ FAX (313) 577-2962 ♦ OISSscholars@wayne.edu