

Position Data Sheet
(to be completed by Department)

Name of Employee (if available)

Employing Department/Research Center

Type of Request (check all that apply):

<input type="checkbox"/> Initial H-1 by Change of Status	<input type="checkbox"/> Initial H-1 by US Entry
<input type="checkbox"/> H-1B Extension	<input type="checkbox"/> H-1B Transfer from Another Employer
<input type="checkbox"/> Amendment to Current Position <small>(title, duties, hours, wages, work site, etc.)</small>	<input type="checkbox"/> Concurrent Employment <small>(adding UCSB as secondary employer or adding second position)</small>
<input type="checkbox"/> Labor Certification (PERM)	<input type="checkbox"/> E3 Visa Category (Australia)

Name of Department Contact

Email of Department Contact

Phone Number of Department Contact

Job Title of Employee (do not abbreviate)

Job Title of Employee's Supervisor

Dates of Employment: From: _____

To: _____

Salary: _____

Percentage of Time: _____

If Part Time, indicate work hours per week and hourly rate: _____

Full Address of Department where Employee Will Work

Does this position supervise the work of other professionals? no yes (if yes, number of employees supervised _____)

Minimum education (Bachelors, Master's, Doctorate) required for position

Major/Field of Study required for position

Does the employer require a second US diploma/degree? no yes (if yes, specify secondary degree/field required)

Is training for the job position required? no yes (if yes, specify the number of months and field of training required)

Does the position require any previous employment experience? no yes (if yes, specify the occupation title and months)

Are there additional special requirements for the position? no yes (if yes, list skills, licenses, certifications, etc)

Will travel be required in order to perform the job duties? no yes (if yes, please explain)

Will the employee perform job duties at other worksites other than at UCSB? no yes (if yes, please indicate)

Please provide a description of Job Duties, including areas/fields/course and/or products/industries involved (attach job description if more space is needed):

Please describe the employee’s present occupation and provide a brief summary of prior work experience:

ACTUAL WAGE DETERMINATION:

Please select one:

_____ The total number of other employees in the department with the same job title and with similar experience and qualifications as the employee:_____. The salary range for these employees is: from \$_____ to \$_____.

_____ There are no other employees who share the same job title and have similar experience and qualifications as the H-1B employee. The actual wage is the salary offered to the H-1B employee.

Please identify which factor(s) contributed to determining the offered salary. (Select all that apply)

- Experience Qualifications Education
- Job responsibility and function Specialized knowledge Other factors (pay scales, union)

Please provide a written explanation based on the factor(s) selected above that were used to make the actual offered wage determination. (i.e UCSB pay scales, Union (CBA) pay scales, or other, provide attachment if needed):

EMPLOYER CERTIFICATION

I hereby certify that the information provided on this form is correct and complete. The employee will be paid either the actual wage or at least the prevailing wage at the place(s) of intended employment, whichever is higher, for the entire period of employment.

If there are changes to the wage rate during the period of the certified Labor Condition Application, such adjustments will be documented with a new Actual Wage Determination and the increase in salary will be paid to both the employee and other employees in a similar position.

We certify that:

1. *The salary to be paid to the employee is equivalent to other US workers in the same classification.*
2. *The vacation time, sick leave, and other benefits offered to the visa holder are equivalent to that offered to other US workers in the same classification.*
3. *Employing the visa holder will not adversely affect the working conditions of similarly employed workers.*
4. *There is no strike, lockout, or work stoppage due to a labor dispute in this occupation.*
5. *If the position is not represented by bargaining unit, a Notice of Intent to File a Labor Condition Application form will be posted in two conspicuous locations at each place of employment for 10 business days, or if this position is represented by a union or bargaining unit, OISS will notify the bargaining unit or union.*
6. *We agree to comply fully with the terms of the Labor condition Application for the duration of the visa holder’s employment at UCSB and to obtain and post a new LCA and file a new I-129 petition in the case of significant changes to the position.*
7. *As required by the USCIS, we agree to pay the reasonable cost of return transportation to the visa holder’s home country if s/he is dismissed before the end of the authorized period of employment.*

I hereby approve and assign the Office of International Students & Scholars permission to petition to the USCIS for request to employ the employee in H-1B nonimmigrant status so that the employee may fill a temporary appointment classified as a specialty occupation.

Name of Employee’s Supervisor or PI

Signature of Employee’s Supervisor or PI

Email of Employee’s Supervisor or PI

Phone of Employee’s Supervisor or PI

Date

EXPORT CONTROL COMPLIANCE CERTIFICATION

Any employer petitioning for a nonimmigrant employee in the H-1B visa category must certify on Form I-129 that it has reviewed export control regulations and determined that:

- A) No license is required from the U.S. government for transfer or release of any technology or technical data; or
- B) A federal license is required and the employer will prevent access of the export controlled technology or technical data by the employee until the required license is obtained.

Export Control law encompasses the International Traffic in Arms Regulations (ITAR; overseen by the U.S. Department of State) and the Export Administration Regulations (EAR; overseen by the U.S. Department of Commerce). These regulations ensure that controlled military or dual-use equipment, technical data, or software are not improperly exported (i.e. transferred or released) to foreign nationals. Additionally, transfer or release of export controlled material to foreign nationals working on campus is subject to the same regulations; it is referred to as a “deemed export”.

This questionnaire will help UCSB Office of Research (O.R.) Export Control staff ensure that you are complying with U.S. law. This certification should be completed by the individual who will be supervising the H-1B employee or who is otherwise knowledgeable about the H-1B employee’s intended work.

Will the visa beneficiary be working in the biomedical sciences, computer sciences, space sciences, engineering, or other scientific or technological discipline? Check one.

- No.** Please sign and date below.
- Yes.** Please check all boxes that apply to the research activities on which the H-1B employee will be working. **If any of the first three boxes are checked, then you must obtain signature from a member of O.R.’s Export Control staff (see below for contact information).**
 - Restricts or prohibits the participation of any foreign persons.
 - Restricts or prohibits the right to publish any of the data or research results.
 - The H-1B employee will be provided access to (check all that apply):
 - Technical information, equipment, or software that has been deemed as “export controlled”,
 - Equipment specifically designed or developed for military or space applications,
 - Sponsor or third-party proprietary or confidential information, materials, or software; or
 - Non-publicly available encryption source code.
 - There are no restrictions on the research activities.
 - This project does not involve export controlled items, technical data, or software.

Supervisor/PI Certification

I am familiar with the job duties and other particulars of employment of the visa beneficiary listed above and hereby affirm that the contents of the foregoing certification are true, to the best of my knowledge, information, and belief.

Name

Department

Signature

Date

Office of Research Export Control Approval

Name

Signature

Date

Issues pertaining to Export Control, contact:

UCSB Office of Research

3227 Cheadle Hall

Santa Barbara, CA 93106-2050

(805) 893-4188

Research Compliance section:

www.research.ucsb.edu/compliance/export-control

H-1B Visa-related matters, please contact:

Office of International Students & Scholars

Kayleen McDonald

(805) 893-5636

Fax: (805) 893-7132

Kayleen.McDonald@sa.ucsb.edu