Labor Condition Application (LCA) Checklist for H-1B Visa Sponsorships

Hiring Managers should use this checklist to assemble information necessary to complete and file a certified Labor Condition Application (LCA) included with an H-1B Visa petition. Please contact International Student and Scholar Programs (ISSP) for questions regarding your H-1B, or refer to Requesting H-1B information.

1. Complete, print, and submit the Prevailing Wage Request Form. Complete all highlighted items except for those that are marked “To be completed by HR”. Please read and follow all instructions carefully. Prevailing Wage Requests are returned for errors or omissions and resubmitted to the DOL.

Please Note: The LCA memo and the Prevailing Wage Determination form ETA 9141 MUST indicate all locations where the H-1B employee will work. Emory must report to the Department of Labor (DOL) and the Department of Homeland Security (DHS) all worksites as part of the H-1B petition process. A failure to fully disclose all worksites will result in non-compliance for Emory as the H-1B employer and an immigration status violation for the H-1B employee. DHS conducts unannounced site visits, so please do not change any terms and conditions of the H-1B employment without ISSS' clearance in advance.”

2. Submit a cover memo on department letterhead requesting the LCA. Include the applicant's name and position, part-time or full-time, annual salary, salary methodology (how salary was derived), length of stay (beginning and ending dates of employment), place of employment, and the name, address, phone number and email address of the department contact (preferably the person requesting the LCA.). Also attach a copy of the applicant/employee's job description and current resume or CV.

NOTE: Applicants may initially be granted H-1B status for three years with additional extensions up to a maximum of six years. Each extension is treated as a new LCA and all information is resubmitted to the DOL.

3. Email the completed Prevailing Wage Request (ETA 9141) form, cover memo and actual wage determination form to Janice Parmer, jparmer@emory.edu.

4. The DOL will return the Prevailing Wage Request in a minimum of 60 days; however, it will likely take as long as two months or more to receive the prevailing wage determination. If there is a discrepancy, Human Resources will contact the requesting department for resolution.

5. Once the Prevailing Wage Determination is received from the DOL, Human Resources will send a 10-Day Posting Notice to the HR Rep to be posted for 10 days. The 10-Day Posting Notice must be posted at every location where the H-1B employee will work. HR Rep must send an email confirmation to Janice Parmer, stating that the notice has been posted at each worksite. The LCA CANNOT be initiated until there is confirmation that the department has posted the notice at each place of work. For example, if your H-1B is a resident, fellow or clinical faculty, a posting notice must be posted at each facility where the resident, fellow or clinical faculty will perform their duties.

6. Once the 10-Day Posting confirmation has been received from the HR Rep, Human Resources will electronically submit the request to the DOL for the approved certified LCA. This will be returned in approximately 2 weeks.

7. Once Human Resources received the notification that the LCA has been approved, Janice Parmer will send a copy of the Approved Certified LCA to the ISSS Office and the HR Rep.

8. The Department's copy of the 10-Day Notice must be signed and sent to Janice Parmer upon the expiration of the 10 business days for filing with the H-1B public records.

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