

Temple University must pay the H-1B/E-3 beneficiary the "required wage rate." Temple must determine and document its *actual wage rate* and determine and document the *prevailing wage rate* in the area of intended employment, then pay the higher of the two. **20 C.F.R. § 655.731(a)** The Actual Wage Rate is determined by the Temple University (HR, OPA, School/College, etc). The Prevailing Wage Rate is determined by the US Department of Labor.

This worksheet will be made available to the Department of Labor and USCIS in inspection folders. There are severe penalties for LCA violations, so it is critical that the information provided to ISSS regarding the salary, job title, job duties, job requirements and work sites is accurate.

An HR Representative must complete this form for all HR-hired positions (this does not include Faculty or Post Docs).

global.temple.edu/iss/hosting-departments/information-departments/labor-condition-application-lca/lca-violations-and-penalties

Email this completed form to sharon.loughran@temple.edu
Questions? Call Sharon Loughran at 215-204-3805 (Direct)

Information Of the Person Completing This Form					
Name				Signature	
Email				Today's Date	
Information Regarding the Applicant					
Name				TU ID#	
Highest Degree					
In what Field?					
# of Years of Experience					
Information Regarding the Position					
Job Title s/he will hold as an H-1B					
Annual Salary as an H-1B	\$		T Grade (if applicable)		
Position is	<input type="checkbox"/> F/T	<input type="checkbox"/> P/T	If P/T, # of hours per week		
Will applicant have authority to hire/fire FT employees?				<input type="checkbox"/> Y	<input type="checkbox"/> N
Position covered by a union?		<input type="checkbox"/> Y	<input type="checkbox"/> N	Name of Union	
Will applicant have same benefits as similarly situated employees?				<input type="checkbox"/> Y	<input type="checkbox"/> N

Comparing Similarly-Employed Workers' salaries to Applicant's salary as of the LCA Start Date

Below list all employees in the department that hold the same job title the applicant will hold as of the H-1B / E-3 Start date. Use an additional sheet if necessary.

Limited grant or department funding, a lower negotiated salary or market conditions cannot be used to justify paying the applicant a lower salary.

Use the same criteria for all employees, including how you calculate experience.

Unacceptable Reasons that Another Employee Is Paid More than H-1B / E-3 Applicant:

- Salary compression/inversion (person recently hired earns more than someone who's worked at TU longer)
- TU salary freeze (past or present) resulted in different pay
- Funded by different grant (salary limitations of a grant do not count)
- Department had more money when it hired another employee
- Different area of research
- Another employee demanded a higher salary or applicant is willing to work for less money
- Applicant would be paid less if s/he was in home country
- Another employee is paid more due to abilities or qualifications irrelevant to the position

☐ Check this box if there are no other employees in the department that hold the same job title as the H-1B / E-3 Applicant

Do Not Indicate Any Employee's Names Below
Add Additional Pages if you have more than 4 similarly-employed employees

Similarly-Employed Employee #1

TU ID# Annual Salary \$ # Years of Experience

Does/Will this employee earn more than the applicant? ☐ Yes ☐ No If "Yes", why?

☐ Employee has more relevant work experience

☐ Employee has higher educational credentials

☐ Employee works more hours (Explain below)

☐ Employee has specialized knowledge relevant to the job (Explain below)

☐ Employee performs more duties or has more responsibility (Explain below)

Similarly-Employed Employee #2

TU ID# Annual Salary \$ # Years of Experience

Does/Will this employee earn more than the applicant? ☐ Yes ☐ No If "Yes", why?

- ☐ Employee has more relevant work experience
- ☐ Employee has higher educational credentials
- ☐ Employee works more hours (Explain below)
- ☐ Employee has specialized knowledge relevant to the job (Explain below)
- ☐ Employee performs more duties or has more responsibility (Explain below)

Similarly-Employed Employee #3

TU ID# Annual Salary \$ # Years of Experience

Does/Will this employee earn more than the applicant? ☐ Yes ☐ No If "Yes", why?

- ☐ Employee has more relevant work experience
- ☐ Employee has higher educational credentials
- ☐ Employee works more hours (Explain below)
- ☐ Employee has specialized knowledge relevant to the job (Explain below)
- ☐ Employee performs more duties or has more responsibility (Explain below)

Similarly-Employed Employee #4

TU ID# Annual Salary \$ # Years of Experience

Does/Will this employee earn more than the applicant? ☐ Yes ☐ No If "Yes", why?

- ☐ Employee has more relevant work experience
- ☐ Employee has higher educational credentials
- ☐ Employee works more hours (Explain below)
- ☐ Employee has specialized knowledge relevant to the job (Explain below)
- ☐ Employee performs more duties or has more responsibility (Explain below)