Instructions for Rutgers Departments Filing a “PERM” Labor Certification for a Foreign National Tenure Track Faculty Member

1) **First** Please read PERM regulatory requirements and restrictions described on page 3 of these instructions. **Then:** Follow the instructions attached regarding “Notice of Filing of Application for Permanent Alien Labor Certification,” and additional “Information Required for Submitting PERM certification.”

2) **At the same time as the process outlined above is underway,** submit to the Office of the Newark Coordinator for International Faculty the following (please use this as a check list):

- A final copy of the “Notice of Filing Application for Permanent Alien Labor Certification/Notice to the Bargaining Unit.” (See attached, “Notice of Filing ...” form and instructions on completing and processing it.) When you receive the final copies back from the Newark Coordinator’s Office, submit them with the rest of the application credentials listed below. **PLEASE NOTE:** The PERM application must be submitted by the Office of the Newark Coordinator for International Faculty no less than 30 and no more than 180 days after the date that the AAUP notification occurred.

- A copy of at least one advertisement for the job opportunity placed in a national professional journal either in print or online, which show the full advertisement and the name and date(s) of publication. If the ad was placed on the web-based national professional journal, please provide evidence of the start and end dates of the advertisement placement and of the text of the advertisement. Screen prints of the advertisement from the first date the advertisement was posted and the last (31st) date of posting, and an invoice documenting the start and end dates. Both printed and web-based ads must state the job title, duties and requirements. The ad must be highlighted on each copy.
  1. The advertisement MUST contain information on the title, duties and requirements for the position;
  2. The hired candidate MUST have met the advertised requirements by the time s/he began employment at Rutgers;
  3. If the advertisement specified “PH.D. required” and the hired candidate was still ABD at the time s/he started working at Rutgers, we CANNOT file a labor certification application for this individual.

- Copies of all other recruitment sources utilized which may include both printed and on line ads.

- A “final report of the faculty, student and/or administrative body making the recommendation or selection of the alien at the completion of the competitive recruitment and selection process,” which serves to document the date on which the alien was “selected” and from which the 18-month filing “clock” begins (see “Time Limit For Filing” below). **If there exists minutes of the meeting at which the “alien” was selected, this will suffice. If no minutes exist, a written “final report” of the committee that made the selection must be attached. Either way, the “final report” must be signed by either the committee chair or the department chair.
☐ A written statement attesting to the degree of the alien’s educational or professional qualifications and academic achievements.

☐ Notarized copies of diplomas (hired candidate only). NOTE: at the time the individual applies for permanent residence, he/she may be asked to present original diplomas and, if applicable, original certifications of translations (foreign language documents only).

☐ “Alien’s Employment History” (see attached). One page for each job held in the past 3 years, plus one page for each job held earlier if (and only if) it was in a field directly related to the alien’s current position at Rutgers.

☐ A copy of the UPF-1 completed at the time of hire.

☐ A copy of the page of the AAUP salary schedule that was current at the time the alien began employment.

☐ A page (or more, as needed) titled “Explanation of the Search Process and Outcome” which outlines in detail the complete recruitment procedures undertaken and which includes all the following:

1. In paragraph form, a description of all recruitment efforts, including names and dates of publications and describing any other recruitment methods used. (Remember at least one PRINTED professional journal must have carried the ad). The statement must specify the number of applications received and explain in general terms how applicants were eliminated from the short list, e.g., “we eliminated from the running all applicants who had not yet completed the Ph.D. and/or who had weak letters of reference.”

2. The “specific lawful job-related reasons why the alien is more qualified than each U.S worker who applied for the job.” This should be provided as a list in chart form of all candidates who were interviewed, and the results of each candidacy. The results must specify why the hired candidate was considered more qualified than each of the non-hired candidates. If the job was offered to a candidate who subsequently turned the offer down, you should note this under the “results” column.

Here is an example of the way the chart might look:

<table>
<thead>
<tr>
<th>Candidate’s Name</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name..............no significant research experience, unlike the hired candidate, who had significant research experience</td>
<td></td>
</tr>
<tr>
<td>Name...............poor recommendations, unlike the hired candidate, whose recommendations were all consistently strong</td>
<td></td>
</tr>
<tr>
<td>Name...............focus of research not as relevant to our needs as final candidate’s (you should be more technically descriptive than this, as applicable)</td>
<td></td>
</tr>
</tbody>
</table>
Name........................offered position; turned it down; see enclosed copy of
offer letter sent

Name........................selected by committee as most qualified available
candidate

☐ Attach to the "Explanation of the Search Process and Outcome" the following:

1. A copy of CV's of ALL interviewed candidates (including the employee for whom the PERM
   is being filed)
2. A copy of any other documentation to support the hired candidate's superior qualifications over
   other candidates.

PERM REGULATIONS require the employer to maintain documentation that the "alien was selected for the
job opportunity in a competitive recruitment and selection process through which the alien was found to be
more qualified than any of the United States workers who applied for the job." The documentation you
provide is central to the PERM application because it can be audited by the U.S Department of Labor (DOL)
at any time up to five years after the date Rutgers submits the PERM application to DOL. If the documentation
is audited and found insufficient, the DOL can retract the PERM approval (even if the alien has already
obtained a green card, which would have the effect of canceling the green card) and can require the employer,
i.e./Rutgers University, to conduct future recruitment efforts under DOL's auspices and directions. The Office
of the Newark Coordinator for International Faculty operates in the interests of the University as a whole, and
so must be strict in its PERM documentation requirements.

DEADLINE FOR FILING: PERM applications for college and university teachers must be filed within 18
months after the selection of the candidate is made pursuant to a competitive recruitment process; in addition,
certain items must be filed at least 30 days prior to this 18 month deadline. As such, departments must submit a
draft version of the PERM no more than 12 months after the candidate was selected by the selection committee
or department, and a final version no more than 15 months after the candidate was selected.

ALTERNATIVE PROCEDURE IF DEADLINE IS NOT MET: "An employer that cannot or does not
choose to satisfy the special recruitment procedures for a college or university teacher under this section may
avail itself of the basic process at 656.17 or this section must be able to document, if requested by the Certifying
Officer, in accordance with 656.24 (a)(2)(ii), the alien was found to be more qualified than each U.S worker
who applied for the job opportunity." (Please note: the "basic process" referred requires significantly more
advertising than the special process for "college and university teachers" and the DOL has both procedural
and detailed oversight of the entire process from advertisements to receipt of applications.)
Instructions to Departments for Completing and Handling “Notice to Bargaining Unit of Filing of Application for Permanent Alien Labor Certification”

1. Complete a draft of the attached form as follows:

   Name and date(s) of publication where advertisement(s) appeared:
   - must be a PRINTED (not online) national professional journal
   - you must have a photocopy of the ad(s) which shows the name and date of publication

   Job Title **exactly** as listed in advertisement(s):

   Description of Job Duties **exactly** as listed in advertisement:
   - list ONLY “required” (not “preferred”) credentials and qualifications as noted in the ad(s)

2. Send the draft and a copy of the advertisement(s) to the Office of the Newark Campus Coordinator for International Faculty for review. If the draft is returned to you with suggested changes, make the changes and fax a copy of the corrected version to the Newark Coordinator’s Office at ext. 1442.

3. When the draft has been approved, it will be returned to you with a cover sheet.

4. Complete the final version of the form and submit it with supporting documentation for “PERM” Labor Certification packet.

5. Approved final version will be sent to AAUP from the Newark Coordinator for International Faculty.
Rutgers, The State University of New Jersey

Notice of Filing of Application for Permanent Alien Labor Certification
(Notice to the Bargaining Unit)

This notice is being provided as a result of the filing of an application for permanent alien labor certification for the job opportunity noted below. Any person may provide documentary evidence bearing on this application to the regional certifying Officer of the U.S. Department of Labor, Employment and Training Administration, Atlanta Processing Center, Harris Tower, 233 Peachtree Street, N.E., Suite 410, Atlanta, GA 30303. Application is to be made directly to the employer, Rutgers, The State University of New Jersey.

Name of Publication (must be a national professional printed journal) where advertisement was placed:

Dates advertisement ran in the publication:

Job title as listed in advertisement:

Description of Job Duties as listed in advertisement:

Job Requirements as listed in advertisement:

________________________
Sallie Kasper
Newark Campus Coordinator for International Faculty

________________________
Date
ALIEN'S EMPLOYMENT HISTORY
To be completed by the “alien”
on whose behalf Rutgers is submitting a Permanent Labor Certification Application.

PLEASE COPY THIS FORM AS NECESSARY

- Use one form for each job you have held in the past 3 years (regardless of whether it was related to your current job). START WITH YOUR CURRENT JOB.
- ALSO list any jobs you held more than 3 years in the past but which were directly related to your current job.

THE INFORMATION BELOW PAGE DESCRIBES JOB # _____ OF A TOTAL OF _____JOBS FOR WHICH I AM SUBMITTING ONE OF THESE FORMS.

1. Enter full legal name of the business, firm or organization that employed you.

2. Enter the street address of the employer.

3. Enter the city, state or province, country and postal code for the employer's postal address.

4. Enter the type of business of the employer, e.g., “institution of higher education,” “federal research agency,” “software manufacturing,” etc.

5. Enter the job title you held with the employer.

6. Enter the date you started working for this employer
   mo. day year

7. Enter the date you stopped working for this employer
   mo. day year

8. Enter the number of hours per week you worked for this employer:

9. Phone number of the employer

10. Name of your supervisor

11. Job description, including details of the work performed, with emphasis on the skills, qualifications, certifications and licenses required, managerial or supervisory functions performed, materials or products handled, and machines, tools and equipment used or operate. (Continue on reverse side of this form if you run out of space on this side)

Your Name:

Your current address (home):

Your current phone number (home):

Your Signature:
Rutgers, The State University of New Jersey

Additional Information Required for Submitting PERM Certification

1) Primary Worksite (where work is to be performed):

2) Education: Minimum level required (must match what was listed in printed advertisement):

3) Major Field of Study:

4) Is training required in the job opportunity? If yes, number of months of training required and indicate the field of training.

5) Is experience in the job offered required for the job? If yes, number of months required experience.

6) Is there an alternate field of study that is acceptable? If yes, specify the main field of study.

7) Is a foreign educational equivalent acceptable?

8) Is experience in an alternate occupation acceptable?
   - If yes, indicate number of months experience in alternate occupation.
   - Identify the job title of the alternate occupation.

9) Job duties- explain:

10) Are the job opportunity's requirements normal for the occupation?
11) Specific skills or other requirements:

Name of Preparer

Date

Department Chair

Date