

INSTRUCTIONS FOR RUTGERS DEPARTMENTS FILING A “PERM” LABOR CERTIFICATION FOR A FOREIGN NATIONAL FACULTY MEMBER

First please read PERM regulatory requirements and restrictions described at the bottom of page two. **Then:**

At the same time as the process outlined BELOW is underway, have the department chair write a letter to the dean requesting University support for permanent labor certification on behalf of the employee; the individual's C.V. should be attached to the letter sent to the dean. The letter should include, at a minimum:

- A statement of the individual's qualifications, skills and credentials;
- A description of recruitment efforts undertaken to fill the position;
- An explanation of the role the individual will play in the department and what contribution s/he has already made or is expected to make to the department; and
- A request for the dean to add an endorsement memo to the file and to forward the file to the Office of the Executive Vice President for Academic Affairs.

The dean should then add an endorsement memo to the file and forward it to the Executive Vice President for Academic Affairs, or to the Chancellor's office in RU Camden or RBHS who reviews the file and, assuming he supports the application, adds a final endorsement memo and forwards the entire series of letters (chair, dean and VP) to ISSS, Scholar Services.

At the same time as the process outlined ABOVE is underway, submit the following to ISSS:

(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” and the cover letter under which it was sent to the AAUP by the Office of Academic Labor Relations. (See attached “Notice of Filing...” form and instructions on completing and processing it.) When you receive the final copies back from ISSS, submit them with the rest of the application materials listed below. **PLEASE NOTE: the PERM application must be submitted by ISSS 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 shows the full advertisement and the name and the 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.
 - The advertisement **MUST** contain information on the title, duties and requirements for the position.
 - The hired candidate **MUST** have met the advertised requirements by the time s/he began employment at Rutgers.
 - If the advertisement specified “PhD 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 online 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 exist 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.

_____ Copies of diplomas (hired candidate only).

Certify copies: All photocopies submitted as evidence of your credentials must contain the following notation with your signature and the date: *"Copies of documents submitted are exact photocopies of unaltered original documents and I understand that I may be required to submit original documents to an immigration or consular official at a later date."*

Translate foreign language documents: All foreign language documents must be accompanied by a certified translation. A certified translation is one on which the translator has written, "I certify that I am competent in both the English and _____ languages and that this is a true and accurate translation of the attached document." The translator then signs and dates this statement in the presence of a **notary public**, who then notarizes the signature.

_____ "Alien's Employment History", 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 page of the AAUP salary minimums that was current at the time the alien began employment, with the alien's starting salary highlighted. **Also**, if the alien's salary at the time of PERM filing is different from his/her starting salary, copies of all relevant pages of the AAUP salary minimums (past and present) highlighting all of the alien's salaries since he/she started in the position for which the PERM is being sought.

_____ 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 of the following:

- In paragraph form, a description of all recruitment efforts, including names and dates of publications and describing any other recruitment methods used. 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."
- 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:

<u>Candidate's Name</u>	<u>Result</u>
Name	no significant research experience, unlike the hired candidate, who had significant research experience
Name	poor recommendations, unlike the hired candidate, whose recommendations were all consistently strong
Name	focus of research not as relevant to our needs as final candidate's (you should be more technically descriptive than this, as applicable)
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:

- A copy of CVs of ALL interviewed candidates (*including* the employee for whom the PERM is being filed);
- 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 International Student and Scholar Services 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 to the Center 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 handling recruitment procedures for a college or university teacher under this section may avail itself of the basic process at § 656.17. An employer that files for certification of employment of college and university teachers under § 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 to requires significantly more advertising than the special handling 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.)***