



COMPLETED BY HIRING UNIT

E-3 Prevailing Wage Data & Actual Wage Statement

Date received

(E-3 Employee's Name)

E-3 Cover Sheet: Submitted With Application

Department/Hiring Unit: _____

Primary Human Resource Contact Name: _____ Phone: _____ Email: _____	Alternate Human Resource Contact Name: _____ Phone: _____ Email: _____
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Employers must gain the approval of the Department of Labor before filing an application to the USCIS for an E-3 Australian Worker. Please notice the four conditions of employment to which the employer must attest before gaining the approval of the Department of Labor.

Four conditions:

1. E-3 nonimmigrants will be paid at least the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in questions **or** the prevailing wage level for the occupation in the area of employment, **whichever is higher**.
2. The employment of E-3 nonimmigrant will not adversely affect the working conditions of workers similarly employed in the intended area of employment.
3. On the date the application is signed and submitted, there is no strike, lockout or work stoppage in the course of a labor dispute in the occupation in which E-3 nonimmigrants will be employed at the place of employment
4. That notice of the application has been provided to workers employed in the occupations in which E-3 nonimmigrants will be employed, either to the bargaining representative of workers in

the occupations in which E-3 nonimmigrants will be employed; or that a notice of this filing is **posted for 10 days in a conspicuous place** where E-3 nonimmigrants will be employed.

Regulations require that the employer document “a full, clear explanation of the system that the employer used to set the ‘actual wage’ the employer has paid or will pay workers in the occupation for which the E-3 nonimmigrant is sought, including any periodic increases which the system may provide...” This information must be retained in the employee’s personnel file and in a public access file. In order to meet federal regulations, you must provide the following information and confirmation. All questions must be answered. Please attach additional sheets if necessary.

INFORMATION REQUIRED FOR PREVAILING WAGE DETERMINATION:

1. Name of alien employee: _____
2. Title of position offered: _____
3. Annual salary or hourly rate: _____
4. Hours worked per week: _____
5. **Minimum** degree required for the position: _____
6. Field(s) of Study required or accepted: _____
7. Years of experience or training **REQUIRED** for position, describe in detail:

8. List all work sites for this position.
Cornell University Campus, Ithaca, NY _____
Other (list): _____
9. Job duties for this position (be as detailed as possible, attach a description, if necessary):

10. Job Title of the Supervisor _____
11. Will the position supervise other employees? If yes, how many? _____
12. Will travel be a required part of duties? If yes, explain. _____
13. Are there any other working conditions that affect the rate of pay? If yes, explain.

DETERMINATION OF ACTUAL WAGE FOR THE POSITION

Please use additional sheets, if necessary:

1. What is the pay rate **or** pay range for other workers in the same position in the department who have the same level of education, experience, and skills as the alien employee? (*can not be higher than the salary offered to E-3 applicant*):

2. If there is variation in the salaries of workers in the same job as that of the alien employee, specify and explain the factors that account for this variation (i.e. additional duties such as supervisory duties, differences in the number of publications produced, significant awards held, etc...)

3. Explain the system or factors used to determine the wage offered to the alien employee:

4. Explain the system used to evaluate the alien employee's performance and to provide for periodic pay increases.

CERTIFICATION

I certify that all information contained in this actual wage statement is true to the best of my knowledge. I can provide additional details pertaining to statements made regarding the actual wage for the occupation discussed if needed. I am aware of the conditions of employment for E-3 temporary workers. I authorize the International Students and Scholars Office to seek approval from the Department of Labor for an E-3 Australian Treaty visa on behalf of the above named individual.

Signature faculty advisor or supervisor

date

name and title (typed or printed)

signature of department chair

date

name and title (typed or printed)

E-3 Employment Posting (Completed and posted by Hiring Unit)

1. Full Legal Name of Employer: **Cornell University**

2. Federal Employer I.D.#: **150532082**

3. Employer's Telephone No. _____ 4. Employer's FAX No. _____

5. Hiring Unit Address _____

6. Address where documentation is kept:

Office of Global Learning, Caldwell Hall, Cornell Univ. Ithaca, NY 14850

7. OCCUPATIONAL INFORMATION

(a) Three-digit Occupational Group Code: **090**

(b) Job Title (indicate if part time): _____

(c) Rate of Pay _____

(d) Period of Employment: from _____ to _____

(e) Location(s) Where E-3 Nonimmigrant will work _____

8. EMPLOYER LABOR CONDITION STATEMENTS (Employers are required to develop and maintain documentation supporting labor condition statements 8(a) and 8(d). Check each box to indicate that the employer will comply with each statement.)

(a) _____ This E-3 nonimmigrant will be paid at least the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question or the prevailing wage level for the occupation in the area of employment, whichever is higher.

(b) _____ The employment of this E-3 nonimmigrant will not adversely affect the working conditions of workers similarly employed in the area of intended employment.

(c) _____ On the date this application is signed and submitted, there is not a strike, lockout or work stoppage in the course of a labor dispute in the occupation in which E-3 nonimmigrants will be employed at the place of employment. If such a strike or lockout occurs after this application is submitted, I will notify ETA within 3 days of the occurrence of such a strike or lockout and the application will not be used in support of petition filings with USCIS for E-3 nonimmigrants to work in the same occupation at the place of employment until ETA determines the strike or lockout has ceased.

(d) _____ A copy of this application has been, or will be, provided to each E-3 nonimmigrant employed pursuant to this application, and, as of this date, notice of this application has been provided to workers employed in the occupation in which E-3 nonimmigrants will be employed:

(i) _____ Notice of this filing has been provided to bargaining representative of workers in the occupation in which E-3 nonimmigrants will be employed; or

(ii) _____ There is no such bargaining representative; therefore, a notice of this filing has been posted and was, or will remain, **posted for 10 days in at least two conspicuous locations** where E-3 nonimmigrants will be employed.

Complaints alleging misrepresentation of material facts in the labor condition application and/or failure to comply with the terms of the labor condition application may be filed with any office of the Wage and Hour Division of the United States Department of Labor.

Posted from _____ to _____

Name (printed): _____ Signature _____

E-3 Applicant Data Sheet

FAMILY NAME: _____

GIVEN NAME: _____

Full Middle Name: _____

All Other Names Used (including Maiden name, if applicable) _____

Gender: _____

Date of Birth: _____

Social Security: _____

A# (if any – you would have one if you had OPT as an F-1 student, check your EAD): _____

Country of Birth: _____

State/Province of Birth: _____

Country of Citizenship: _____

Email: _____

If in the US:

Date of (last) Arrival in the US: _____

I-94#: _____

Current Visa Status: _____

Current Expiration of Status (mm/dd/yyyy): _____

Passport#: _____

Date passport was issued: _____

Date passport expires: _____

What is your Foreign Address (REQUIRED even if you are currently living in the US!)?

Use the below space to continue your response(s). Be sure to indicate the corresponding question number and title.