

Disclaimer



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PERM Labor Certification Program

PERM *Electronic Document Submission Process, Filing Tips, and Best Practices*

May 10, 2017

**Office of Foreign Labor Certification
Atlanta National Processing Center/ National Prevailing Wage Center
Employment and Training Administration
United States Department of Labor**

Department of Labor: PERM Program *Presenters*



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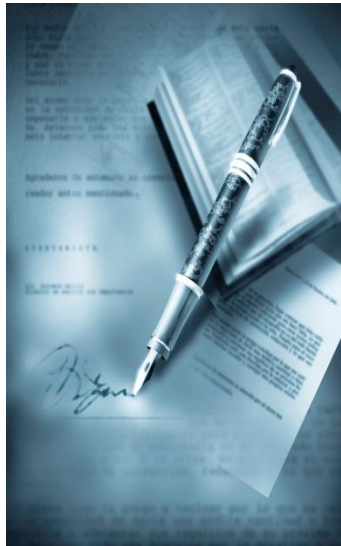
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Department of Labor: PERM Program



- I. Atlanta National Processing Center (ANPC) Webinar Training
- II. National Prevailing Wage Center (NPWC)
- III. PERM Upload Documents Process
- IV. PERM E-Issuance and E-Receipt Process
- V. Common Deficiencies when Registering and Preparing ETA Form 9089; Help Desk; and Helpful Tips
- VI. PERM Resources



Section I

Permanent Labor Certification Program Webinar Training

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- ✓ The ANPC's and NPWC's goal is to increase public engagement by educating stakeholders on recent program workload trends, common deficiencies, and best practices associated with the Office of Foreign Labor Certification (OFLC) Permanent Labor Certification Program.
- ✓ The ANPC will host quarterly PERM webinars.

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Provide technical assistance to employers and authorized attorneys/agents to improve the quality of applications submitted to the ANPC by:

- ✓ Reviewing the External Upload Documents Process;
- ✓ Reviewing E-Issuance/E-Receipt Process;
- ✓ Providing helpful practice filing tips for PERM applications;
- ✓ Identifying how to avoid common deficiencies when preparing an ETA Form 9089 application;
- ✓ Providing Help Desk tips; and
- ✓ Identifying PERM Resources.



Section II

National Prevailing Wage Center

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National Prevailing Wage Center – Prevailing Wage Tips



- ✓ Application for Prevailing Wage
 - Employer and Requestor Information
 - Wage Processing Information
 - Job Offer Information
 - Description
 - Requirements
 - Place of Employment
 - General
 - RFIs



- ✓ Other Wage Sources
 - CBA
 - SCA/DBA
 - Surveys
 - Area
 - Position Descriptions



ETA Form 9141 Filing Tips: E-mail address

B. Requestor Point-of-Contact Information

1. Contact's last (family) name *	2. First (given) name *	3. Middle name(s) *
4. Contact's job title *		
5. Address 1 *		
6. Address 2		
7. City *	8. State *	9. Postal code *
10. Country *	11. Province (if applicable)	
12. Telephone number *	13. Extension	14. Fax Number
15. E-Mail Address		

- ✓ Be sure to double check the e-mail address is entered properly.



ETA Form 9141 Filing Tips: Federal EIN

C. Employer Information

1. Legal business name *		
2. Trade name/Doing Business As (DBA), if applicable §		
3. Address 1 *		
4. Address 2		
5. City *	6. State *	7. Postal code *
8. Country *	9. Province (if applicable)	
10. Telephone number *	11. Extension	
12. Federal Employer Identification Number (FEIN from IRS) *	13. NAICS code (must be at least 4-digits) *	

- ✓ Be sure to double check the FEIN. It cannot be changed after submitting the application.
- ✓ Reminder – SSN is not appropriate.

<https://www.irs.gov/businesses/small-businesses-self-employed/employer-id-numbers-eins>

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National Prevailing Wage Center – Other Wage Sources



D. Wage Processing Information

1. Is the employer covered by ACWIA? *	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the position covered by a Collective Bargaining Agreement (CBA)? *	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Is the employer requesting consideration of Davis-Bacon (DBA) or McNamara Service Contract (SCA) Acts? *	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DBA <input type="checkbox"/> SCA
4. Is the employer requesting consideration of a survey in determining the prevailing wage? *	<input type="checkbox"/> Yes <input type="checkbox"/> No
4a. Survey Name: §	
4b. Survey date of publication: §	

- ✓ **If there is a CBA, it must be used.** No other wage source can be requested.
- ✓ Cannot ask for CBA, SCA, DBA, and Survey on same application.
 - ✓ There is no order of precedence between SCA, DBA, and Survey.
- ✓ DBA is for construction trades only.
- ✓ SCA and DBA are not available to ACWIA covered employers.

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National Prevailing Wage Center – ETA Form 9141



ETA Form 9141 Filing Tips: Supervisor of peers or subordinate

E. Job Offer Information

a. Job Description:

1. Job Title *	
2. Suggested SOC (ONET/OES) code *	2a. Suggested SOC (ONET/OES) occupation title *
3. Job Title of Supervisor for this Position (if applicable) §	
4. Does this position supervise the work of other employees? * <input type="checkbox"/> Yes <input type="checkbox"/> No	4a. If "Yes", number of employees worker § will supervise: _____
4b. If "Yes", please indicate the level of the employees to be supervised:	<input type="checkbox"/> Subordinate <input type="checkbox"/> Peer

- ✓ If the position will be directing the work of others, then mark Yes for supervision.
- ✓ Mark Subordinate if the occupation of the workers being supervised is not the same 'level' and Peer if it is.
- ✓ Example: A physician directing the work of a nurse would be Subordinate but the same physician directing the work of other physicians would be Peer.
- ✓ Include details in the job description, including who is being supervised.



ETA Form 9141 Filing Tips: Describe Job Duties

5. Job duties – Please provide a description of the duties to be performed with as much specificity as possible, including details regarding the areas/fields and/or products/industries involved. A description of the job duties to be performed **MUST** begin in this space. *

- ✓ Give specifics on Products, Projects, Processes, Materials, and Equipment.
- ✓ Make it clear when a translator will be available to the incumbent.
- ✓ For teachers: who and where.
- ✓ Make sure no extra tasks are included in job duties. Cannot remove after submitting application.



ETA Form 9141 Filing Tips: Describe Travel

6. Will travel be required in order to perform the job duties? *

Yes No

6a. If "Yes", please provide details of the travel required, such as the area(s), frequency and nature of the travel. †

- ✓ Be sure to include the details:
 - ✓ Area(s);
 - ✓ Frequency; and
 - ✓ Nature.
- ✓ Make it clear when interaction with other countries does and does not require travel there.



ETA Form 9141 Filing Tips: Requirements Tips

- ✓ Make sure that requirements are entered into the proper place on the form.
 - ✓ DO NOT enter 'see attached,' 'see job duties,' or the like.
 - ✓ Clarifications may be entered in the other fields when appropriate.
- ✓ Preference will be treated as a requirement.



ETA Form 9141 Filing Tips: Requirement Tips

- ✓ Check for conflicting requirements:
 - ✓ Example – marking Experience as No, then saying experience is required in the Special Requirements block
 - ✓ Example – marking Travel as No, then saying the position will visit client sites in the Job Duties block.



ETA Form 9141 Filing Tips: U.S. Degrees Only

1. Education: minimum U.S. diploma/degree required *	
<input type="checkbox"/> None <input type="checkbox"/> High School/GED <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate (PhD) <input type="checkbox"/> Other degree (JD, MD, etc.)	
1a. If "Other degree" in question 1, specify the diploma/degree required §	1b. Indicate the major(s) and/or field(s) of study required § (May list more than one related major and more than one field)
<input type="text"/>	<input type="text"/>

- ✓ This is only U.S. degrees.
 - ✓ Do not enter a degree not normally issued in the U.S.
- ✓ If Box "Other Degree" is checked, please make sure the text block only includes the specific US Professional Degree not alternative education requirements or non-US degrees.
- ✓ ABD is an administrative status and not a recognized degree. This can be entered in the special requirements, if needed.
- ✓ LLM comes after JD.



ETA Form 9141 Filing Tips: Alternative Job Requirements

PWD Frequently Asked Question (FAQ) PERM #2:

If an employer intends to accept alternative job requirements and to list such requirements on the ETA Form 9089, the employer must list its alternative job requirements on the ETA Form 9141. Specifically, the employer should list its alternative job requirements in either the Special Requirements block (D.b.5) or the Job Duties block (D.a.6) of the ETA Form 9141. This is to reflect a line of BALCA decisions affirming our ability to require the same information on the job opportunity on both forms.

- ✓ **The wage provided will only apply to the requirements detailed in E.b. Minimum Job Requirements**



ETA Form 9141 Filing Tips: Workplace County

1. Worksite address 1 *	
2. Address 2	
3. City *	4. County *
5. State/District/Territory *	6. Postal code *
7. Will work be performed in multiple worksites within an area of intended employment or a location(s) other than the address listed above? *	<input type="checkbox"/> Yes <input type="checkbox"/> No
7a. If "Yes", identify the geographic place(s) of employment indicating each metropolitan statistical area (MSA) or the independent city(ies)/township(s)/county(ies) (borough(s)/parish(es)) and the corresponding state(s) where work will be performed. If necessary, submit a second completed Form ETA-9141 with a listing of the additional anticipated worksites. Please note that wages cannot be provided for unspecified/unanticipated locations.§	

- ✓ Double check workplace county or equivalent.
- ✓ Example – the city of Houston, TX, is in Harris County, not Houston County
- ✓ For Multiple Worksites, please use:
 - ✓ County or
 - ✓ MSA



Request For Information (RFI) Tips: How to respond to an RFI

- ✓ RFI answer is clarification-not removal or update of a form entry.
- ✓ Answer the question being asked:
 - ✓ There may be more than one item in the RFI.
 - ✓ If you are not sure what is being asked, make your best effort and let us know how you interpreted the question.



Documents for Other Wage Sources

6. Prevailing wage source (Choose only one)

OES CBA DBA SCA Other/Alternate Survey

6a. If "Other/Alternate Survey" in question 6, specify

[Redacted area]

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National Prevailing Wage Center - CBA



- ✓ If there is a CBA, it must be used. No other wage source can be requested.
- ✓ Required Documents:
 - ✓ Letter on letterhead from Employer for current position;
 - ✓ Letter on letterhead from Union Representative for current position; and
 - ✓ Agreements.
- ✓ Wage must be negotiated at arm's length.



CBA Agreement Documents

- ✓ Statement of Coverage
 - ✓ Workers covered
 - ✓ Limits on coverage
- ✓ Job Details
 - ✓ Duties
 - ✓ Levels – may be expressed as titles
 - ✓ Premium Activities or Conditions
- ✓ Wage
- ✓ Signatures putting it in effect
- ✓ Must be in effect
 - ✓ Validity Dates
 - ✓ Any extensions



Survey Documents Needed

- ✓ Same survey, same edition
- ✓ Methodology
- ✓ Survey Position Description
- ✓ Leveling Info if appropriate
- ✓ Wage Data:
 - ✓ Number of Employers used to get wage
 - ✓ Number of Workers used to get the wage
- ✓ Evidence of cross industry:
 - ✓ Methodology
 - ✓ List of participants
- ✓ Evidence of most recent
- ✓ When the wage data was collected
- ✓ Publication Date – Includes posting to online database



Survey Documents – Tips

To allow us to select the most appropriate wage based upon the information on the 9141 compared to the survey criteria:

- ✓ Include wage information from;
 - ✓ all survey wage levels
 - ✓ similar survey occupations
- ✓ Survey Geographic Coverage:
 - ✓ Explanation of where the surveyed employers are located
 - ✓ More specific than just a city name
 - ✓ Example: Pittsburg
 - ✓ Incorporated area only?
 - ✓ City plus select suburbs?
 - ✓ OMB defined MSA?



Survey Documents – Tips (*continued*)

- ✓ Where the survey provides larger areas, an explanation of those as well
- ✓ Provide wage data for each area
- ✓ An explanation of why the surveyed area is larger than the area of intended employment



Survey Documents – Tips (*continued*)

Provide survey information for the most detailed occupation. While the regulations, under the definition of similarly employed, do allow a more general occupation, only if the occupation does not have enough workers in the AIE



The examples provided are for illustration, are not an endorsement, and do not reflect the Department's approval or endorsement of any one particular product.

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How to Contact NPWC for Assistance



- NPWC General Program and Processing Questions:

NPWC Help Desk: FLC.PWD@dol.gov

iCERT Portal System Technical Issues: oflc.portal@dol.gov

Telephone: (202) 693-8200

Mail: U.S. Department of Labor
Office of Foreign Labor Certification
National Prevailing Wage Center
200 Constitution Avenue, NW
Room N-5311
Washington, DC 20210

- Check the OFLC website on regular basis for NPWC updates, FAQs, webinar announcements, and updated forms at <http://www.foreignlaborcert.doleta.gov>



Section III

PERM Upload Documents Process



The PERM Case Management System (CMS) allows stakeholders to directly submit documentation related to its permanent labor certification application in CMS.

Employer Benefits:

- ✓ Reduces cost and burden to stakeholders from having to submit documentation via U.S. mail, e-mail or facsimile;
- ✓ Streamlines process of submitting PERM applications;
- ✓ Expedites review of PERM applications by connecting the responsive documents directly to the application; and
- ✓ Ensures integrity and receipt of information submitted.

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Upload Documents Process



The employer has the opportunity to upload documents directly into CMS, including but not limited to the following:

- ✓ Audit Documentation (business necessity, recruitment report, resumes, etc.);
- ✓ Response to Supervised Recruitment letters;
- ✓ Request for Reconsideration/Review;
- ✓ Response to Business Existence Request for Information;
- ✓ Response to Multiple Filing Request for Information;
- ✓ G-28 Documentation;
- ✓ Help Desk Inquiry; and
- ✓ Other responsive documents.

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Upload Documents Process



NOTE:

Although the employer has the ability to upload documents up to 30 calendar days after the notice of final determination, any documentation provided must adhere to time frames and deadlines imposed by the Department's notification letters and or regulatory requirements whether submitted electronically or otherwise.

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Upload Documents Process



- ✓ Employer must be logged in CMS.
- ✓ Select 'MY APPLICATIONS' tab.
- ✓ Select "UPLOAD DOCUMENTS" sub-tab.



Enter or check the case number (if displayed) that you wish to upload documents. NOTE: Documents can be uploaded up to 30 days past final decision d

Upload Documents	
ETA Case Number:	<input type="text"/> <input type="button" value="Search"/>

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Upload Documents Process



- ✓ Enter the case number for the applicable application in the “ETA Case Number” field and click on “Search.”

Enter or check the case number (if displayed) that you wish to upload documents. NOTE: Documents can be uploaded up to 30 days past final decision date.

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Upload Documents Process



Upload Documents

ETA Case Number:

ETA Case Number	Date Submitted	Status	Attachments
A-17097-77124	04/07/2017	In Process	

1 record(s) found.

- ✓ Left click on the case number hyperlink.
- ✓ Follow instructions on how to upload documents.

Department of Labor: PERM Program

Upload Documents Process



Upload Documents: A-17097-77124

Select Browse to search for files. Click upload to complete uploading files. Only (.pdf), (.doc, .docx) and (.txt) files are supported.

The maximum size limit for saving any one uploaded document(s) is 30MB. Please consider separating document(s) that exceed (or seem to exceed if the exact size is not known) the 30MB limit into two or more document upload and save events to avoid lost information. Selectable document sequence options, i.e., xyz 1, xyz 2, etc., and the Note's free-text data field are provided to assist stakeholders with document upload clarity.

The Note data field provides stakeholders with a maximum of 250 characters to provide additional document upload and save clarity. When appropriate, stakeholders may provide additional information pertaining to the uploaded document to be saved, e.g., document separation sequencing, uploading notations, clarifying previous document upload and save errors involving selection of the incorrect document type, etc.

Uploaded and saved documents must pertain only to the selected case. Do not combine documents for multiple cases. If combined documents are submitted, the case reviews may be delayed and/or denied for failure to follow instructions. The Note data field may not be used to explain any application issues or document content.

Upload Documents
* Select File: Browse...
* Category: Choose a category
* Document Type:
File Name:
Note: 250 characters remaining

<input type="checkbox"/>	Name	File Type
There are currently no unsaved attachments.		

Department of Labor: PERM Program

Upload Documents Process



- ✓ The employer will be provided with the option of selecting from one of the following categories: Admin Documents, Appeal, Audit Review and Supervised Recruitment.

* Document Type:

A dropdown menu with a blue header bar containing the text 'Choose a category'. Below the header, four options are listed: 'Admin Documents', 'Appeal', 'Audit Review', and 'Supervised Recruitment'. The 'Audit Review' option is highlighted with a grey background.

Select a category to fill in a list of document types.

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Upload Documents Process



The employer will be provided with the following Admin Documents and Appeal “Document Type” options:

* Category:

* Document Type:

- 3 Option Letter Response
- Admin RFI Response
- BE RFI Response
- Change of Address Request
- Duplicate Cert Request
- Duplicate Letter Request (Non Cert)
- ETA Form 9089 Missing Pages
- G-28 Documentation
- Help Desk Inquiry
- MF Response
- Sponsorship RFI Response
- Substitute Attorney/Agent Documentation
- Withdrawal Request

* Category:

* Document Type:

- Appeal Miscellaneous
- Appeal RFI Response
- Appeal Withdrawal Request
- NOD Response
- Request for Reconsideration
- Request for Review

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Upload Documents Process



The employer will be provided with the following Audit Review “Document Type” options:

* Category:

Audit Review ▼

* Document Type:

Select a Document Type to upload

- Audit AAIR Documentation
- Audit Affidavits
- Audit Business Necessity Documents
- Audit Extension Request Documentation
- Audit Miscellaneous Documentation
- Audit Recruitment Content
- Audit Recruitment Report
- Audit Response Cover Letter
- Audit Resumes
- Audit Withdrawal Request Document

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Upload Documents Process



The employer will be provided with the following Supervised Recruitment “Document Type” options:

* Category:

* Document Type:

- Amended DAIL Response
- Amended NSR Response
- Amended RIL
- Amended RIL Response
- Collective Bargaining Agreement (CBA)
- DAC Response
- DAIL Response
- NSR Response
- Other Prevailing Wage Documents (If applicable)
- Prevailing Wage Survey
- RIL Response
- RRIL Response
- SR Extension Requests
- SR RFI Response
- SR Recruitment Report
- SR US Worker Resumes

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Upload Documents Process



The employer must:

- ✓ Click on the “Browse” button and select the file to

The screenshot shows a web form titled "Upload Documents". It contains several fields: a file selection field with a "Browse..." button, a "Category" dropdown menu set to "Audit Review", a "Document Type" dropdown menu set to "Audit Miscellaneous Documentation", a "File Name" field containing "A-17097-77122 for Employer :", and a "Note" text area with a character count of "144 characters remaining" and the text "Attached is the employer's audit response for case A-17097-77122 for ABC Employer and Foreign Worker Name.". A "Upload" button is located at the bottom right of the form. Two red arrows point from the text in the adjacent list item to the "Browse..." and "Upload" buttons.

upload
into CMS

- ✓ Indicate type of “Category” and “Document Type” from drop down options
- ✓ Employer has the option of entering a “File Name” and “Note.”

(Note: *free-text data field with maximum of 250 characters*).

- ✓ Left click on the “Upload” button

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Upload Documents Process



- ✓ The following screen will appear after uploading a document in CMS

A screenshot of a web form titled 'Upload Documents'. The form has a blue header bar. Below the header, there are several input fields: a file selection field with a 'Browse...' button, a 'Category' dropdown menu, a 'Document Type' dropdown menu, a 'File Name' text box, and a 'Note' text area with a character count of '144 characters remaining'. An 'Upload' button is located at the bottom right of the form.

<input type="checkbox"/>	Name	File Type
<input type="checkbox"/>	A-17097-77122 for Employer and FWdocx	Audit Miscellaneous Documentation

Buttons: Delete Selected Attachments, Save, Cancel

- ✓ Left click on the “Save” button.

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Upload Documents Process



Upload Documents

* Select File: Browse...

* Category: Choose a category

* Document Type: Select a Document Type

File Name:

Note:

Message from webpage

Upload Documents Confirmation
Are you sure that you want to upload the attached document(s)?

<input type="checkbox"/>	Name	File Type
<input type="checkbox"/>	A-17097-77122 for Employer and FWdocx	Audit Miscellaneous Documentation

- ✓ Left click on “OK” to complete the last step in uploading the document in CMS.

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Upload Documents Process



- ✓ The employer has the choice to upload and save several documents for the same case.
- ✓ Follow the process for selecting the “File”, “Category” and “Document Type” (and optional, “File Name” and “Note”) for each document to be uploaded.

<input type="checkbox"/>	Name	File Type
<input type="checkbox"/>	New G-28 for Case A-17097-77124.docx	G-28 Documentation
<input type="checkbox"/>	Audit Response for Case A-17097-77124.docx	Audit Miscellaneous Documentation
<input type="checkbox"/>	Substitute for New Attorney for Case A-17097-77124.docx	Substitute Attorney/Agent Documentation

Delete Selected Attachments Save Cancel

- ✓ Left click on “Save” and then “OK” to complete the last steps in uploading the documents in CMS.

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Upload Documents Process



- ✓ The employer will automatically be routed back to the “Upload Documents” page for the same case number.

Upload Documents

ETA Case Number:

ETA Case Number	Date Submitted	Status	Attachments
A-17097-77124	04/07/2017	In Process	
1 record(s) found.			

- ✓ Left click on the  under “Attachments” to see all documents uploaded for the application.

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Upload Documents Process



The employer will be able to view a list of the documents uploaded, document type, date uploaded, any uploaded notes. and the user that uploaded each document.

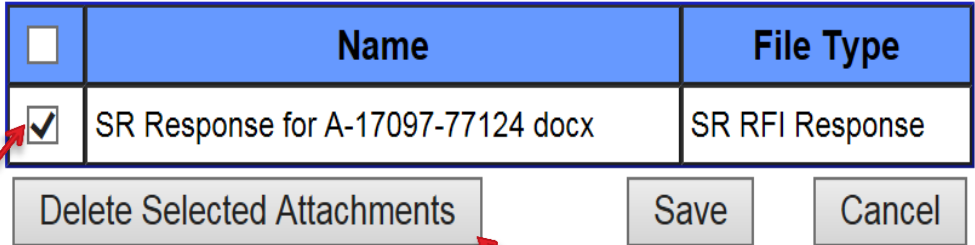
File Name	Document Type	Date	Upload Note	User
A-17097-77122 for Employer and FW.docx	Audit Miscellaneous Documentation	04/26/2017	Attached is the employer's audit response for case A-17097-77122 for ABC Employer and Foreign Worker Name.	uat1tester
Case A-17097-77124.docx	SR RFI Response	04/26/2017	SR Response Case A-17097-77124 to DOL's SR letter dated 4/23/2017.	uat1tester
Audit Response for Case A-17097-77124 for ABC Employer and First and Last Name of Foreign Worker.docx	Audit AAIR Documentation	04/26/2017		uat1tester
HD Inquiry Case A-17097-77124 for Employer and FW.docx	Help Desk Inquiry	04/26/2017	What is the status of my case?	uat1tester
HD Inquiry Case A-17097-77124 for Employer and FW.docx	Change of Address Request	04/26/2017	Please see my change of address.	uat1tester
New G-28 for Case A-17097-77124.docx	G-28 Documentation	04/26/2017	See my updated G-28.	uat1tester
Audit Response for Case A-17097-77124.docx	Audit Miscellaneous Documentation	04/26/2017		uat1tester
Substitute for New Attorney for Case A-17097-77124.docx	Substitute Attorney/Agent Documentation	04/26/2017	See attachment.	uat1tester

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Upload Documents Process



- ✓ After the employer uploads a document, the employer has an opportunity to delete the document before selecting the “Save” button.

- ✓ **Left click** on check box and then the “Delete Selected Attachments” button.
- 
- | <input type="checkbox"/> | Name | File Type |
|-------------------------------------|------------------------------------|-----------------|
| <input checked="" type="checkbox"/> | SR Response for A-17097-77124 docx | SR RFI Response |
- Buttons: Delete Selected Attachments, Save, Cancel
- Two red arrows point from the text 'Left click' to the checked checkbox in the table, and from the text 'Delete Selected Attachments' button to the button itself.

- ✓ Once a document has been uploaded and saved, it cannot be deleted from CMS.

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Upload Documents Process



The external user will receive an automatically generated e-mail from “U.S. Dept of Labor Employment & Training Administration [<mailto:PLC.Help@dol.gov>](mailto:PLC.Help@dol.gov)” after uploading documents in CMS (*copy of the e-mail will simultaneously be sent to the ANPC help desk*) acknowledging documentation uploaded in CMS. Example:

:

This internal e-mail is to notify you that correspondence has been added to A-#####-#####. Correspondence Type uploaded:

- *Request for Reconsideration* *User Name (UserID)*
- *G-28 Documentation* *User Name (UserID)*



Reminders:

- ✓ The maximum size limit for saving a single uploaded document is 30MB.
- ✓ Recommend separating document(s) that exceed (or seem to exceed, if the exact size is not known) the 30MB limit as two or more documents.

- ✓ For example:

Case A-12345-67890 U.S. Workers Resumes – Part I

Case A-12345-67890 U.S. Workers Resumes – Part II



Reminders:

- ✓ Uploaded and saved documents must pertain only to the selected application;
- ✓ Do not combine documents for multiple cases;
- ✓ If combined documents are submitted, the case reviews may be delayed and/or denied for failure to follow instructions;
- ✓ The “Note” data text field may not be used to explain any application issues or document content;

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Upload Documents Process



Reminders:

- ✓ The employer can view, but not edit, any uploaded and saved documents in CMS;
- ✓ Employer cannot upload documents if the application is in 'Incomplete' or 'Certified-Expired' status; and
- ✓ Go to <https://www.plc.doleta.gov/onlinehelp.pdf> to view the Permanent Online System User Guide for the new CMS enhancement feature, starting on page 51.

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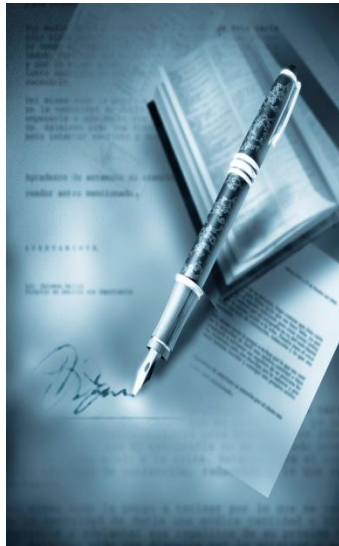
Upload Documents Process



The Department will also be able to view documents saved, date and time documents were saved and by whom.

Below is a list of documents that are uploaded by an analyst or an external user. External user uploads are marked with a "(E)". Please click on the File Name link to open the document.

Documents For Case Number: A-17097-77124			Case Status: Sponsorship	
File Name	Document Type	Date	Note	User
A-17097-77122 for Employer and FW.docx	Audit Miscellaneous Documentation	04/26/2017 09:22 a.m.	Attached is the employer's audit response for case A-17097-77122 for ABC Employer and Foreign Worker Name.	uat1tester (E)
Case A-17097-77124.docx	SR RFI Response	04/26/2017 09:40 a.m.	SR Response Case A-17097-77124 to DOL's SR letter dated 4/23/2017.	uat1tester (E)
Audit Response for Case A-17097-77124 for ABC Employer and First and Last Name of Foreign Worker.docx	Audit AAIR Documentation	04/26/2017 12:18 p.m.		uat1tester (E)
HD Inquiry Case A-17097-77124 for Employer and FW.docx	Help Desk Inquiry	04/26/2017 12:36 p.m.	What is the status of my case?	uat1tester (E)
HD Inquiry Case A-17097-77124 for Employer and FW.docx	Change of Address Request	04/26/2017 12:50 p.m.	Please see my change of address.	uat1tester (E)
New G-28 for Case A-17097-77124.docx	G-28 Documentation	04/26/2017 01:39 p.m.	See my updated G-28.	uat1tester (E)
Audit Response for Case A-17097-77124.docx	Audit Miscellaneous Documentation	04/26/2017 01:39 p.m.		uat1tester (E)
Substitute for New Attorney for Case A-17097-77124.docx	Substitute Attorney/Agent Documentation	04/26/2017 01:40 p.m.	See attachment.	uat1tester (E)



Section IV

PERM E-Issuance and E-Receipt Process



- ✓ On December 1, 2016, the ANPC began issuing PERM notification letters electronically via e-mail.



- ✓ Benefits of electronic notification e-mails:
 - ✓ Faster delivery of PERM notification letters;
 - ✓ Minimizes delayed receipt of postal mail;
 - ✓ Eliminates returned mail; and
 - ✓ Allows Stakeholders more time to respond to PERM notification letters.



The ANPC is issuing the following PERM notification letters via e-mail:

- ✓ Audit Notification Letters;
- ✓ Denial Notification Letters;
- ✓ Requests for Information Letters;
- ✓ Additional Audit Information Requests;
- ✓ Withdrawal Letters; and
- ✓ Notices of Decisions from Appeals.



Exception to issuing PERM notification letters via e-mail:

- ✓ Certified ETA Form 9089 PERM application letters are not being sent electronically due to the certification's security paper requirements currently in place with the U.S. Citizenship and Immigration Services.



To ensure PERM stakeholders are receiving the electronic notification letters, add the following e-mail addresses to your Address Book or Safe List within your e-mail system(s) to avoid being filtered as SPAM:

- ✓ sr.processing@dol.gov and
- ✓ plc.atlanta@dol.gov
- ✓ Add “dol.gov” to your address book or safe list to prevent routing to Junk or Spam mail.
- ✓ Notify the ANPC if the employer’s and/or authorized representative’s e-mail addresses change.



On December 1, 2016, the ANPC started receiving electronic receipt of the following:

- ✓ Requests for Information;
- ✓ Responses to Audit Notification Letters;
- ✓ Additional Audit Information Requests;
- ✓ Request for Reconsideration/Review; and
- ✓ Notices of Decisions for Appeals.



Within two calendar days of receiving the Stakeholders E-Receipt documentation, the ANPC help desk:

- ✓ Sends an e-mail to the Stakeholder and acknowledges receipt of the documentation; and
- ✓ Informs the Stakeholder the documentation was forwarded to the appropriate person(s) for review.



Scan, tab, or clearly identify documentation for audit responses into one of the applicable categories:

Cover Letter	Copy of Audit Letter
Business Necessity and supporting documentation	Recruitment documentation
Recruitment Report and supporting documentation	Resumes and supporting documentation
Prevailing Wage	Affidavits
Signed ETA Form 9089	Postage Receipt



E-Receipt Reminders:

- ✓ Each e-mail response should be no larger than 20MB;
- ✓ If response is larger than 20MB, separate each e-mail response into two or more documents of less than 20MB; and
- ✓ Do not combine documentation for different applications in a single e-mail to the ANPC.



E-Receipt Reminders (continued):

- ✓ When e-mailing documentation, specify case number and type of documentation being submitted in the Subject Line. Example:

Case A-12345-67890; Audit Response – 1 of 2

Case A-12345-67890; Audit Response – 2 of 2

Case A-98765-43210; BE RFI Response



Employers have three options on how to submit documentation to ANPC:

1. Upload Documents in CMS

- ✓ Direct capability to upload and view documents in CMS;
- ✓ Fastest way for the ANPC to receive and process documentation;
- ✓ Immediate confirmation of receipt;
- ✓ Ensures integrity and receipt of documentation; and
- ✓ Free and easiest option available.



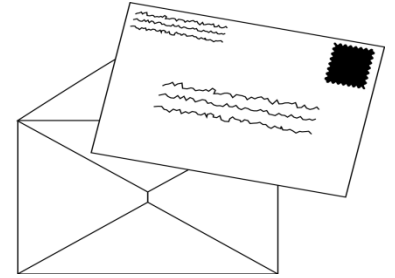


2. Send Documents to ANPC via E-mail

- ✓ No cost associated with e-mailing documentation;
- ✓ Delayed acknowledgement of documentation received; and
- ✓ Slight delay for ANPC to receive and process documentation.



3. Send Documents to ANPC via Postal Mail



- ✓ Resources and costs associated with sending documents via regular postal mail (or via FedEx, UPS, certified mail, etc.) to ANPC;
- ✓ Delay receipt of documentation at ANPC;
- ✓ Delay in ANPC receiving and processing documentation;
- ✓ No confirmation of receipt; and
- ✓ Slowest processing method.

Department of Labor: PERM Program

Technical or System Issues



The employer should send an e-mail to PLC.Help@dol.gov (not the ANPC help desk) if experiencing any technical or system (CMS) issues. Include in the e-mail:

- ✓ A detailed explanation of the problem;
- ✓ Urgency of the request; and
- ✓ Contact name and phone number of the person to call in case additional information is needed.

An experienced technician will respond to the employer via e-mail or telephone.

Department of Labor: PERM Program

Common Deficiencies on ETA Form 9089 and Helpful Tips



Section V

Common Deficiencies when Registering,
Preparing ETA Form 9089, Help Desk,
and Helpful Tips

Department of Labor: PERM Program

Online Registration



Online Registration

Department of Labor: PERM Program

Online Registration Process



- ✓ The PERM Online System for foreign labor certification offers employers a registration feature.
- ✓ By registering with PERM Online System, the employer's information entered at registration is stored in a profile used to prepopulate key fields of the application.
- ✓ This feature will assist an employer in viewing and/or printing previously-prepared applications that have been submitted or are in incomplete status.

Department of Labor: PERM Program

Online Registration Process



Prior to submitting an online application, the employer must be verified as a valid business entity.

- ✓ Once the business information is verified, the employer contact is sent an e-mail containing the username and a temporary password.
- ✓ Use the temporary password to login to the PERM Online System.
- ✓ A second e-mail will be sent to the employer contact containing a unique 4-digit PIN needed to submit cases to the PERM Online System.

Department of Labor: PERM Program

Online Registration Process



A registered user will be able to view the status of a labor certification application and:

- ✓ Update profile information online;
- ✓ Track newly-submitted labor certification applications;
- ✓ E-mail saved labor certification applications to colleagues within the company;
- ✓ Add new users to the account; and
- ✓ Upload documents directly to an application.

Prior to filing an application, the employer must register with PERM Online system in order to establish an account at www.plc.doleta.gov.

Department of Labor: PERM Program

Common Deficiency when Registering Online



The most common deficiency is duplicate registrations for the same employer, address, and contact person. Duplicate registrations can result in:

- ≠ Delayed response time in processing registration;
- ≠ Receiving multiple requests for information letters; and
- ≠ Inability to file an online application.

Department of Labor: PERM Program

Online Registration Process



If the employer's business information is not initially verified, the employer contact will be sent an e-mail* requesting proof of business existence:

- ✓ Federal Employer Identification Number (FEIN);
- ✓ Articles of incorporation, business license, state registration; and
- ✓ Proof of physical location (e.g., utility bill, tax record, etc.).

** Please be patient – the e-mail may take up to five business days to be sent to the registered employer.*

Department of Labor: PERM Program

Online Registration Process



- ✓ Employers can create and manage user accounts for its agent/attorney and/or employees. This allows an employer to create sub-accounts for its colleagues to access the employer's PERM records online.
- ✓ The users with sub-account access can enter, edit, reuse, and withdraw PERM applications. However, the user cannot create new user accounts or sub-accounts nor can the user edit the employer's business information.

Department of Labor: PERM Program

Registration Issues



If experiencing Registration issues:

- ✓ **Status requests** regarding PERM Registrations should be sent to BE-RFI.Atlanta@dol.gov

- ✓ **Technical issues** with registration should be sent to PLC.Help@dol.gov

- * *Send an e-mail to PLC.Help@dol.gov (not the ANPC help desk) if there are any problems with CMS.*

Department of Labor: PERM Program

Registration Inquiries



Registration e-mail inquiries should include the following information:

- ✓ Employer Name;
- ✓ FEIN;
- ✓ Employer Contact Name; and
- ✓ Date Registered.



Registration Tips:

- ✓ Duplicate registrations for the same employer name, employer address, and contact person will cause delays in processing registration.
- ✓ Employers are encouraged to create sub-accounts for new employees and agents/attorney's who may file applications on behalf of the employer rather than submitting a new registration.

Department of Labor: PERM Program

Withdrawing Registration Account



Withdraw or delete a registration account (e.g – where the original registration was established showing an attorney or representative as the "user" and/or where the contact person for the employer is not a person with actual hiring authority).

- ✓ E-mail PLC.Help@dol.gov, provide the user name and password, and request the account be deleted.
- ✓ Afterwards, the person with actual hiring authority can re-register with the correct information.

Department of Labor: PERM Program

ETA Form 9089 Application



OMB Approval: 1205-0451
Expiration Date: 11/30/2017

Application for Permanent Employment Certification
ETA Form 9089
U.S. Department of Labor

Please read and review the filing instructions before completing this form. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/pdf/9089inst.pdf>

Employing or continuing to employ an alien unauthorized to work in the United States is illegal and may subject the employer to criminal prosecution, civil money penalties or both.

A. Refiling Instructions

1. Are you seeking to utilize the filing date from a previously submitted Application for Alien Employment Certification (ETA 750)? Yes No

1-A. If Yes, enter the previous filing date

1-B. Indicate the previous SWA or local office case number OR if not available, specify state where case was originally filed:

B. Schedule A or Shepherdher Occupation?

1. Is this application in support of a Schedule A or Shepherdher Occupation? Yes No

If Yes, do NOT send this application to the Department of Labor. All applications in support of Schedule A or Shepherdher Occupations must be sent directly to the appropriate Department of Homeland Security office.

C. Employer Information (Headquarters or Main Office)

1. Employer's name

ETA Form 9089

Follow instructions for completing an ETA Form 9089 at <https://www.foreignlaborcert.doleta.gov/pdf/9089inst.pdf>

Department of Labor: PERM Program

Common Deficiencies on ETA Form 9089



Most common deficiencies when submitting ETA Form 9089 applications:

- ≠ Not completing all required applicable sections/fields;
- ≠ Placing text in sections/fields that only accept numbers;
- ≠ Indicating years of experience (*Sections H-6A & H-10A*) instead of months of experience;
- ≠ Indicating months of experience (*Section 8-C*) instead of years of experience;
- ≠ Indicating job requirements in job duties in Section H-11;

Department of Labor: PERM Program

Common Deficiencies on ETA Form 9089



Most common deficiencies when submitting ETA Form 9089 applications (*continued*):

- ≠ Incomplete or incorrect FEIN in Section C-7
 - ✓ FEIN must be nine-digits; assigned by the IRS
 - ✓ FEIN will be used to verify business existence
- ≠ Not indicating the prevailing wage source (*Section F-6*)
- ≠ Entering more than 4,000 characters in large text fields (Sections H-11 and addendum fields)
- ≠ Not entering the foreign worker's accurate Country of citizenship (*Section J-5*) or Country of birth (*Section J-6*)

Department of Labor: PERM Program

Common Deficiencies on ETA Form 9089



Most common deficiencies when submitting ETA Form 9089 applications (*continued*):

- ≠ Incomplete or incorrect format dates on application
 - ✓ Dates must be entered in the mm/dd/yyyy format
- ≠ Incorrect employer's e-mail address (*Section D-5*) and/or employer's attorney/agent's e-mail address (*Section E-7*)
 - ✓ E-mail address must be accurate, so the Department can:
 - ✓ Verify Sponsorship; and
 - ✓ Notify stakeholders (e-issuance) PERM notification letters via e-mail.



Benefits of submitting an Online ETA Form 9089:

- ✓ Filing online provides system prompts that assist in the completion of the ETA Form 9089;
- ✓ Faster application processing time;
- ✓ Ability to post, view, and update profile information;
- ✓ Track and view status of prepared and submitted applications;



Benefits of submitting an Online ETA Form 9089 *(continued)*:

- ✓ Electronic verification of PERM status;
- ✓ Ability to save the ETA Form 9089 on a personal computer;
- ✓ Ability to use the same case information (including employer data) from one application to another application; and
- ✓ The Print and Sign page is displayed after the application is submitted.
- ✓ Ability to print submitted copy of the ETA Form 9089.

Department of Labor: PERM Program

Withdrawal Requests in Audit



Department of Labor: PERM Program

Withdrawal Requests in Audit



- ✓ An application may be withdrawn at any time unless the Department sent the employer an Audit Notification letter.
- ✓ Employer must comply with the audit procedure regulations and submit the required documentation as requested in the Audit Notification letter.
- ✓ The employer may submit a withdrawal request of its application along with its audit response.
- ✓ When submitting a withdrawal request, the employer should clearly and prominently indicate its request for withdrawal on the cover letter.

* *Reminder: Audit response & withdrawal upload capability available in CMS*

Department of Labor: PERM Program

ANPC Help Desk





- ✓ ANPC only communicates with the employer or the employer's authorized agent/attorney listed on the application (or the new authorized representative).
- ✓ ANPC is not permitted to communicate directly with a foreign worker regarding a PERM application.
- ✓ The ANPC does not provide counsel or guidance as to how to answer questions on the ETA Form 9089 and/or what documentation should be provided.
- ✓ The Help Desk reiterates Announcement Notices and FAQs posted on the OFLC website.



- ✓ Notify the ANPC Help Desk when:
 - ✓ Change of attorney/agent of record (*employer can conveniently upload a G-28 form in CMS*);
 - ✓ Change of address (*employer can upload a Change of Request documentation in CMS*);
and
 - ✓ The employer is no longer sponsoring the foreign worker.



When submitting an ANPC Help Desk case inquiry e-mail, ensure the following information is included:

- ✓ Case Number;
- ✓ Employer's Name (*as indicated on ETA Form 9089*);
- ✓ Employer's FEIN;
- ✓ Foreign Worker's Name (*as listed on the application*); and
- ✓ How the application was submitted (*Online or Mailed-in ETA Form 9089*).

Department of Labor: PERM Program

ANPC vs Technical or System Help Desk



The following Help Desks are not affiliated with each other and need to be contacted independently.

- ✓ BE-RFI.Atlanta@dol.gov – online registration questions or issues.
- ✓ PLC.Atlanta@dol.gov – status inquiry or questions for submitted PERM applications.
- ✓ PLC.Help@dol.gov – CMS system/technical issues and to delete registration account(s).

Department of Labor: PERM Program

Requesting Duplicate/Withdrawing Certifications



Department of Labor: PERM Program

Requesting Duplicate PERM Certifications



Employers must complete the following steps when requesting a duplicate PERM certification:

- ✓ Provide the ANPC a clear copy of the USDOL PERM certification letter showing that the application has been certified;
- ✓ Provide the specific reason(s) for requesting that the ANPC secure a duplicate, approved labor certificate from the Department of Labor; and
- ✓ The employer or the employer's attorney/agent should contact the Atlanta help desk if the certified application has not been received after one week of being certified or soon thereafter.



Requesting Withdrawal of Certified-Expired PERM Applications:

- ✓ A withdrawal for a Certified-Expired ETA Form 9089 does not need to be requested as the certification validity period has expired.

Department of Labor: PERM Program

How to Contact ANPC for Assistance



- PERM General Program and Processing Questions

ANPC Help Desk: PLC.Atlanta@dol.gov

Telephone: (404) 893-0101

Mail: U.S. Department of Labor
Office of Foreign Labor Certification
Atlanta National Processing Center
Harris Tower
233 Peachtree Street N.E., Suite 410
Atlanta, GA 30303

- Check the OFLC website on regular basis for PERM updates, FAQs, webinar announcements, and updated forms

<http://www.foreignlaborcert.doleta.gov>

Department of Labor: PERM Program



Section VI

Resources for PERM Labor Certification Applications

Department of Labor: PERM Program

Processing Times for Labor Certification Applications



Go to <http://icert.doleta.gov> click on “Processing Times”

NPWC Processing Times (as of 3/31/2017)

Processing Queue	Request Date
H-1B	January 2017
H-2B	March 2017
PERM	January 2017
	Submission Date
Redeterminations	H-1B - January 2017 PERM - January 2017
Center Director Reviews	PERM / H-1B- February 2017 H-2B - March 2017

PERM Processing Times (as of 3/31/2017)

Processing Queue	Priority Dates	
	Month	Year
Analyst Review	January	2017
Audit Review	August	2016
Reconsideration Requests to the CO	February	2017

The Analyst Review and Audit dates posted on iCERT above reflect the month and year in which cases were filed that are now being adjudicated at the Atlanta National Processing Center. *The Reconsideration Request to the CO dates posted on iCERT above reflect the month and year in which cases that are now being reviewed at the Atlanta National Processing Center were appealed. For various reasons, we may be completing the processing of applications filed prior to the month posted on iCERT. If your application was filed more than 3 months prior to the month posted, you may contact our Helpdesk for a status on the application at plc.atlanta@dol.gov.

Determinations	Average Number of Days to Process PERM Applications	
	Month	Calendar Days
Analyst Review	March 2017	78
Audit Review	March 2017	234

The Analyst Review and Audit Review determination processing times on iCERT above reflect the amount of time to process applications for the month. The actual processing time for each employer PERM application may vary from the average depending on the material facts and circumstances. OFLC is only reporting the average processing time for all PERM applications for the most recent month.

Department of Labor: PERM Program

Helpful Resources



Visit the OFLC website and “Subscribe” for e-mail updates
<http://www.foreignlaborcert.doleta.gov>

 **UNITED STATES DEPARTMENT OF LABOR**
Employment & Training Administration

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Enter Search Term Search

ETA Home Find Job & Career Info Business & Industry Workforce Professionals Grants & Contracts TAA Program Foreign Labor Certification Performance & Results Regions & States

Office of Foreign Labor Certification
Helping U.S. employers fill jobs while protecting U.S. and foreign workers

H-2A H-2B H-1B PERM Prevailing Wage Determinations

I Want To...
Select an Option GO

Performance Data
Click Here

E-Mail Updates
Type your e-mail address into the box then click on "Subscribe" to receive OFLC updates.
Enter E-mail Address **Subscribe**

Announcements

APR 18 **Apr 18, 2017. FY 2017 Q2 Cumulative Disclosure Data.** The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 2 of FY 2017 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

Office of Foreign Labor Certification

- About FLC
- OFLC Division Organization Chart
- How do I...
- Policies & Regulations
- Program Debarments
- Foreign Labor Recruiter List 
- OFLC Performance Data
- Contact Information
- OFLC Help Desks

Ombudsman Programs

- H-2A
- H-2B

Electronic Filing

- iCERT Online Filing System
 - H-2A and H-2B Electronic Filing Resources
- PERM Online Filing System

Department of Labor: PERM Program

Helpful Resources



View Permanent Labor Certification FAQs, Forms, Regulations, etc., at <https://www.foreignlaborcert.doleta.gov/perm.cfm>

The screenshot displays the website for the Office of Foreign Labor Certification (OFLC) under the Department of Labor. The header includes navigation links such as 'A to Z', 'Site Map', 'FAQs', 'Forms', 'About DOL', 'Contact Us', and 'Español'. A search bar is also present. The main navigation menu includes 'ETA Home', 'Find Job & Career Info', 'Business & Industry', 'Workforce Professionals', 'Grants & Contracts', 'TAA Program', 'Foreign Labor Certification', 'Performance & Results', and 'Regions & States'. The breadcrumb trail shows 'ETA Home > Foreign Labor Certification > Permanent Labor Certification'. The left sidebar lists various resources under 'Office of Foreign Labor Certification', 'Ombudsman Programs', 'Electronic Filing', and 'Forms and Instructions'. The main content area features a 'Foreign Labor Certification' banner with the tagline 'Helping U.S. employers fill jobs while protecting U.S. and foreign workers'. Below this is a 'Permanent Labor Certification' section with a 'Helpful Links' grid containing buttons for 'Frequently Asked Questions', 'Forms and Case Management System', 'Regulations', 'Wage and Survey Information', 'Disclosure Data', 'Appendix A Professional Occupations', 'Schedule A Occupations', 'Program Debarments', 'Contact Us', and 'Additional Resources'. A 'What is the Permanent Labor Certification Process?' section is partially visible at the bottom.

Disclaimer



This presentation is intended for training use only and does not carry the force of legal opinion.

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