

Labor Certification

Once the prevailing wage is determined, the OLA prepares the Labor Condition Application (LCA). The LCA contains basic information about Georgia College. It also contains information regarding the prevailing wage determination and the salary offered to the international employee. Additionally, there are four attestations which Georgia College is required to make:

1. GC promises to pay the higher of the two wages;
2. The employment of the foreign worker will not harm the working conditions of similarly employed individuals;
3. There is currently no strike in progress; and
4. Notice of the filing of the LCA was provided to HR and the requesting department of the international employee at GC.

Pursuant to federal regulations, notice of an LCA filing must be posted on or before the LCA is submitted to the Department of Labor. These notices are posted in both Human Resources and the hiring department for a minimum of ten consecutive business days.

Export Controls Attestation

The cross-border dissemination of equipment, materials, technology, software or information in the United States is regulated by a system of export controls. The U.S. system of export controls consists of a list of objects and information that cannot be exported to certain countries without a license.

Pursuant to federal law, an export includes more than just the actual shipment of covered items or technology. The release of controlled technology or technical data, physically or verbally, to any foreign person in the United States (even by an employer) is deemed to be an export to that person's country of nationality. This concept is known as the deemed export rule, and has a direct impact on the hiring of foreign nationals in the United States.

United States Citizen and Immigration Services (USCIS) now requires all institutions petitioning for a non-immigrant foreign worker (H-1B) to certify that it has:

1. Reviewed the applicable federal regulations regarding export controls; and
2. Determined whether the worker will be exposed to controlled technology. If the foreign employee will be exposed to such technology, the employer is required to obtain a U.S. Government export license to release that controlled technology or technical data to the employment visa beneficiary. If an export license is required, then the company or other entity must further certify to USCIS that it will not release or otherwise provide access to controlled technology or technical data to the beneficiary until it has received the required authorization to do so.

As part of the H-1B petition process, GC is required to fill out and sign an attestation that the international employee will not be exposed to controlled technology or, if he/she will, a proper federal license has been obtained