association, organization, or other similar entity, not owned or controlled by the employer, which has recognized expertise in an occupational field.

14a. Indicate the prevailing wage source type.

14b. Enter the year of the prevailing wage source. For unpublished surveys issued to or produced for the employer, enter the year.

14c. For a prevailing wage survey, enter the survey producer or publisher (e.g., survey company name).

14d. For a prevailing wage survey, enter the title or source of the prevailing wage survey (e.g., name of the survey instrument).

14	**A PW obtained using another legitimate source (other than OES) or an independent authoritative source**	
[redacted]	a. Source Type *(check one):* § ☐ CBA ☐ DBA ☐ SCA ■ Other PW Survey	b. Source Year § 2017
	c. If responded "Other/PW Survey" in question 14.a, enter the name of the survey producer or publisher § XYZ Survey Publisher	
	d. If responded "Other PW Survey" in question 14.a, enter the title or source of the PW survey § Survey of Computer Systems Analysts	

Section G
Employer Labor Condition Statements

The employer must read and agree to statements (1) through (4) below and demonstrate that agreement by marking "Yes" to Item 1 in Section G of the Form ETA-9035/9035E and by signing the application. The employer agrees to develop and maintain documentation supporting labor condition statements (1) through (4) as specified in 20 CFR 655.731 through 655.734, and to make this documentation available to Department of Labor officials upon request. The employer is required to make available for public examination a copy of the LCA and necessary supporting documentation as specified in 20 CFR 655.760 within one (1) working day after the date on which the application has been filed with the Department of Labor. This documentation must be retained for public examination at the place of employment or the employer's principal place of business as specified in Section I of this form.

(1) **Wages:** The employer attests that H-1B, H-1B1, or E-3 nonimmigrant workers will be paid wages which are at least the higher of 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 occupational classification in the area of intended employment. By marking "Yes" to Item 1 of Section G, the employer also attests that it will pay these nonimmigrant workers the required wage for time in nonproductive status due to a decision of the employer or due to the nonimmigrant worker's lack of a permit or license. The employer further attests that these nonimmigrant workers will be offered benefits and eligibility for benefits on the same basis, and in accordance with the same criteria, as offered to U.S. workers. The employer shall not make deductions to recoup a business expense(s) of the employer, including attorney fees and other costs connected to the performance of H-1B, H-1B1, or E-3 program functions, which are required to be performed by the employer. This includes expenses related to the preparation and filing of this LCA and related visa petition information. See 20 CFR 655.731.

(2) **Working Conditions:** The employer attests that the employment of H-1B, H-1B1 or E-3 nonimmigrant workers in the named occupation will not adversely affect the working conditions of similarly employed U.S. workers. The employer further attests that nonimmigrant workers will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to U.S. workers. See 20 CFR 655.732.

(3) **Strike, Lockout, or Work Stoppage:** The employer attests that on the date the application is signed and submitted, there is not a strike, lockout, or work stoppage in the course of a labor dispute in the occupational classification in the area of intended employment and that, if such a strike, lockout, or work stoppage occurs after the application is submitted, the employer will notify the Employment & Training Administration (ETA) within three (3) days of such occurrence; in that event, the application will not

be used in support of a petition filing with the USCIS for H-1B, H-1B1, or E-3 nonimmigrant workers to work in the same occupation at the place of the employment until ETA determines the strike lockout or work stoppage has ceased. See 20 CFR 655.733.

(4) **Notice:** The employer attests that notice of the LCA filing was provided no more than 30 days before filing of this LCA or will be provided on the day this LCA is filed to workers employed in the occupational classification. Notice of the application shall be provided to workers through the bargaining representative, or where there is no such bargaining representative, notice of the filing shall be provided either through physical posting in conspicuous locations where H-1B, H-1B1, or E-3 nonimmigrant workers will be employed, or through electronic notification to employees in the occupational classification for which nonimmigrant workers are sought. Notice shall be provided no more than 30 days before the date the LCA is filed and no later than the day the LCA is filed and remain posted for 10 days, except that if employees are provided individual, direct notice by e-mail, notification need only be given once. Notice documentation shall be maintained in the employer's records.
Notice shall be made in accordance with the requirements of 20 CFR 655.734 and contain the following statement: "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." The WH-4 complaint form and a listing of Wage and Hour Division offices can be obtained at www.dol.gov/whd. In addition, if the employer is an H-1B dependent employer or a willful violator, and the LCA is not being used only for exempt H-1B nonimmigrant workers, the notice shall be made in accordance with the requirements of 20 CFR 655.734 and shall contain the following statement: "Complaints alleging failure to offer employment to an equally or better qualified U.S. applicant or an employer's misrepresentation regarding such offers of employment may be filed with U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section, 950 Pennsylvania Avenue, NW # IER, NYA 9000, Washington, DC, 20530, Telephone: 1(800) 255-8155 (employers); 1(800) 255-7688 (employees); Internet address: http://www.justice.gov ." See 20 CFR 655.734 and 655.760.
The employer further attests that each nonimmigrant worker employed pursuant to the application will be provided with a copy (or original, as appropriate) of the certified Form ETA-9035E, or Form ETA-9035 (if applicable). As stated above for H-1B, H-1B1, or E-3 nonimmigrant workers, the employer must provide the certified LCA to the nonimmigrant worker, who must follow the H-1B, H-1B1, or E-3 procedures of USCIS and the Department of State. The notification shall be provided no later than the date the nonimmigrant reports to work at the place of employment. See 20 CFR 655.734.

1. Indicate whether the employer has read and agrees to the labor condition statements (1) through (4) above, regarding wages, working conditions, strike, lockout or work stoppage, and notice. The employer must agree to all four labor condition statements listed as (1) to (4). **Please note that marking "Yes" indicates that the employer has read and agrees to the above-listed labor condition statements.**

Section H
Additional Employer Labor Condition Statements – This section is to be completed by H-1B Employers ONLY

All H-1B employers are required to complete Section H in order for an LCA to be processed. See 20 CFR 655.736 for more detailed guidance as to what constitutes an "H-1B dependent employer" or a "willful violator."

a. Subsection 1
Note: The determination of whether an employer is H-1B dependent is based on the ratio between the employer's total workforce employed in the U.S., as measured according to full-time equivalent employees, and the employer's H-1B nonimmigrant employees including both full-time and part-time H-1B employees. See 20 CFR 655.736. The following table can be used to determine whether the employer is an H-1B dependent employer:

TOTAL WORKFORCE EMPLOYED IN THE U.S. (FULL-TIME EQUIVALENT EMPLOYEES)	TOTAL H-1B NONIMMIGRANT EMPLOYEES
1 to 25	8 or more
26 to 50	13 or more
51 or more	15% or more of the employer's total workforce employed in the U.S.

POSTING NOTICE

Simmons University ("Simmons") hereby gives notice that it intends to employ one H-1B nonimmigrant worker in the occupational classification of Communications Teachers, Postsecondary at a wage rate of $72,500 per year. The period of proposed employment is from 07/01/2020 to 06/30/2023. The location at which the worker will be employed is Simmons University, The Gwen Ifill College of Media, Arts & Humanities, 300 The Fenway, Boston, Massachusetts 02115. The Labor Condition Application may be viewed at 300 The Fenway, Boston, Massachusetts 02115.

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.

To comply with USCIS and DOL posting requirements due to COVID-19, I, Christina Webber, certify that on _____5/5/20_____, 2020, notice of the filing of the LCA was provided by posting the notice electronically on the college's intranet which all employees of Simmons University have access to.

Christina Webber
_____

Christina Webber
Manager of Benefits

May _5___, 2020