PERM Labor Certification

What is a PERM labor certification? A recruitment process monitored by the Department of Labor to see if qualified U.S. workers are available to fill the position that the foreign national currently holds. Employers must follow the regulations for recruitment, summarize the results, and maintain the records for 5 years. The application is submitted electronically. If certified, the application is then submitted with a Form I-140 (immigrant petition) to the Department of Homeland Security. Once approved, the applicant adjusts status to U.S. permanent residency.

The University of Alabama at Birmingham will process alien labor certifications through the Department of Labor PERM program for foreign national employees at the request of a sponsoring UAB department. Initiating a labor certification could result in the displacement of the foreign national employee, if a U.S. worker is identified as a result of the recruitment process. The labor certification must be submitted to the Department of Labor within 180 days of commencement of recruitment.

Administrative Responsibilities:

Human Resources Management (HRM)
1. Conduct the recruitment for the position
2. Maintain the records of the labor certification for 5 years
3. Respond to the Department of Labor if an audit is mandated

International Scholar and Student Services (ISSS)
1. Initial contact with the sponsoring department
2. Provide and collect the Statement of Responsibility
3. Provide PERM Packet to sponsoring department
4. Contact HRM to begin recruitment
5. Request prevailing wage from Montgomery upon receipt of PRF from HRM
6. Contact State Employment Service to get job posted
7. Contact UAB Career Services to get job posted
8. Create posting notice and provide to sponsoring department to post for 10 consecutive working days
9. Complete PERM application on-line, print for administrative review and approval, submit electronically

Sponsoring Department
1. Initiate the process with ISSS
2. Sign the Statement of Responsibility
3. Pay for the advertisements in the Chronicle of Higher Education or applicable journal
4. Post the job notice at the job site for 10 consecutive working days
5. Interview applicants referred by Human Resources Management within 30 days from receipt of the application
6. Complete a recruitment summary sheet for each application received
7. If a U.S. worker that meets the minimum requirements for the position is identified during the recruitment process, the sponsoring department is required to offer the position to the U.S. applicant.

UAB Procedure for PERM Processing

1. Sponsoring department initiates process with ISSS
2. ISSS provides sponsoring department with Statement of Responsibility
3. Department faculty sponsor and Chairman sign the Statement of Responsibility and return to ISSS
4. ISSS provides department with PERM packet
5. Department completes PRF and returns to in HRM
6. HRM reviews the PRF for minimum requirements, verifies salary, and provides copy to ISSS. If the position requires experience, the foreign national must have gained the experience outside of UAB at another employer. Verification of the experience is required through an employer’s employment verification letter that details the experience the individual gained during their employment with that employer.
7. ISSS request prevailing wage from Montgomery
8. If salary meets the prevailing wage, the following steps happen simultaneously
   a. ISSS creates a posting notice to send to department to post for 10 consecutive working days
   b. ISSS contacts Montgomery to place job order on state job line
   c. ISSS sends notice to UAB Career Services to place job notice
   d. HRM places job ad with requisition number on:
      i. UAB job line
      ii. UAB web site
      iii. 2 Sunday issues of the Birmingham News (hard copy and web posting)
      iv. 1 issue of the Chronicle of Higher Education (hard copy and web posting)
9. HRM will determine and document the 30-day recruitment cut-off date
10. HRM will review all applications applying for the position, attach a copy of the Employer’s Statement of Recruitment summary sheet, and forward any qualified U.S. worker applications to the sponsoring department
11. Sponsoring department will interview applicants in a timely manner and complete the Employer’s Statement of Recruitment summary sheet for each application
12. Sponsoring department will return all applications and summary sheets to HRM upon completion of the recruitment
13. If a U.S. worker is identified for the position, the sponsoring department must offer the position to the applicant.
14. If no U.S. workers are identified for the position, the sponsoring department must provide lawful job-related reasons for not hiring the applicant on the Employer’s Statement of Recruitment summary sheet.

15. Sponsoring department returns all documents to HRM

16. HRM contacts ISSS with the results of the recruitment effort

17. HRM prepares a detailed recruitment report summarizing the recruitment and attaching all the supporting documents. These documents will be scanned into optidoc system. Original tear sheets of the ads will be retained in hard copy for 5 years in HRM

18. ISSS will complete the PERM application online and print for HRM approval

19. Administrative signatures will be required (yet to be determined) before the application is electronically submitted by ISSS.

20. If certified by Department of Labor, ISSS will complete the I-140 immigrant petition for submission to the Department of Homeland Security, Citizenship and Immigration Services.

Faculty Positions – Requires classroom teaching

The current UAB recruitment process of hiring teaching faculty will fully satisfy the PERM regulations. These applications are considered Special Handling labor certifications. Sponsoring departments should contact ISSS to initiate the process. The department must provide a copy of the recruitment file and a summary of the recruitment process. The journal tear sheets will be required. ISSS will request the prevailing wage from Montgomery and prepare the posting notice to be posted at the job site for 10 consecutive working days. ISSS will prepare the PERM application, print for HRM review, obtain administrative signatures and submit electronically. A copy of the recruitment file will be maintained with the hosting department as well as HRM for audit purposes. The PERM application must be submitted to the Department of Labor within 18 months of the hire letter.

Nursing Positions

The field of Nursing is a shortage occupation and is handled as a Schedule A labor certification. ISSS will work with the Hospital HRM to prepare the PERM application. ISSS will request the prevailing wage from Montgomery and prepare the posting notice. Hospital HRM will prepare a summary recruitment letter and review the PERM application. Administrative signatures will be obtained prior to the application being submitted in duplicate with the supporting I-140 immigrant petition to the Department of Homeland Security. The recruitment file will be maintained in Hospital HRM for 5 years.

ISSS-Is
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