

Requested Documentation

1. Notice of Filing documentation as outlined in 20 CFR § 656.10(d).
 - a. Documentation submitted in response to this Audit Notification letter must include a copy of the employer's Notice of Filing and the dates posted. The Notice of Filing must have been posted for at least 10 consecutive business days and be accessible to all employees.
 - b. If one or more of the 10 consecutive business days is a Saturday, Sunday, and/or a Federal holiday, the employer must submit documentation to demonstrate that it was open for business on the Saturday, Sunday, and/or holiday in question and, demonstrate employees had access to the posting location of the Notice of Filing.
2. All recruitment documentation as outlined in 20 CFR § 656.17(e).
3. Provide a recruitment report as described in 20 CFR § 656.17(g)(1) signed by the employer or the employer's contact describing the recruitment steps undertaken and the results achieved, the number of hires, and, if applicable, the number of U.S. applicants rejected, summarized by the specific lawful job related reasons for such rejections.
 - a. For all U.S. applicants, who applied for the employer's job opportunity listed on the ETA Form 9089:
 - Indicate if the applicant(s) was interviewed; and
 - Provide copies of the resumes and completed employment applications.

Note: To assist the Certifying Officer in making an expeditious final determination of the application, the employer must include the specific lawful job related reason(s) the U.S. applicant(s) was rejected. For more information on the assessment of U.S. applicants' qualifications see #4 below.

 - b. Provide employment applications, pre-screening questionnaire(s), test(s), and any other assessment tools used to evaluate applicants for the job opportunity.
4. Pursuant to 20 CFR § 656.24(b)(2)(i), the Certifying Officer must consider a U.S. applicant able and qualified for the job opportunity if the worker, by education, training, experience or a combination thereof, is able to perform in the normally accepted manner the duties involved in the occupations as customarily performed by other U.S. workers similarly employed. A U.S. applicant is able and qualified for the job opportunity if the

applicant can acquire the skills necessary to perform the duties involved in the occupation during a reasonable period of on-the-job training.

O*NET is an online resource utilized to identify normally acceptable requirements of education, training and experience, or combination thereof, for SOC Job Codes. If any of the requirements for the job opportunity differ from the normally acceptable, the employer should submit documentation establishing business necessity and address how the requirements at issue apply to any U.S. applicants. Unsupported statements, mere assertions of fact without the submittal of supporting documentation, and declarations of employer preference, convenience, or efficiency are insufficient to meet the requirements below.

- a. If the employer rejected U.S. applicant(s), explain what process or steps the employer conducted to assess each applicant. If the applicant(s) do(es) not meet employer's requirements as indicated on the ETA Form 9089, the employer must explain how each applicant's education, experience and training does not qualify him/her for the job opportunity.
 - b. If the employer requires one specific educational degree for a job opportunity, the employer must explain in detail, why only that particular degree is acceptable for the job opportunity and explain, in detail, the exclusion of similar degrees.
 - c. If a job opportunity is for an advanced degree, the employer must explain in detail, why a lower degree in the same field, and experience, is not acceptable for the job opportunity.
 - d. Please explain, in detail, why each U.S. applicant could not have attained the skills necessary to perform the job duties listed in Section H of the ETA Form 9089 during a reasonable period of on-the-job training. The reason(s) an applicant cannot be trained for the job opportunity must be specific to each applicant.
 - e. If the employer rejected any applicant on the ground that the applicant is not a U.S. worker during the course of recruitment, please provide a statement, along with supporting documentation, explaining what process or steps the employer conducted to assess each one of these applicant(s). The statement must include how the employer determined that the applicant was not a U.S. worker as defined under 20 CFR § 656.3; and therefore, was lawfully disqualified for consideration of the job opportunity.
5. Provide all information and documentation required in the attachment, if applicable.