

TO: Labor Certification Applicant
FROM: Law Office of Lorne M. Fienberg P.L.L.C.
RE: PERM "Homework" Assignment

Please assist us to prepare your labor certification application as carefully as possible, by providing us with the following information. If available, please attach a formal job description for this position and, if possible, please complete this assignment with your formal job description in front of you.

Title: _____

Base Salary: _____

1. A Detailed Job Description

Please draft an extremely detailed job description of the day-to-day job duties of your position, or the position to be described in the labor certification application. The best way to accomplish this is to itemize each job duty separately.

2. List Each Requirement/Qualification Needed

Please come up with a list of every single job requirement, skill, or qualification that is needed to do the job. Where possible, quantify the requirement (e.g. at least two years C++ experience...). Do not simply recount your own qualifications, but be specific as to what is minimally required for the position.

3. Relate Each Requirement to One or More Duties

Please correlate each requirement to one or more duties of the job, so that it is clear how each requirement relates to being able to do one or more of the job duties of the position. Also explain why the requirement is necessary (e.g. explain which duties of the job could not be performed by someone lacking the particular qualification in question). Where possible, explain why two years of experience, not one, is necessary etc.

4. Explain How **You** Meet Each Requirement

For each requirement necessary for the job, explain how you personally met the requirement, and show where you gained the experience. For example, if the job requires two years of C++ experience, and you have four years of that experience, explain where you were working while you gained the experience, even if it was gained with more than one employer.

Remember, you cannot count experience you have gained on the job with your current employer, **unless** the position that is the subject of your labor certification application is not substantially comparable to the one in which you gained your qualifying experience. The positions are deemed to be not substantially comparable if more than 50% of the job duties are different in the two positions.

IF YOU BELIEVE THE EXPERIENCE YOU GAINED ON THE JOB WAS IN A POSITION NOT SUBSTANTIALLY COMPARABLE TO THE ONE TO BE USED FOR YOUR LABOR CERTIFICATION APPLICATION, PLEASE GO ON TO THE NEXT SECTION:

5. Explain the Differences in the Positions

Please provide a detailed description of the differences between the position you held before and the position that is the subject of the labor certification. List the duties and requirements of each position. We find that the best way to graphically illustrate the differences between the positions is to draw a line down the middle of a page and describe Position A in one column and Position B in the other (see attached example). *Please assign percentages to the job duties for each position. For example, if in Position A you spent 0 % of your time supervising other employees and in Position B you spend 40% of your time supervising other employees, this is very important information and assigning percentages to the duties graphically illustrates the differences in the positions.* Please also focus on such things as differences in salary, level of responsibility, reporting requirements, level of discretion, budget, level of contact with clients or customers, management functions, training functions, etc.

The Department of Labor must be convinced that the job that is the subject of the labor certification application you are doing now or will do in the future, is substantially different from the job you were doing before, when you gained the experience. Otherwise, it will not allow the employer to require job applicants to have particular experience when you were allowed to gain that experience on the job. Alternatively, the employer may show how its business has changed so that now it is infeasible to train someone. But the employer bears a very heavy burden of proof in this regard.

