Non-Certified Prevailing Wage Acknowledgement

**EXTENSION OF A CURRENT EMPLOYEE ONLY**

**H-1B Applicant Name:** ____________________________________________________________

The U.S. Department of Labor (DOL) and U.S. Citizenship & Immigration Services (USCIS) require employers to pay H-1B workers the higher of: (1) the prevailing wage or (2) the actual wage paid to similarly employed workers within the same department. However, in cases where the hiring/sponsoring department chooses not to use a prevailing wage determination issued by the U.S. Department of Labor, the University could be liable for any wage difference that may result from a DOL audit.

Consequently, when a hiring/sponsoring department desires to use an initial prevailing wage determination that is not issued by the DOL, the hiring/sponsoring department must agree to the following terms in regards to the above-mentioned applicant in order for the University to approve the H-1B sponsorship:

1. The hiring/sponsoring department acknowledges that a prevailing wage determination will still be requested by UF’s immigration attorneys from the DOL.
2. The hiring/sponsoring department agrees to accept the DOL’s prevailing wage determination as the official certified prevailing wage once it is received.
3. Although the hiring/sponsoring department may be given a recommended wage by UF’s immigration attorneys, the obligation to use the DOL’s certified prevailing wage will supersede any other wage recommendation.
4. If the certified prevailing wage results in a higher amount than the H-1B employee’s current salary, the hiring/sponsoring department agrees to raise the H-1B employee’s salary to meet the certified wage retroactively from the H-1B approval date; or
5. In cases where the hiring/sponsoring department cannot meet the certified prevailing wage annualized salary, the hiring/sponsoring department must convert the H-1B worker to a part-time worker (if applicable) and ensure that the H-1B employee is meeting the certified hourly rate under a new H-1B amendment; or
6. In cases where the hiring/sponsoring department cannot meet the certified prevailing wage or use part-time employment with a certified hourly rate, the hiring/sponsoring department must terminate the H-1B employee and pay the return airfare to the home country. The employee must be paid the difference in wage retroactively from the H-1B approval date up to the termination date.

By signing below, you acknowledge that you have the authority to act on behalf of the hiring/sponsoring department and agree to the terms listed above.

**Name of Sponsoring Department:** ____________________________________________________________

**Department official name:** ____________________________________________________________

**Department official signature:** ____________________________ Date: ______________

**Requested start date:**

0-15 days: Not possible

16-45 days: **$2,000.00 Rush Fee** Make check payable to Fragomen, DelRey, Bernsen & Loewy, LLP (in addition to normal filing fees and/or premium processing option)

46-90 days: **$1,500.00 Rush Fee** Make check payable to Fragomen, DelRey, Bernsen & Loewy, LLP (in addition to normal filing fees and/or premium processing option)