**DOL MEETING**

On May 10, 2017, Larry Rifkin participated in a meeting with the Office of Foreign Labor Certification (OFLC) with regard to the Program Electronic Review Management (PERM) system used for applying for labor certification. The objective of the meeting was to improve the quality of applications submitted to the OFLC by:

* + Discussing the E-issuance, E-Receipt and Upload Documents process;
  + Identifying how to avoid common deficiencies or frequent errors when preparing an ETA Form 9089 application;
  + Providing helpful practice tips to ensure quality applications are submitted for processing; and
  + Helpful tips for common deficiencies related to PERM prevailing wage requests.

The Director of the National Prevailing Wage Center discussed important data entry issues that the Center comes across daily when processing online Prevailing Wage requests such as: the importance of the registered e-mail address, inputting the correct FEIN number into the system, the difference between being a supervisor and a subordinate, essential job descriptions and duties, the information required if international travel is listed as part of the job functions (frequency, the nature of travel, and countries to be visited). The Director urged preparers of Prevailing Wage Requests to review the form prior to submission, looking for conflicting requirements for the position. If the Center issues the Employer or its attorney Requests for Information (RFIs), the Director recommended that program users provide responses to all questions.

As of April 15, 2017, the PERM Case Management System (CMS) permits the submission of electronic documentation while the application is pending review and up to 30 calendar days after the notice of proposed final agency action is issued on an application. Program users may upload documents on the CMS directly to the case file such as: Audit Documents, Responses to Supervised Receipt Letters, Reconsideration and/or Review Requests, G-28 Notice of Appearance, and multiple filing requests. CMS will immediately confirm via email once the document is uploaded and the program user will have access to view the uploaded document(s).

PERM E-Issuance Receipts have been e-mailed to the employers and its attorney or agent as of December 1, 2016. Program users now also receive via e-mail: Audit Notification, Denials, Requests for Information, Additional Audit Information and Decision on Appeals. Certified ETA Form 9089 will continue being mailed to Employers and its agents via postal mail. Program users are encouraged to use CMS to upload documents and program users may use the G-28 form to request changes of address. To request a change in counsel, the employer should e-mail the Atlanta Help Desk and upon receiving verification from the Atlanta National Processing Center, the employer is encouraged to upload a new G-28 Notice of Entry of Appearance. Form G-28 is not required for the PERM process, but is an accepted means of designating a representative.

The most common deficiencies mentioned on ETA Form 9089 are duplicate registrations. Before filing a second registration request, program users are urged to contact the Help Desk first. Otherwise, a backlog occurs with multiple ETA Form 9089 requests pending. Other issues include: not completing all required sections, placing text in sections/fields that only accept numbers, indicating years of experience instead of months of experience (H-6A, H-10A), indicating job requirements in the job duties section, incomplete/incorrect FEIN numbers, not indicating Prevailing Wage source, not entering the foreign worker’s correct country of citizenship or country of birth, incomplete/incorrect dates format (MM/DD/YYYY), and incorrect e-mail addresses for the employer and the attorney.

In summary, the meeting was very instructive in alerting program users of the most common deficiencies with the PERM system, as well as providing various tips as to how to avoid delays in the process.