**H-1B COMPLIANCE CHECKLIST**

**AFTER USCIS APPROVAL**

**□ I-9 Compliance**

Verify Dr. Guo’s I-9 form to indicate his period of H-1B employment authorization. He may choose any of the documents from List A or Lists B and C on the back of the I-9 form, but usually in an H-1B case, the appropriate documentation consists of an unexpired passport and the I-94 card at the bottom of the H-1B approval notice.

**□ Contents of Public Access File**

Your Public Access File for Dr. Guo should include the original, approved LCA for his period of H-1B employment; two original Notices to Employees with certifications of posting; prevailing wage documentation; employee benefits summary; LCA Compliance Memo with ‘actual wage’ explanation; certification signed by Dr. Guo that he received a copy of the approved LCA; and DOL 9035CP (the DOL’s official LCA instructions). We previously provided all of these documents to you.

**□ LCA Business Travel Requirements (not applicable to international travel)**

In certain situations, the Department of Labor will require that you re-post the Notice to Employees or even file a new LCA. The travel rules to monitor are:

* Travel to another site in the Marshfield area: No additional LCA obligations if Dr. Guo spends less than 10 consecutive days at that site.
* If Dr. Guo stays at a particular site in the Marshfield area for more than 10 consecutive days, the Marshfield Clinic must re-post the Notice to Employees at that site.
* Travels outside the Marshfield area for more than 60 workdays per site per year: The Marshfield Clinic must obtain a new LCA for that site. **You should develop a system for monitoring Dr. Guo’s work days at U.S. work sites outside the Marshfield area.**
* If you transfer Dr. Guo permanently to another location outside the Marshfield area: A new LCA, new posting, new prevailing wage determination, etc. will be required.
* “Developmental” employee travel, such as attending seminars, is permitted with no additional LCA obligations.

**□ Salary Monitoring**

When you adjust the salaries of other employees with the same or similar job duties, Dr. Guo’s salary must be at least as much as all similarly qualified persons. Also, when you hire another similarly qualified person to perform the same or similar job duties, you must prepare and keep documentation that Dr. Guo’s salary is at least as much as the new hire is paid. This documentation does not belong in the Public Access File.

**□ Additional Monitoring Requirements**

Bring these matters to our attention if you anticipate that any of the situations may occur during Dr. Guo’s H-1B employment:

* If you anticipate having to “bench” or lay him off
* If his core job duties or job title will change
* If you would like to create a policy under which Dr. Guo would reimburse the company for the attorney fees and costs connected to the H-1B case
* If you want to create a policy under which Dr. Guo would pay a “penalty” if he leaves the H-1B employment before it expires
* If Dr. Guo’s employment ends, either voluntarily or by the company’s action, before his authorized period of H-1B employment ends
* If the Marshfield Clinic’s corporate structure is reorganized, e.g. a sale, merger, acquisition, spin-off, etc.