# Labor Condition Application for Nonimmigrant Workers Form ETA-9035 & 9035E



# U.S. Department of Labor

Please read and review the filing instructions carefully before completing the Form ETA- 9035 or 9035E. A copy of the instructions can be found at <a href="http://www.foreignlaborcert.doleta.gov/">http://www.foreignlaborcert.doleta.gov/</a>. In accordance with Federal Regulations at 20 CFR 655.730(b), incomplete or obviously inaccurate Labor Condition Applications (LCAs) will not be certified by the Department of Labor (DOL). For all submissions, both electronic (Form ETA- 9035E) or paper (Form ETA- Form 9035 where the employer has notified DOL that it will submit this form non-electronically due to a disability or received permission from DOL to file non-electronically due to lack of Internet access), <a href="https://example.com/">ALL</a> required fields/items containing an asterisk (\*) must be completed as well as any fields/items where a response is conditional as indicated by the section (§) symbol.

A. Employment-Based Nonimmigrant Vis	a Information						
1. Indicate the type of visa classification su	pported by this applicati	on (Write classific	cation symbol): *	H-1B			
B. Temporary Need Information							
1. Job Title * SOFTWARE DEVELOPE	R, APPLICATIONS						
2. SOC (ONET/OES) code * 15-1132.00	SOC (ONET/OES) occupation title * Software Developers, Applications						
4. Is this a full-time position? *		Period of Intended Employment					
☑ Yes □ No	5. Begin Date * 1/24/2022 6. End Date * 1/23/2025 (mm/dd/yyyy)						
7. Worker positions needed/basis for the v	isa classification support	ted by this appli	cation				
Total Worker Positions Be  Basis for the visa classification supporte (indicate total workers in each applicable cat	ed by this application	ification *					
0 a. New employment *		0	d. New concurre	ent employment *			
b. Continuation of previously without change with the sa		1	e. Change in en	nployer *			
0 c. Change in previously appr	oved employment *	0	f. Amended pet	ition *			
C. Employer Information							
Legal business name * HTC GLOBAL SERVICES INC.							
2. Trade name/Doing Business As (DBA),	if applicable						
3. Address 1 * 3270 WEST BIG BEAVER ROAD							
4. Address 2							
5. City * TROY		6. State * Michigan	7. F 4808	Postal code * 34			
8. Country * United States Of America		9. Province					
10. Telephone number * +1 (248) 786-2500		11. Extension	ı				
12. Federal Employer Identification Number	er (FEIN from IRS) *	13. NAICS co	ode (must be at lea	ast 4-digits) *			
38-3056583		541511					
		•					

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D.	Employ	ver Point	of	Contact	Inf	ormat	ion
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Important Note: The information contained in this Section must be that of an employee of the employer who is authorized to act on behalf of the employer in labor certification matters. The information in this Section must be different from the agent or attorney information listed in Section E, unless the attorney is an employee of the employer.

Section L, unless the attorney is an employee of the	employer.				
Contact's last (family) name *	2. First (given)	name *	3. Middle	e name(s)	
SUBRAMANIAN	SURESH				
Contact's job title * VICE PRESIDENT					
5. Address 1 * 3270 WEST BIG BEAVER ROAD					
6. Address 2					
7. City * TROY		8. State * Michigan	9. Posta 48084	Il code *	
10. Country * United States Of America		11. Province			
12. Telephone number *	13. Extension	14. E-Mail address			
+1 (248) 786-2500	109	IMMIGRATION@F	HTCINC.C	OM	
E. Attorney or Agent Information (If applicable Important Note: The employer authorizes the attorn filing of this application.	•	d in this section to act on	its behalf in c	connection with the	
<ol> <li>Is the employer represented by an attorney or If "Yes," complete the remainder of Section E</li> </ol>	•	of this application? *		☐ Yes	☑ No
2. Attorney or Agent's last (family) name §	3. First (given) n	ame §	4. Middle	name(s)	

<ol> <li>Is the employer represented by an attorney or agent in the filing of this application? *         If "Yes," complete the remainder of Section E below.</li> </ol>					☐ Yes	☑ No
2. Attorney or Agent's last (family) name §	3. First (given	3. First (given) name § 4. Middle r		name(s)		
5. Address 1 §						
6. Address 2						
7. City §		8. State	e §	9. Pos	tal code §	
10. Country §		11. Pro	vince			
12. Telephone number §	13. Extension	14. E-Mail address				
15. Law firm/Business name §			16. Law firm/B	usiness	FEIN §	
17. State Bar number (only if attorney) §			ate of highest co		e attorney is ir	n good
19. Name of the highest State court where a	ttorney is in good s	tanding (only	if attorney) §			

Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR U	JSE ONLY	Page 2 of 8
Case Number: 1-200-22004-805927	Case Status: In Process	Period of Employment:	to

# Labor Condition Application for Nonimmigrant Workers Form ETA-9035 & 9035E U.S. Department of Labor



#### F. Employment and Wage Information

Important Note: The employer must define the intended place(s) of employment with as much geographic specificity as possible. Each intended place(s) of employment listed below must be the worksite or physical location where the work will actually be performed and cannot be a P.O. Box. The employer must identify all intended places of employment, including those of short duration, on the LCA. 20 CFR 655.730(c)(5). If the employer is submitting this form non-electronically and the work is expected to be performed in more than one location, an attachment must be submitted in order to complete this section. An employer has the option to use either a single Form ETA-9035/9035E or multiple forms to disclose all intended places of employment. If the employer has more than ten (10) intended places of employment at the time of filing this application, the employer must file as many additional LCAs as are necessary to list all intended places of employment. See the form instructions for further information about identifying all intended places of employment.

#### a. Place of Employment Information 1

the	nter the estimated number of workers that will perform work at tell to the LCA.*	'						
	dicate whether the worker(s) subject to this LCA will be placed ace of employment. *	this ☑ Yes □ N	10					
3. If '	If "Yes" to question 2, provide the legal business name of the secondary entity. §							
STAT	TATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY							
	. Address 1 * STATE FARM SOUTH PLAZA							
5. Ac	ddress 2							
	6. City * 7. County * Mclean							
	8. State/District/Territory * 9. Postal code * 61791							
10. V	10. Wage Rate Paid to Nonimmigrant Workers * 10a. Per: (Choose only one)*							
From	From* \$9441100 To: \$12499200 □ Hour □ Week □ Bi-Weekly □ Month ☑ Year							
11. F	11. Prevailing Wage Rate * 11a. Per: (Choose only one)*							
	\$94411 . <u>00</u>	☐ Hour ☐ Week ☐	Bi-Weekly ☐ Month ☑ Year					
Ques	stions 12-14. Identify the source used for the prevailing wa	ge (PW) (check and fully	complete only one): *					
12.	A Prevailing Wage Determination (PWD) issued by the Department of Labor  a. PWD tracking number §							
13.	A PW obtained independently from the Occupational Em	oloyment Statistics (OE	. •					
ت	a. Wage Level (check one): §		b. Source Year §					
	□I □II □IV □N/A		7/1/2021 - 6/30/2022					
14.	A PW obtained using another legitimate source (other than OES) or an independent authoritative source							
Ш	a. Source Type (check one): §  ☐ CBA ☐ DBA ☐ SCA ☐ Other/ PW Survey	1	b. Source Year §					
	c. If responded "Other/ PW Survey" in question 14.a, enter the	e name of the survey pro	ducer or publisher §					
	d. If responded "Other/ PW Survey" in question 14.a, enter the	ne title or name of the PW	survey §					

Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR U	SE ONLY	Page 3 of 8
Case Number: I-200-22004-805927	Case Status: In Process	Period of Employment:	to

# Labor Condition Application for Nonimmigrant Workers Form ETA-9035 & 9035E U.S. Department of Labor



# G. Employer Labor Condition Statements

Important Note: In order for your application to be processed, you MUST read Section G of the Form ETA-9035CP - General Instructions for the 9035 & 9035E under the heading "Employer Labor Condition Statements" and agree to all four (4) labor condition statements summarized below:

- (1) Wages: The employer shall pay nonimmigrant workers at least the prevailing wage or the employer's actual wage, whichever is higher, and pay for non-productive time. The employer shall offer nonimmigrant workers benefits and eligibility for benefits provided as compensation for services on the same basis as the employer offers to U.S. workers. The employer shall not make deductions to recoup a business expense(s) of the employer including attorney fees and other costs connected to the performance of H-1B, H-1B1, or E-3 program functions which are required to be performed by the employer. This includes expenses related to the preparation and filing of this LCA and related visa petition information. 20 CFR 655.731:
- (2) **Working Conditions:** The employer shall provide working conditions for nonimmigrants which will not adversely affect the working conditions of workers similarly employed. The employer's obligation regarding working conditions shall extend for the duration of the validity period of the certified LCA or the period during which the worker(s) working pursuant to this LCA is employed by the employer, whichever is longer. 20 CFR 655.732;
- (3) **Strike, Lockout, or Work Stoppage:** At the time of filing this LCA, the employer is not involved in a strike, lockout, or work stoppage in the course of a labor dispute in the occupational classification in the area(s) of intended employment. The employer will notify the Department of Labor within 3 days of the occurrence of a strike or lockout in the occupation, and in that event the LCA will not be used to support a petition filing with the U.S. Citizenship and Immigration Services (USCIS) until the DOL Employment and Training Administration (ETA) determines that the strike or lockout has ended. 20 CFR 655.733; and
- (4) Notice: Notice of the LCA filing was provided no more than 30 days before the filing of this LCA or will be provided on the day this LCA is filed to the bargaining representative in the occupation and area of intended employment, or if there is no bargaining representative, to workers in the occupation at the place(s) of employment either by electronic or physical posting. This notice was or will be posted for a total period of 10 days, except that if employees are provided individual direct notice by e-mail, notification need only be given once. A copy of the notice documentation will be maintained in the employer's public access file. A copy of this LCA will be provided to each nonimmigrant worker employed pursuant to the LCA. The employer shall, no later than the date the worker(s) report to work at the place(s) of employment, provide a signed copy of the certified LCA to the worker(s) working pursuant to this LCA. 20 CFR 655.734.

#### H. Additional Employer Labor Condition Statements -H-1B Employers ONLY

Important Note: In order for your H-1B application to be processed, you MUST read Section H – Subsection 1 of the Form ETA 9035CP – General Instructions for the 9035 & 9035E under the heading "Additional Employer Labor Condition Statements" and answer the questions below.

#### a. Subsection 1

1. At the time of filing this LCA, is the employer H-1B dependent? §			
2. At the time of filing this LCA, is the employer a willful violator? §			
3. If "Yes" is marked in questions H.1 and/or H.2, you must answer "Yes" or "No" regarding whether the employer will use this application ONLY to support H-1B petitions or extensions of status for exempt H-1B nonimmigrant workers? §			
			ecialty
r's Degree or Higher Exe	mptions	ONLY	
	☐ Yes	□ No	☑ N/A
	etitions or extensions of  \$60,000 or higher an  Master's Degree or h  Both	stitions or extensions of  Sections or extensions or extensi	☐ Yes ☐ No  or "No" regarding  etitions or extensions of  ☐ Yes ☐ No  ☐ Yes ☐

Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR US	E ONLY	Page 4 of 8
Case Number: 1-200-22004-805927	Case Status: In Process	Period of Employment:	_ to

# Labor Condition Application for Nonimmigrant Workers Form ETA-9035 & 9035E



U.S. Department of Labor

If you marked "Yes" to questions H.a.1 (H-1B dependent) and/or H.a.2 (H-1B willful violator) and "No" to question H.a.3 (exempt H-1B nonimmigrant workers), you <u>MUST</u> read Section H – Subsection 2 of the Form ETA 9035CP – General Instructions for the 9035 & 9035E under the heading "Additional Employer Labor Condition Statements" and indicate your agreement to all three (3) additional statements summarized below.

#### b. Subsection 2

- A. **Displacement:** An H-1B dependent or willful violator employer is prohibited from displacing a U.S. worker in its own workforce within the period beginning 90 days before and ending 90 days after the date of filing of the visa petition. 20 CFR 655.738(c);
- B. **Secondary Displacement:** An H-1B dependent or willful violator employer is prohibited from placing an H-1B nonimmigrant worker(s) with another/secondary employer where there are indicia of an employment relationship between the nonimmigrant worker(s) and that other/secondary employer (thus possibly affecting the jobs of U.S. workers employed by that other employer), unless and until the employer subject to this LCA makes the inquiries and/or receives the information set forth in 20 CFR 655.738(d)(5) concerning that other/secondary employer's displacement of similarly employed U.S. workers in its workforce within the period beginning 90 days before and ending 90 days after the date of such placement. 20 CFR 655.738(d). Even if the required inquiry of the secondary employer is made, the H-1B dependent or willful violator employer will be subject to a finding of a violation of the secondary displacement prohibition if the secondary employer, in fact, displaces any U.S. worker(s) during the applicable time period; and
- C. Recruitment and Hiring: Prior to filing this LCA or any petition or request for extension of status for nonimmigrant worker(s) supported by this LCA, the H-1B dependent or willful violator employer must take good faith steps to recruit U.S. workers for the job(s) using procedures that meet industry-wide standards and offer compensation that is at least as great as the required wage to be paid to the nonimmigrant worker(s) pursuant to 20 CFR 655.731(a). The employer must offer the job(s) to any U.S. worker who applies and is equally or better qualified for the job than the nonimmigrant worker. 20 CFR 655.739.

I. Public Disclosure Information	dic Disclosure Information	
! Important Note: You must select one or both of the options listed in this Section.		
1. Public disclosure information in the United States will be kept at: *		

#### J. Notice of Obligations

- A. Upon receipt of the certified LCA, the employer must take the following actions:
  - o Print and sign a hard copy of the LCA if filing electronically (20 CFR 655.730(c)(3));
  - Maintain the original signed and certified LCA in the employer's files (20 CFR 655.705(c)(2); 20 CFR 655.730(c)(3); and 20 CFR 655.760); and
  - Make a copy of the LCA, as well as necessary supporting documentation required by the Department of Labor regulations, available for public examination in a public access file at the employer's principal place of business in the U.S. or at the place of employment within one working day after the date on which the LCA is filed with the Department of Labor (20 CFR 655.705(c)(2) and 20 CFR 655.760).
- B. The employer must develop sufficient documentation to meet its burden of proof with respect to the validity of the statements made in its LCA and the accuracy of information provided, in the event that such statement or information is challenged (20 CFR 655.705(c)(5) and 20 CFR 655.700(d)(4)(iv)).
- C. The employer must make this LCA, supporting documentation, and other records available to officials of the Department of Labor upon request during any investigation under the Immigration and Nationality Act (20 CFR 655.760 and 20 CFR Subpart I).

I declare under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge, the information contained therein is true and accurate. I understand that to knowingly furnish materially false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by fines, imprisonment, or both (18 U.S.C. 2, 1001,1546,1621).

Last (family) name of hiring or designated official * SUBRAMANIAN	2. First (given) name of hiring SURESH	or designated official *	3. Middle initial §
Hiring or designated official title * VICE PRESIDENT			
5. Signature *		6. Date signed *	

# Labor Condition Application for Nonimmigrant Workers Form ETA-9035 & 9035E U.S. Department of Labor



#### K. LCA Preparer

1 Loot (family) name S	2. First (given) name §		3. Middle initia
Last (family) name §	2. First (given) name §		3. Mildule milla
1. Firm/Business name §			
5. E-Mail address §			
. U.S. Government Agency Use (ONLY)			
By virtue of the signature below, the Depart	tment of Labor nereby acknowledges ti	ne following:	
This certification is valid from	to		
	ιο	•	
	t0	·	
Department of Labor, Office of Foreign Lab			(date signed)
Department of Labor, Office of Foreign Lab		ertification Date	(date signed)
Department of Labor, Office of Foreign Lab	or Certification C		(date signed)
	or Certification C	ertification Date	(date signed)
I-200-22004-805927	or Certification C	ertification Date on Process case Status	
I-200-22004-805927 Case number	or Certification C	ertification Date on Process case Status	

The signatures and dates signed on this form will not be filled out when electronically submitting to the Department of Labor for processing, but MUST be complete when submitting non-electronically. If the application is submitted electronically, any resulting certification MUST be signed immediately upon receipt from DOL before it can be submitted to USCIS for final processing.

Complaints alleging misrepresentation of material facts in the LCA and/or failure to comply with the terms of the LCA may be filed using the WH-4 Form with any office of the Wage and Hour Division, U.S. Department of Labor. A listing of the Wage and Hour Division offices can be obtained at www.dol.gov/whd. Complaints alleging failure to offer employment to an equally or better qualified U.S. worker, or an employer's misrepresentation regarding such offer(s) of employment, may be filed with the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section, 950 Pennsylvania Avenue, NW, # IER, NYA 9000, Washington, DC, 20530, and additional information can be obtained at www.justice.gov. Please note that complaints should be filed with the Civil Rights Division, Immigrant and Employee Rights Section at the Department of Justice only if the violation is by an employer who is H-1B dependent or a willful violator as defined in 20 CFR 655.710(b) and 655.734(a)(1)(ii).

#### N. OMB Paperwork Reduction Act (1205-0310)

These reporting instructions have been approved under the Paperwork Reduction Act of 1995. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Your response is required to receive the benefit of consideration of your application. (Immigration and Nationality Act, Section 212(n) and (t) and 214(c)). Public reporting burden for this collection of information, which is to assist with program management and to meet Congressional and statutory requirements, is estimated to average 75 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, 200 Constitution Ave. NW Box PPII 12-200 Washington DC 20210 (Paperwork Reduction Project OMB 1205-0310.) Do NOT send the completed

application to this address.	on, bo, 20210. (Faperwork Reduction	11 10jeut 011115 1200 0010.)	Do No Focia die completed
Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR U	ISE ONLY	Page 6 of 8
Case Number: I-200-22004-805927	Case Status: In Process	Period of Employment: _	to

# Labor Condition Application for Nonimmigrant Workers Form ETA-9035 & 9035E U.S. Department of Labor



### F. Employment and Wage Information

Important Note: The employer must define the intended place(s) of employment with as much geographic specificity as possible. Each intended place(s) of employment listed below must be the worksite or physical location where the work will actually be performed and cannot be a P.O. Box. The employer must identify all intended places of employment, including those of short duration, on the LCA. 20 CFR 655.730(c)(5). If the employer is submitting this form non-electronically and the work is expected to be performed in more than one location, an attachment must be submitted in order to complete this section. An employer has the option to use either a single Form ETA-9035/9035E or multiple forms to disclose all intended places of employment. If the employer has more than ten (10) intended places of employment at the time of filing this application, the employer must file as many additional LCAs as are necessary to list all intended places of employment. See the form instructions for further information about identifying all intended places of employment.

#### a. Place of Employment Information 2

	nter the estimated number of workers that will perform work at the LCA.*	under 1		
	dicate whether the worker(s) subject to this LCA will be placed vace of employment. *	this Yes 2 No		
3. If	. If "Yes" to question 2, provide the legal business name of the secondary entity. §			
4 A	4. Address 1 *			
	Catamaran Ct			
5. A	ddress 2			
6. Ci	i+v, *	7. County *		
	aretta	Fulton		
8. St	tate/District/Territory *	9. Postal code *		
Geo		30005		
	Nage Rate Paid to Nonimmigrant Workers *	10a. Per: (Choose only	•	
From	From* \$94411 . <u>00</u> To: \$124992 . <u>00</u> ☐ Hour ☐ Week ☐ Bi-Weekly ☐ Month ☑ Year			
11. F	Prevailing Wage Rate *	11a. Per: (Choose only	/ one)*	
	\$ 87485 00	,	Bi-Weekly □ Month ☑ Year	
Oues	stions 12-14. Identify the source used for the prevailing way	ne (PW) (check and fully	complete only one)• *	
12.	sions 12 14. Identity the Source used for the prevailing was	ge (1 11) (encon ana rany	a. PWD tracking number §	
	A Prevailing Wage Determination (PWD) issued by the De	partment of Labor	a. I WD tracking hamber 3	
13. •	A PW obtained independently from the Occupational Emp	oloyment Statistics (OES	S) Program	
۷	a. Wage Level (check one): §		b. Source Year §	
			7/1/2021 - 6/30/2022	
14.	A PW obtained using another legitimate source (other than OES) or an independent authoritative source			
ш	a. Source Type (check one): §		b. Source Year §	
	☐ CBA ☐ DBA ☐ SCA ☐ Other/ PW Survey	,		
	c. If responded "Other/ PW Survey" in question 14.a, enter the	e name of the survey pro	ducer or publisher §	
	d. If responded "Other/ PW Survey" in question 14.a, enter the title or name of the PW survey §			

Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR USE ONLY		Page 7 of 8
Case Number: <u>I-200-22004-805927</u>	Case Status: In Process	Period of Employment:	to

# Labor Condition Application for Nonimmigrant Workers Form ETA-9035 & 9035E U.S. Department of Labor



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#### a. Place of Employment Information 3

	Enter the estimated number of workers that will perform work at this place of employment under the LCA.*				
	Indicate whether the worker(s) subject to this LCA will be placed with a secondary entity at this place of employment. *			☐ Yes	<b>⊿</b> No
3. If	3. If "Yes" to question 2, provide the legal business name of the secondary entity. §				
	ddress 1 * 0 WEST BIG BEAVER ROAD				
5. A	ddress 2				
	6. City * 7. County * Oakland				
	8. State/District/Territory *  Michigan  9. Postal code *  48084				
10. Wage Rate Paid to Nonimmigrant Workers * 10a. Per: (Choose only one)*					
From	From* \$94411 . 00 To: \$124992 . 00 □ Hour □ Week □ Bi-Weekly □ Month ☑ Year				
11. l	Prevailing Wage Rate *	11a. Per: (Choose only	y one)*		
	\$80163 . 00	☐ Hour ☐ Week ☐	Bi-Weekly □	Month ☑ Y	'ear
Questions 12-14. Identify the source used for the prevailing wage (PW) (check and fully complete only one):					
12.	A Prevailing Wage Determination (PWD) issued by the De	partment of Labor	a. PWD track	king number §	}
13. •	A PW obtained independently from the Occupational Emp	oloyment Statistics (OE	S) Program		
	a. Wage Level (check one): §		b. Source Ye	ear §	
			7/1/2021 - 6	/30/2022	
14.	A PW obtained using another legitimate source (other tha	n OES) or an independ	ent authorita	tive source	
ш	a. Source Type (check one): §		b. Source Ye	ear §	
	☐ CBA ☐ DBA ☐ SCA ☐ Other/ PW Survey	r			
	c. If responded "Other/ PW Survey" in question 14.a, enter th	e name of the survey pro	ducer or publ	isher §	
	d. If responded "Other/ PW Survey" in question 14.a, enter the title or name of the PW survey §				

Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR USE ONLY		Page 8 of 8
Case Number: <u>I-200-22004-805927</u>	Case Status: In Process	Period of Employment:	_ to