Teaching positions

For teaching positions in institutions of higher education – this is not restricted to teaching faculty only – the U.S. Department of Labor permits the employer to substitute its own, good faith, competitive recruitment for the prescribed process for non-teaching positions. However, there are some specific requirements imposed by the Department of Labor:

The Labor Certification must be filed within 18 months of the issuance of the job offer (not the start date), as indicated by the date on the initial offer letter. If this timeline cannot be met, or if the recruitment that was done does not meet the requirements listed below, the department must conduct a “re-recruitment.” The re-recruitment is intended to be a blind test of the labor market. The requirements for the initial recruitment and the re-recruitment are identical.

Requirements for the (new) recruitment are:

- **An ad must be placed either in print OR online with a national professional journal.**
  - Online ads must be posted for at least 30 calendar days. Online ads must include the same information as paper ads (see below)
    - pointer ads are generally not acceptable
    - online ads must be placed on a national professional website. Ads places on job boards associated with professional associations are generally not acceptable, unless the job board is part of the journal website.
  - The Department of Labor accepts ads placed in the paper version of *The Chronicle of Higher Education* for this purpose or you may use a national professional journal specific to your field.
  - The ad must include the
    - job title;
    - duties (teaching duties should be mentioned specifically and clearly);
    - minimum requirements; and
    - all language required by the relevant SPGs, e.g. "An Affirmative Action – Equal Opportunity Employer" (see https://spg.umich.edu/policy/201.84 [1])
  - Before placing the ad, please inform the specialist supervising the re-recruitment as to where the ad will be placed and the content. The hiring unit must make a copy of the ad when it is published or, in the case of electronic ads, print a screen shot on the first and last day the ad is run. You may also submit receipts from the journal listing the posting dates.

- **Resumes must be reviewed and evaluated in good faith to determine the qualifications of the applicants.**
  - If the current employee is once again shown to be the most qualified for the position, document reasons why the other candidates are not as qualified.
Once the recruitment is completed and you, in good faith, can say that your candidate is the most qualified for the position, issue or re-issue a letter of offer.

- Submit all documentation to the Immigration Specialist filing your case. Documents include:
  - ad with proof of posting dates;
  - offer letter and acceptance;
  - resumes of applicants;
  - document outlining recruitment procedures with reasons why selected applicant was the most qualified and why each of the other applicants was not as qualified.

Once FSIS receives a green card request for a position, there are several additional steps, which are initiated by FSIS:

- 15 day posting within the Department
- Request for Prevailing Wage Determination
- Filing of Labor Certification

Source URL: https://internationalcenter.umich.edu/fsis/teaching-positions

Links
[1] https://spg.umich.edu/policy/201.84