

**From:** [Mikaela Devine](#)  
**To:** [ETA, OFLC Forms - ETA](#)  
**Subject:** Comments on proposed ETA-9089  
**Date:** Monday, September 14, 2020 4:28:40 PM

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Hello,

I have a few comments on the proposed ETA-9089 and its appendices. Please find below. Thanks.

1. Section G, number 4:
  - a. 4a. and 4b. seem wholly unrelated to the question in 4.
  - b. It is entirely possible that a foreign worker NOT working at the petitioning employer is qualifying the foreign worker based solely on alternative requirements.
  - c. In the same vein, it is entirely possible that a foreign worker NOT working at the petitioning employer is willing to accept a suitable combination of education, experience, or training.
  - d. Unless I am missing the point of these questions, it seems as though 4a. and 4b. should be their own questions and not sub-questions below 4.
2. Section H, part (e) regarding the Notice requirement:
  - a. This is confusing. It is almost implying that the physical notice is not required, by including that and the bargaining rep in the same list as the electronic, in-house, and private household list.
  - b. I would suggest breaking this into two parts, one with the physical notice, bargaining rep, and "did not post" in one list (not sure why that last one is even required at all, considering that that will mean automatic denial). The second list would then be optional/only required if it's the employer's customary practice, and include the electronic, in-house, and private household.
3. Appendix A, Section B, regarding foreign worker education:
  - a. The language of "Education: U.S. diploma/degree attained relevant to the job opportunity" indicates that only U.S. degrees and diplomas should be included in this entire section. There is no separate place to put foreign degrees and diplomas.
  - b. If the "U.S." designation is simply to denote U.S. degree *equivalency*, then the language should reflect that sentiment. Or just take out "U.S." altogether.

Sincerely,

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