

Note to the Reviewer

This collection of information is being revised slightly to enhance program integrity. Specifically we have added fields to obtain more detailed information about the employer's contact person and how to contact that person. We have also added sections to obtain information about the attorneys and preparers helping the employer in this process. We consulted with Department of Homeland Security's U.S. Citizenship and Immigration Service and Department of Labor's (Department) Employment Standards Administration Wage and Hour Division about the revisions to this form. We have added an expanded appendix of DOT and SOC/O*Net codes because the Department is proposing to transition the collection of occupations away from the old DOT codes to the new SOC/O*Net codes in order to be consistent with all other programs administered by the Department that collect such information. Finally, we have added a new appendix with a sample list of acceptable wage survey sources to help respondents fill in a new field in Part G #11b, which requests specific information about the wage source used to determine the prevailing wage. This field was added to help the Department better analyze the validity of the wage provided by the employer.

This Information Collection Request requests an extension of the current Form ETA 9035 and 9035E as well as approval of a modified version of the same form. However, at no time will both versions, the current ETA Form 9035 and ETA 9035E and the modified version, be available to the public for use at the same time. Instead, it is necessary to have two forms approved to ensure the smooth transition from the currently approved form to the modified form. The current form is fillable and fileable on-line. OFLC estimates it will take four months from the time of this submission to create and build the information technology system and debug that system for the modified form so that it is also operational as fillable and fileable and to allow major stakeholders to be trained on its use. OFLC intends to continue using the current form up until the minute of the date that the IT system for the modified form is fully operational and uploaded on the Internet and the current IT system and form can be removed from the Internet. OFLC will notify the public of the changeover date through a notice in the Federal Register and will request approval for a non-substantive change to make the current form obsolete and render the modified form the only form under the control number 1205-0310. None of these changes result from new regulations, therefore, no interim submissions were necessary as requested by OMB in the Notice of Action on 11/29/2005.