



# INTERNATIONAL PROGRAMS

## COLORADO STATE UNIVERSITY

The U.S. Department of Labor regulations allow universities hiring international teaching faculty to file an application for permanent labor certification using the “special handling” labor certification rules. This process permits a university employer to use the results of its own competitive recruitment if the employer can demonstrate that the international applicant is more qualified than the other U.S. workers that applied.

To qualify under the special handling rules, the candidate must have been selected pursuant to a competitive recruitment and selection process that included a **print ad in an appropriate national professional journal, or an electronic or web-based national professional journal**. *The Chronicle of Higher Education* also qualifies as an appropriate publication for ads. For positions advertised electronically, there must be documentation that the ad was posted for at least 30 days on a national professional journal website. Documentation must include evidence of the start and end dates of the advertisements and the full text of advertisements.

At a minimum, ads must include the following information:

- A brief description of duties, including a specific reference to teaching - In other words, don't assume everyone knows that an Assistant Professor will teach classes. Specifically include “teaching courses in...” as part of the description of duties.
- A specific reference to the degree required - Don't simply assume everyone knows a PhD is required for a faculty position. If ABD's (all but dissertation for PhD) will be considered, then this must be stated in the ad along with a deadline date for acquiring the PhD. When stating a particular degree level requirement, also include a specific field of study or “closely related field.”

Things that can cause difficulties in the labor certification process:

- Advertising experience requirements when the skills and expertise sought would have been acquired in an appropriate PhD program of study - The U.S. Department of Labor considers education and experience separately when reviewing a labor certification application. Therefore, do not list separate “experience” requirements for training and skills that would have been acquired in an appropriate PhD program of study.
- Advertising an extensive “wish list” of preferences - A better strategy is to list only the actual minimum requirements. Do not try to describe your ideal candidate or write a position description tailored to a specific individual's qualifications.
- Hiring international candidates that do not meet all the “required” and “preferred” qualifications – The Department of Labor makes no distinction between required qualifications and preferred qualifications. The Department of Labor will want to see how the candidate met all the required and preferred qualifications.
- Requiring a certain number “years” of experience when you mean an academic year – For example, a requirement for one year of teaching experience will not be met by an applicant that taught for two semesters. The Department of Labor considers a year to mean 12 months.
- Advertising multiple alternative educational requirements - (PhD, MD or DVM), (PhD or MS)
- Offering a salary outside the advertised salary range – Advertising a proposed salary range and then offering a salary that falls outside the advertised range could prevent us from being able to file a labor certification application based on that search.

Please keep in mind that a special handling labor certification application must be filed within 18 months of selection. Normally the offer is extended many months in advance of the employment start date, which means preparations to file a labor certification application may need to begin even before a new faculty member starts employment at Colorado State University.