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 https://www.dol.gov/agencies/eta/foreign-labor/. 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), https://www.access.org/licenses/eta/foreign-labor/. 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 Condition Applications (Holds) 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), https://www.access.org/licenses/eta/foreign-labor/. In accordance with Federal Regulations at 20 CFR 655.730(b), incomplete or obviously incomplete or o

A. Employment-Based Nonimmigrant Vis	sa Information			
Indicate the type of visa classification su	upported by this application	on (Write classification	n symbol): *	H-1B
B. Temporary Need Information				
1. Job Title * Clinical Instructor-Urologic	c Oncology Fellow			
2. SOC (ONET/OES) code * 25-1071.00	3. SOC (ONET/OES) of Health Specialties Tea		ndary	
4. Is this a full-time position? *			ded Employment	
☑ Yes □ No	5. Begin Date * 7/1/20 (mm/dd/yyyy)		6. End Date * 6. (mm/dd/yyyy)	/30/2027
7. Worker positions needed/basis for the v	isa classification support	ed by this applicatio	n	
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. N	lew concurrent em	ployment *
b. Continuation of previously without change with the sa		1 e. C	Change in employe	r*
c. Change in previously appr	roved employment *	0 f. A	mended petition *	
C. Employer Information				
Legal business name * University of Wisconsin System				
2. Trade name/Doing Business As (DBA),	if applicable			
UW-Madison 3. Address 1 *				
702 Langdon Street				
4. Address 2 Suite 130				
5. City * Madison		6. State * Wisconsin	7. Postal o 53706	code *
8. Country * United States Of America		9. Province		
10. Telephone number * +1 (608) 890-4586		11. Extension		
12. Federal Employer Identification Number	er (FEIN from IRS) *	13. NAICS code (must be at least 4-di	gits) *
39-6006492		611310		

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



D. Employer Point of Contact Information

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.

occion E, unicos inc attorney is an employee of the t	simployer.				
Contact's last (family) name *	2. First (given) r	name *	3. Middle	name(s)	
Tollefson	Katie		Rose		
Contact's job title * Assistant Director, International Faculty & Sta Address 1 *	aff Services				
702 Langdon Street					
6. Address 2 Suite 130					
7. City * Madison		8. State * Wisconsin	9. Postal 53706	code *	
10. Country * United States Of America		11. Province			
12. Telephone number *	13. Extension	14. E-Mail address			
+1 (608) 262-1742		ifss@wisc.edu			
E. Attorney or Agent Information (If applicable) Important Note: The employer authorizes the attorne filing of this application.		I in this section to act on it	s behalf in co	onnection with the	
1. Is the employer represented by an attorney or a few years are complete the remainder of Section E. h.	0	of this application? *		☐ Yes	☑ No

"Yes," complete the remainder of Section 3. First (given) name § 4. Middle name(s) 2. Attorney or Agent's last (family) name § 5. Address 1 § 6. Address 2 7. City § 8. State § 9. Postal code § 10. Country § 11. Province 14. E-Mail address 12. Telephone number § 13. Extension 15. Law firm/Business name § 16. Law firm/Business FEIN § 17. State Bar number (only if attorney) § 18. State of highest court where attorney is in good standing (only if attorney) § 19. Name of the highest State court where attorney is in good standing (only if attorney) §

Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR	USE ONLY	Page 2 of 9
Case Number: I-200-24129-970173	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.

	nter the estimated number of workers that will perform work at the LCA.*	is place of employment	under 1
	dicate whether the worker(s) subject to this LCA will be placed vace of employment. *	vith a secondary entity a	at this Yes 2 No
3. If	"Yes" to question 2, provide the legal business name of the second	ondary entity. §	
4. A	ddress 1 *		
	Highland Avenue		
5. A	ddress 2		
6. Ci	itv *	7. County *	
Mad	iśon	Dane	
	tate/District/Territory * consin	9. Postal code 53792	*
	Nage Rate Paid to Nonimmigrant Workers *	10a. Per: (Choose on	lv one)*
From		•	Bi-Weekly □ Month 回 Year
FIOIII	1 \$ 60457 . 00		,
11. F	Prevailing Wage Rate *	11a. Per: (Choose on	ly one)*
	\$ <u>68457</u> . <u>00</u>	☐ Hour ☐ Week ☐	Bi-Weekly □ Month ☑ Year
Ques	stions 12-14. Identify the source used for the prevailing wag	ge (PW) (check and fully	complete only one): *
12.	A Prevailing Wage Determination (PWD) issued by the De	partment of Labor	a. PWD tracking number §
13.	A PW obtained independently from the Occupational Emp	loyment Statistics (OE	S) Program
ك	a. Wage Level (check one): §		b. Source Year §
	□I □II □IV □N/A		7/1/2023 - 6/30/2024
14.	A PW obtained using another legitimate source (other tha	n OES) or an independ	dent 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 pr	oducer or publisher §
	d. If responded "Other/ PW Survey" in question 14.a, enter th	e title or name of the PV	V survey §

Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR U	SE ONLY]	Page 3 of 9
Case Number: 1-200-24129-970173	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.

1. I have read and agree to Labor Condition Statements 1, 2, 3, and 4 above and as fully explained in Section G of the Form ETA-9035CP – General Instructions for the 9035 & 9035E and the Department's regulations at 20 CFR 655 Subpart H. *	☑ Yes	□ No	

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

	☐ Yes	☑ No	
	☐ Yes	☑ No	
	☐ Yes	□ No	
			ecialty
r's Degree or Higher Exe	mptions	ONLY	
	☐ Yes	□ No	□ N/A
	☐ Master's Degree or h☐ Both	Yes or "No" regarding etitions or extensions of Yes \$60,000 or higher annual wage Master's Degree or higher in re Both r's Degree or Higher Exemptions ng any H-1B	☐ Yes ☐ No or "No" regarding etitions or extensions of ☐ Yes ☐ No ☐ Yes ☐ No ☐ S60,000 or higher annual wage ☐ Master's Degree or higher in related sp ☐ Both r's Degree or Higher Exemptions ONLY ng any H-1B

Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR US	E ONLY	Page 4 of 9
Case Number: 1-200-24129-970173	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.

6. I have read and agree to Additional Employer Labor Condition Statement as fully explained in Section H – Subsections 1 and 2 of the Form ETA Subsection 1 and 2 of the Form	9035CP – General ☐ Yes ☐	No
Instructions for the 9035 & 9035E and the Department's regulations at 2 I. Public Disclosure Information		
 Important Note: You must select one or both of the options listed in this Section Public disclosure information in the United States will be kept at: * 	. ☑ Employer's principal place of busines ☐ Place of employment	ss

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 * Tollefson	2. First (given) name of hiring Katie	or designated official *	3. Middle initial § R
Hiring or designated official title * Assistant Director, IFSS			
5. Signature *		6. Date signed *	
	,		

Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR U	SE ONLY	Page 5 of 9
Case Number: 1-200-24129-970173	Case Status: In Process	Period of Employment:	to

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



K. LCA Preparer

Last (family) name §	2. First (given) name §	3. Middle initia
The Later (rammy) mame 3	21 mot (given) hame 3	o. Middle Hills
4. Firm/Business name §		
5. E-Mail address §		
U.S. Government Agency Use (ONLY)		
	ent of Labor hereby acknowledges the follow	wina:
. U.S. Government Agency Use (ONLY) By virtue of the signature below, the Department	ent of Labor hereby acknowledges the follow	wing:
By virtue of the signature below, the Departme		-
• , , ,		-
By virtue of the signature below, the Departme		-
By virtue of the signature below, the Departme	to	-
By virtue of the signature below, the Department This certification is valid from Department of Labor, Office of Foreign Labor	to Certification Certificat	 tion Date (date signed)
By virtue of the signature below, the Department This certification is valid from	to	 tion Date (date signed)
By virtue of the signature below, the Department This certification is valid from Department of Labor, Office of Foreign Labor	to Certification Certificat	tion Date (date signed) ess
By virtue of the signature below, the Department This certification is valid from Department of Labor, Office of Foreign Labor of I-200-24129-970173	Certification Certificat In Proce Case Sta	tion Date (date signed) ess atus

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).

For public burden statement information, please see Form ETA-9035CP General Instructions.

Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR U	JSE ONLY	Page 6 of 9
Case Number: I-200-24129-970173	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.

	nter the estimated number of workers that will perform work at the LCA.*	t under 1			
	Indicate whether the worker(s) subject to this LCA will be placed with a secondary entity at this place of employment. *			☐ Yes	٧o
3. If	"Yes" to question 2, provide the legal business name of the second	ondary entity. §			
4. A	ddress 1 *				
	5 Highland Avenue				
5. A	ddress 2				
6. Ci	itv *	7. County *			
Mad		Dane			
	tate/District/Territory *	9. Postal code	· *		
	consin Wage Rate Paid to Nonimmigrant Workers *	53705 10a. Per: (Choose or	alv opo)*		
	_	☐ Hour ☐ Week ☐	• ,	Month ☑ Year	r
From	*\$68457 . <u>00</u> To: \$	E Hour E Wook E	. Di Wooniy 🗀 i	Month 🗀 Toul	
11. F	Prevailing Wage Rate *	11a. Per: (Choose or	nly one)*		
	\$68457 . 00	☐ Hour ☐ Week ☐	l Bi-Weekly □ I	Month ☑ Year	r
Ques	stions 12-14. Identify the source used for the prevailing way	ge (PW) (check and full	ly complete only	one): *	
12.			a. PWD trackir		
	A Prevailing Wage Determination (PWD) issued by the De	partment of Labor			
13.					
ت	a. Wage Level (check one): §		b. Source Yea	•	
	□I □II □IV □N/A		7/1/2023 - 6/3	30/2024	
14.	A PW obtained using another legitimate source (other than OES) or an independent authoritative source				
Ш	a. Source Type (check one): §		b. Source Yea	ar §	
	☐ CBA ☐ DBA ☐ SCA ☐ Other/ PW Survey				
	c. If responded "Other/ PW Survey" in question 14.a, enter the	e name of the survey p	roducer or publis	her §	
	d. If responded "Other/ PW Survey" in question 14.a, enter the title or name of the PW survey §				
	T control of the cont				

Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR US	Page 7 of 9	
Case Number: I-200-24129-970173	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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	nter the estimated number of workers that will perform work at the LCA.*	under 1			
	Indicate whether the worker(s) subject to this LCA will be placed with a secondary entity at this place of employment. *			☑ No	
3. If	"Yes" to question 2, provide the legal business name of the second	ondary entity. §			
4. Ac	ddress 1 *				
	Highland Avenue				
5. Ad	ddress 2				
6. Ci	itv *	7. County *			
Madi		Dane			
	tate/District/Territory *	9. Postal code	*		
	consin Wage Rate Paid to Nonimmigrant Workers *	53705 10a. Per: (Choose or	ly one)*		
	_	,	Bi-Weekly ☐ Month ☑ `	Year	
From	*\$68457 . <u>00</u>				
11. F	Prevailing Wage Rate *	11a. Per: (Choose or	ly one)*		
	\$68457 . 00	☐ Hour ☐ Week ☐	Bi-Weekly □ Month ☑	Year	
Ques	stions 12-14. Identify the source used for the prevailing way	ge (PW) (check and full	/ complete only one): *		
12.					
13.					
ت	a. Wage Level (check one): §		b. Source Year §		
	□I □II □IV □N/A		7/1/2023 - 6/30/2024		
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 p	oducer or publisher §		
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Form ETA- 9035/9035E	FOR DEPARTMENT OF LABOR US	Page 8 of 9	
Case Number: <u>I-200-24129-970173</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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	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	☑ No
3. If	"Yes" to question 2, provide the legal business name of the second	ondary entity	. §			
4. A	ddress 1 *					
202	S. Park Street					
5. A	ddress 2					
6. Ci	ity *	7. C	County *			
Mad	ison	Dan	e .			
	tate/District/Territory * consin	9. P 537	ostal code	•		
	Wage Rate Paid to Nonimmigrant Workers *		Choose onl	v one)*		
From		☐ Hour ☐ Week ☐ Bi-Weekly ☐ Month ☑ Year		Year		
1 10111	φ <u>68457</u> . <u>00</u> 10. φ			•		
11. F	Prevailing Wage Rate *	11a. Per: (Choose onl	y one)*		
	\$68457 . 00 □ Hour □ Week □ Bi-Weekly □ Month ☑ Year					Year
Ques	stions 12-14. Identify the source used for the prevailing wag	ge (PW) (che	ck and fully	complete onl	ly one): *	
12.	A Prevailing Wage Determination (PWD) issued by the De	partment of	Labor	a. PWD track	king number	§
13.						
ت	a. Wage Level (check one): §			b. Source Y	•	
	□I □II □IV □N/A			7/1/2023 - 6	6/30/2024	
14.	A PW obtained using another legitimate source (other than OES) or an independent authoritative source					
ш	a. Source Type (check one): §			b. Source Y	ear §	
	☐ CBA ☐ DBA ☐ SCA ☐ Other/ PW Survey					
	c. If responded "Other/ PW Survey" in question 14.a, enter the	e name of the	e survey pro	ducer or publ	lisher §	
	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 US	Page 9 of 9	
Case Number: <u>I-200-24129-970173</u>	Case Status: In Process	Period of Employment:	to