Employment and Training Administration, Labor § 655.1130
to an individual e-mail address, the Attestation notice shall remain posted
during the validity period of the Attestation; the petition notice shall remain
posted for ten days. Copies of all notices shall be available for examination
in the facility’s public access file.

(d) Individual notice to RNs. In addition to notifying the bargaining repre-
sentative or posting notice as described in paragraphs (b) and (c) of this
section, the facility must provide a copy of the Attestation, within 30 days
of the date of filing, to every registered nurse employed at the facility. This
requirement may be satisfied by electronic means if an individual e-mail
message, with the Attestation as an attachment, is sent to every RN at the
facility. This notification includes not only the RNs employed by the facility,
but also includes any RN who is providing service at the facility as an em-
ployee of another entity, such as a nursing contractor.

(e) Where RNs lack practical computer access, a hard copy must be post-
ed in accordance with paragraph (c) of this section and a hard copy of the At-
testation delivered, within 30 days of the date of filing, to every RN em-
ployed at the facility in accordance with paragraph (d) of this section.

(f) The facility must maintain, in its public access file, copies of the notices
required by this section. The facility must make such documentation avail-
able to the Administrator in the event of an enforcement action pursuant to
subpart M of this part.

§ 655.1117 Element VII—What are the limitations as to the number of H–1C
nonimmigrants that a facility may employ?

(a) The seventh attestation element requires that the facility attest that it
will not, at any time, employ a number of H–1C nurses that exceeds 33% of the
total number of registered nurses employed by the facility. The calculation
of the population of nurses for purposes of this attestation includes only nurses
who have an employer-employee relationship with the facility (as defined in
§655.1102).

(b) The facility must maintain documentation (e.g., payroll records, copies
of H–1C petitions) that demonstrates its compliance with this attestation.
The facility must make such documentation available to the Adminis-
trator in the event of an enforcement action pursuant to subpart M of this
part.

§ 655.1118 Element VIII—What are the limitations as to where the H–1C
nonimmigrant may be employed?

The eighth attestation element requires that the facility attest that it will
not authorize any H–1C nurse to perform services at any worksite not
controlled by the facility or transfer any H–1C nurse from one worksite to
another worksite, even if all of the worksites are controlled by the facil-
ity.

§ 655.1130 What criteria does the Department use to determine whether
or not to certify an Attestation?

(a) An Attestation form which is complete and has no obvious inaccura-
cies will be accepted for filing by ETA without substantive review, except that
ETA will conduct a substantive review on particular attestation elements in
the following limited circumstances:

(1) Determination of whether the hospital submitting the Attestation is a
qualifying “facility” (see §655.1110(c)(ii), regarding the documenta-
tion required, and the process for review);

(2) Where the facility attests that it is taking or will take a “timely and
significant step” other than those identified on the Form ETA 9081 (see
§655.1114(b)(2)(v), regarding the documenta-
tion required, and the process for review);

(3) Where the facility asserts that taking a second “timely and signifi-
cant step” is unreasonable (see §655.1114(c), regarding the documenta-
tion required, and the process for review).