

## **Fact Sheet # 62D: What records must be maintained by all H-1B employers?**

This fact sheet provides general information concerning recordkeeping requirements for employers under the H-1B program.

Some records required of H-1B employers must be maintained to comply with other laws (e.g., the Fair Labor Standards Act, the Internal Revenue Code). H-1B-dependent or willful violator employers must maintain additional records (see [WH Fact Sheet #62E](#)).

### **Records to be kept by every H-1B employer and made available to the Wage and Hour Division upon request:**

1. Name, address, occupation, and social security account number for all H-1B workers and any other worker employed by the employer in the same occupation at the place of employment;
2. Rate of pay, hours worked (if hourly or part-time), gross pay, deductions, and net pay for all H-1B workers and any other worker employed by the employer in the same occupation at the place of employment;
3. Benefit plan(s) offered and provided;
4. Labor Condition Application (LCA) (Form ETA 9035 and/or ETA 9035E);
5. Prevailing wage rate and its source;
6. Method used to establish the actual wage;
7. Documentation that the notice requirement was satisfied;
8. In the event of corporate change:
  - A. Sworn statement by successor entity accepting all liabilities of predecessor entity;
  - B. List of H-1B workers transferred to successor entity;
  - C. Affected LCA number(s) and effective date(s);
  - D. Description of successor entity's actual wage system; and
  - E. Successor entity's employer identification number.

**All requirements listed above can be found in 20 CFR § 655 Subparts H & I and the Immigration and Nationality Act § 212(n).**

### **Where to Obtain Additional Information**

**For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243). This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.**