



**A. Program Designation**

You must choose one of the following:  H-1B  H-1B1 Chile  H-1B1 Singapore

**B. Employer's Information**

1. Return Fax Number

2. Employer's Full Legal Name

**SHIVA SYSTEMS INTERNATIONAL INC**

3. Employer's Address (Number and Street)

**399 ORCHARD AV**

4. Employer's City

**SUNNYVALE**

State

**CA**

Zip/Postal Code

**94085**

5. Employer's Address EIN Number

**65-0665583**

6. Employer's Phone Number

**(888) 557-4482**

Extension

**C. Rate of Pay**

1. Wage Rate (or Rate From) (Required):

**\$70,000.00**

2. Rate Up To (Optional):

**\$0.00**

3. Rate is Per:

Year  Week  
 Month  Hour  
 2 Weeks

4. Is this position part-time?

Yes  
 No

Please Note:

Part-time hours worked by nonimmigrant(s) will be in the range of hours stated on the INS Form(s) I-129.

**D. Period Of Employment and Occupation Information**

1. Begin Date

**04/15/2005**

3. Occupational Code

4. Number of H-1B or H-1B1 Nonimmigrants

2. End Date

**04/14/2008**

5. Job Title

**PROGRAMMER ANALYST**

**E. Information relating to Work Location for the H-1B or H-1B1 Nonimmigrants**

1. City

**SUNNYVALE**

State

**CA**

2. Prevailing Wage

**\$70,000.00**

3. Wage is Per:

Year  Week  
 Month  Hour  
 2 Weeks

4. Wage Source

SESA  
 Collective Bargaining Agreement  
 Other

5. Year Source Published

6. Other Wage Source

**FORM CERTIFIED**



**E. Subsection A Information For Additional or Subsequent Work Location**

1. City \_\_\_\_\_ State \_\_\_\_\_
2. Prevailing Wage \_\_\_\_\_
3. Wage is Per:  Year  Week  
 Month  Hour  
 2 Weeks
4. Wage Source  SESA  
 Collective Bargaining Agreement  
 Other
5. Year Source Published \_\_\_\_\_
6. Other Wage Source \_\_\_\_\_

**F. Employer Labor Condition Statements**

Please Note: In order for your application to be processed, you MUST read section E of the Labor Condition Application cover pages under the heading "Employer Labor Condition Statements" and agree to all four labor condition statements summarized below:

- (1) Wages: Pay nonimmigrants at least the local prevailing wage or the employer's actual wage, whichever is higher, and pay for non-productive time. Offer nonimmigrants benefits on the same basis as U.S. workers.
- (2) Working Conditions: Provide working conditions for nonimmigrants which will not adversely affect the working conditions of workers similarly employed.
- (3) Strike, Lockout, or Work Stoppage: No strike or lockout in the occupational classification at the place of employment.
- (4) Notice: Notice to union or to workers at the place of employment. A copy of this form to H-1B or H-1B1 workers.

I have read and agree to Employer Labor Condition Statements 1, 2, 3, and 4 as set forth in Section E of the Labor Condition Application Cover Pages.  Yes  No

**F-1. Additional Employer Labor Condition Statements - H-1B Employers Only**

Please Note: In order for an application regarding H-1B nonimmigrants to be processed, you MUST read Section F-1 - Subsections 1 and 2 of the Labor Condition Application cover pages under the heading "Additional Employer Labor Condition Statements" and choose one of the 3 alternatives (A, B, or C) listed below in Subsection 1. If you mark Alternative B, you MUST read Section F-1 - Subsection 2 of the cover pages under the heading "Additional Employer Labor Condition Statements" and indicate your agreement to all 3 additional statements summarized below in Subsection 2.

- 1. Subsection 1**  
Choose ONE of the following 3 alternatives:
- A  Employer is not H-1B dependent and is not a willful violator.
- B  Employer is H-1B dependent and/or a willful violator.
- C  Employer is H-1B dependent and/or a willful violator BUT will use this application ONLY to support H-1B petitions for exempt nonimmigrants.
- 2. Subsection 2**  
If Alternative B in Subsection 1 is marked, the following Additional Labor Condition Statements are applicable:
- A. Displacement: Non-displacement of the U.S. workers in employer's work force;
- B. Secondary Displacement: Non-displacement of U.S. workers in another employer's work force; and
- C. Recruitment and Hiring: Recruitment of U.S. workers and hiring of U.S. worker applicant(s) who are equally or better qualified than the H-1B nonimmigrant(s).

I have read and agree to Additional Labor Condition Statements 2 A, B, and C.  Yes  No

**FORM CERTIFIED**



**G. Public Disclosure Information**


Public disclosure information will be kept at:

- Employer's principal place of business
- Place of employment

**H. Declaration of Employer**

By signing this form, I, on behalf of the employer, attest that the information and labor condition statements provided are true and accurate; that I have read the sections E and F of the cover pages (Form ETA 9035CP), and that I agree to comply with the Labor Condition Statements as set forth in the cover pages and with the Department of Labor regulations (20 CFR part 655, Subparts H and I). I agree to make this application, supporting documentation, and other records, available to officials of the Department of Labor upon request during any investigation under the Immigration and Nationality Act.

1. First Name of Hiring or Other Designated Official MI  
**RAM**
2. Last Name of Hiring or Other Designated Official  
**SUBRAMANIAM**
3. Hiring or Other Designated Official Title  
**DIRECTOR**



5. Date 4/15/05

Making fraudulent representations on this Form can lead to civil or criminal action under 18 U.S.C. 1001, 18 U.S.C. 1546, or other provisions of law.

4. Signature - Do NOT let signature extend beyond the box

**I. Contact Information**

1. Contact First Name MI  
**RAM**
2. Contact Last Name  
**SUBRAMANIAM**
3. Contact Phone Number Extension  
**(888) 557-4482** **12**

**J. U.S. Government Agency Use Only**

By virtue of my signature below, I hereby acknowledge this application certified for

Date Starting 04/15/2005 and Date Ending 04/14/2008  
 Chief, Division of Foreign Labor Certification I-05101-1674385 04/11/2005  
 Signature and Title of Authorized DOL Official ETA Case Number Date

The Department of Labor is not the guarantor of the accuracy, truthfulness, or adequacy of a certified labor condition application.

**K. Complaints**

Complaints alleging misrepresentation of material facts in the labor condition application and/or failure to comply with the terms of the labor condition application may be filed with any office of the Wage and Hour Division, U.S. Department of Labor. 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: U.S. Department of Justice \* Office of the Special Counsel \* 10th St. and Constitution Ave, NW \* Washington, DC \* 20530.

**FORM CERTIFIED**