



**College and University Professional
Association for Human Resources**

February 16, 2020

Brian Pasternak, Administrator
Office of Foreign Labor Certification
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Room N-5311,
Washington DC 20210

Submitted via <https://beta.regulations.gov/commenton/ETA-2020-0006-2343>

**Re: Comment on DOL Docket No. ETA-2020-0006, RIN # 1205-ACOO
“Strengthening Wage Protections for the Temporary and Permanent Employment of
Certain Aliens in the United States: Proposed Delay of Effective Date,” 86 Fed. Reg. 7656
(February 1, 2021)**

Dear Administrator Pasternak:

On behalf of the College and University Professional Association for Human Resources (CUPA-HR) I write in response to the Employment and Training Administration’s (ETAs) request for comment regarding the Agency’s proposal to delay the effective date for the rule entitled “*Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States*”¹ (final rule) from March 15, 2021 to May 14, 2021 “including the proposed delay’s impact on any legal, factual, or policy issues raised by the underlying rule and whether further review of those issues warrants such a delay”. CUPA-HR supports the proposed 60-day delay and urges ETA to begin rulemaking to withdraw the final rule as it is both substantively and procedurally flawed.

CUPA-HR provides leadership on higher education workplace issues in the United States, with a membership of more than 31,000 human resources professionals and other higher education leaders at more than 2,000 colleges and universities across the country, including 93 percent of all United States doctoral institutions, 79 percent of all master’s institutions, 57 percent of all bachelor’s institutions and nearly 600 two-year and specialized institutions.

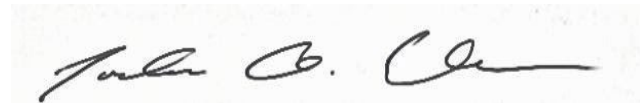
¹ 86 Federal Register 3608 (January 14, 2021), pp. 3608 – 3674.

On November 9, 2020, CUPA-HR and 18 other higher education associations submitted a [comment letter](#) (letter) in response to ETA's interim final rule (IFR) *Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States*.² In that comment letter we expressed deep concern with the IFR because "it was implemented without opportunity for public comment, its methodology is fundamentally unsound, and the IFR does not provide colleges and universities adequate time to adjust to changes, which negatively impacts higher education's ability to provide services for students across the country."

Despite making changes to the IFR, ETA did not sufficiently address higher education's concerns and the final rule remains significantly flawed. As such, CUPA-HR supports delaying the effective date of the final rule and encourages ETA to similarly delay the compliance dates of the final rule while the agency reviews and reconsiders the significant legal and policy shortcomings of the final rule. If ETA does determine the rule should remain in place, we request that the agency seek additional stakeholder feedback on the substantive changes with the final rule.

Thank you for the opportunity to file these comments and reach out to me at julman@cupahr.org if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh B. Ulman", is centered on the page. The signature is fluid and cursive, with a long horizontal stroke at the end.

Josh Ulman, Chief Government Relations Officer, CUPA-HR

² 85 Federal Register 63872 (October 8, 2020), pp. 63872 – 63915.