



2022 AILA PERM CONFERENCE & WEBCAST

As COVID has changed the way that companies do business and the movement toward remote work and virtual offices continues to grow, PERM practices have had to adjust to navigate these new realities. Though PERM practice may initially appear exact in nature, experience has shown that there are a variety of strategies and techniques to avoid pitfalls as we constantly reevaluate this evolving process. At this one-day conference, held at the Broadmoor Resort in Colorado Springs, our panelists will share their expertise and insights from years of PERM practice. They will discuss the current state of affairs, suggest best practices, and offer guidance which will allow you to master the PERM process.

Viewing Options: These sessions can be attended in-person or via webcast from the convenience of your home or office. Either way, the program is live and interactive! All registrants will be given a link to the conference recordings, so any sessions missed (particularly helpful for those in different time zones) can be listened to later.

**OCTOBER 21, 2022
THE BROADMOOR RESORT
COLORADO SPRINGS, CO**

All Times Indicated Below Are Mountain Time

**Session times may be subject to minor changes and will be confirmed closer to the event.*

7:00 am–6:15 pm	REGISTRATION, INFORMATION, AND EXHIBITS
7:25 am–7:30 am	WELCOME AND GREETINGS <i>Jerome Grzeca, Conference Chair, Milwaukee, WI</i>
7:30 am–8:30 am	HOT TOPICS AND RECENT TRENDS IN THE LAW <i>Panelists will discuss the latest developments in PERM practice in the wake of the aftershocks of the pandemic.</i> <i>Faculty:</i> <i>Jerome G. Grzeca (DL), PERM Conference Planning Committee Chair, Milwaukee, WI</i> <i>Vincent W. Lau, DOL Liaison Committee Chair/ USCIS HQ (Benefits Policy) Liaison Committee, Boston, MA</i> <i>Matthew D. Stump, AILA H-1B Conference Committee Chair, Oklahoma City, OK</i>

8:30 am–8:55 am

NETWORKING BREAK

8:55 am–9:55 am

THIS IS HOW WE DO REMOTE WORK: PERM POST-COVID WITH AN INCREASINGLY MOBILE WORKFORCE

Given that PERM is location-specific, how do we navigate between the way PERM operates and the new, post-COVID virtual working world? Panelists will address the intersection between telework and the PERM process, and they will identify how to file PERM for remote employees and employers successfully.

- The “Farmer Memo” and the “travel” requirement for a mobile workforce
 - Defining worksites and “where to recruit” when travel, telework, and relocation are required or permitted
 - Can employers require travel, telework, and relocation at the same time?
- Recent BALCA decisions on teleworking and roving jobs
- The virtual office: What to do when the employer is 100% remote
- Corporate transitions and remote work
 - Changing worksites and employee (re-)locations when PERM is in progress
 - Handling wage issues: Adjustments or a PERM restart?

Faculty:

Alexander Dgebuadze (DL), DOL Liaison Committee/PERM Conference Planning Committee, Woodland Hills, CA

La Verne A. Ramsay, PERM Conference Planning Committee, San Francisco, CA

Robert H. Cohen, Benefits Litigation Committee, Columbus, OH

9:55 am–10:20 am

NETWORKING BREAK

10:20 am–11:20 am

LET’S TALK ABOUT PERM: RELATIONSHIPS, ROLES, AND RECIPES FOR CREATING PERM POLICIES

How do we start talking about PERM cases with clients, and who may be part of the different conversations? At what point do we start talking to corporate clients about establishing a PERM process? Panelists will explore how to initiate and structure conversations about PERM with human resources contacts, managers, recruiting specialists, foreign nationals, and general counsel.

- What role does each party play?
 - Attorney
 - Employer
 - Employee
- Expectation-setting and communicating timelines for PERM processing and filing
- Who is responsible for defining requirements, reviewing applications, signing, and attesting?
- Making the jump from PERM case to PERM program
 - Factors typically considered
 - Structural considerations

Faculty:

Cora-Ann V. Pestaina (DL), DOL Liaison Committee/ PERM Conference Planning Committee, New York, NY

Jessica Feinstein, Omaha, NE

Lisa E. Claypool, Pittsburgh, PA

11:20 am–11:45 am

Networking Break

11:45 am–12:45 pm

YOU’VE TALKED THE TALK, NOW IT’S TIME TO WALK THE WALK: ESTABLISHING AND MAINTAINING A PERM PROGRAM

One of our most valuable services as PERM attorneys is helping clients to keep track of the various stages and timelines involved in PERM case processing. Panelists will discuss the challenges faced when establishing a PERM program with an employer, and they will advise on how to make sure the employer maintains compliance.

- PERM tracking: Timelines and tracking mechanisms during a PERM lifecycle
- What attorney resources are needed?
- Recruitment
 - Batch recruitment, ongoing recruitment
 - Placing ads before a prevailing wage determination is issued
 - Recent DOL and DOJ settlements: Effects on PERM recruitment and compliance
- Applicant contact: Timelines and tracking
- Internal audits as part of the PERM timeline

Faculty:

Stephanie S. Pimentel (DL), NMD Steering Committee/PERM Conference Planning Committee, Richardson, TX

Maggie M. Murphy, AILA Board of Governors/DOL Liaison Committee/Membership Committee/PERM Conference Planning Committee, Austin, TX

Matthew I. Hirsch, Business Section Steering Committee Member, Wayne, PA

12:45 pm–1:25 pm

Lunch Break

1:25 pm–2:25 pm

ADVANCED ISSUES IN RECRUITMENT

Panelists will discuss nuanced issues that arise during the recruitment process, and they will address recent trends and decisions that add complexity to this process. These experts also will advise on how to guide clients through a compliant and effective recruitment campaign.

- Recruitment sources and strategies in a mobile global world
- Changes outside of PERM regulations relating to drafting of recruitment: Applying online, wage range requirements, etc.
- Lawful rejections
 - When is it lawful to reject applicants on the basis of their resume?
 - When must applicants be interviewed?
 - What if a candidate is not able and willing?
 - Must the employer provide relocation benefits?
 - Providing feedback to clients
- At what point must the employer stop and restart its recruitment?

Faculty:

Dustin J. O’Quinn (DL), Seattle, WA

Michael E. Eisenstadt, Atlanta, GA

Marko C. Maglich, White Plains, NY

2:25 pm–2:50 pm

NETWORKING BREAK

2:50 pm–3:50 pm

PANEL OF SHAME: ARE PERM MISTAKES FIXABLE OR FATAL? HOW CAN YOU AVOID THEM?

PERM–related mistakes can prove to be more fatal than those made in other areas of law. Panelists will discuss the most common mistakes made by practitioners. They also will address if the mistake will result in a denial, if the mistake is fixable, and how and when this can happen. Panelists also will discuss best practices to avoid the most gut-wrenching errors.

- Typos, missing information, and “unmatchy” language

- Errors in recruitment
- Timing errors
- Errors related to applicant education, experience, and skills
- Ethical issues when a mistake is discovered: How to handle uncomfortable conversations

Faculty:

Elizabeth Chatham (DL), PERM Conference Planning Committee/USCIS Case Assistance Committee/Verification & Documentation Liaison Committee, Phoenix, AZ

Carly B. Boder, Milwaukee, WI

Elizabeth L.A. Garvish, AILA University Committee Chair, Atlanta, GA

3:50 pm–4:15 pm

NETWORKING BREAK

4:15 pm–5:15 pm

POST-FILING ISSUES: AUDITS, RECONSIDERATION, APPEALS, AND BALCA

While the majority of PERM cases are certified, for those that do not meet with a favorable outcome, employers and employees all have one urgent question: What now? Panelists will discuss how to proceed after a negative outcome.

- DOL Audits
 - Common audit triggers, being prepared with adequate documentation
 - Audit response strategies, tips, and timing
 - Retention requirements, public access audit documentation, and building the record before and after an audit
- Understanding the pros and cons of “reconsideration” vs. “appeal”
 - Government errors
 - Harmless errors
 - Understanding timing
 - Should you just refile?

Faculty:

David A. M. Ware (DL), Metairie, LA

Margarita Santos Krncevic, PERM Conference Planning Committee / USCIS Case Assistance Committee, Cleveland, OH

Jason Abrams, New York, NY

5:15 pm–6:15 pm

AILA H-1B AND PERM CONFERENCE JOINT HAPPY HOUR

6:15 pm

CONFERENCE CONCLUDES

CONFERENCE PROGRAM COMMITTEE

Jerome G. Grzeca, PERM Conference Planning Committee Chair, Milwaukee, WI

Maggie M. Murphy, AILA Board of Governors / PERM Conference Planning Committee Vice Chair, Austin, TX

Sarah Bileti, Denver, CO

Elizabeth Chatham, Phoenix, AZ

Margarita Santos Krncevic, USCIS Case Assistance Committee, Cleveland, OH

Gayle Oshrin, Midyear Conference Committee Co-Chair, New York, NY

Cora-Ann V. Pestaina, DOL Liaison Committee, New York, NY

Stephanie S. Pimentel, NMD Steering Committee, Richardson, TX

La Verne A. Ramsay, San Francisco, CA

Marcine Seid, Palo Alto, CA

Jeff Joseph, AILA Second Vice President, Aurora, CO

Michael Orlando, AILA Associate Director of Professional Development, Washington, DC