

**STEM OPT: Terms and Conditions of Practical Training Opportunity**

Terms and conditions. 8 C.F.R. § 214.2 (f)(10)(ii)(C)(8). The terms and conditions of a STEM practical training opportunity during the period of the 24-month OPT extension, including duties, hours, and compensation, must be commensurate with the terms and conditions applicable to the employer’s similarly situated[[1]](#footnote-1) U.S. workers[[2]](#footnote-2) in the area of employment. A student may not engage in practical training for less than 20 hours per week, excluding time off taken consistent with leave policies applicable to the employer’s similarly situated U.S. works in the area of employment. If the employer does not employ and has not recently employed more than two similarly situated U.S. workers in the area of employment, the employer nevertheless remains obligated to attest that the terms and conditions of a STEM practical training opportunity are commensurate with the terms and conditions of employment for other similarly situated U.S. workers in the area of employment.

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**The duties, hours, and compensation of such students are “commensurate” with those offered to U.S. workers employed in the same area of employment when the employer can show that the duties, hours, and compensation are consistent with the range of such terms and conditions the employer has offered or would offer to similarly situated U.S. employees.** The student must disclose his or her compensation, including any adjustments, as agreed to with the employer, on the Form I-983 or successor form.

**STEM OPT Duties, Hours, and Compensation Worksheet**

This form is designed to assist in documenting whether there are similarly situated U.S. workers and the duties, hours, and compensation. This information should be sufficiently detailed so that a third party could understand the terms and conditions.

***Information about the STEM OPT Student and Training Opportunity***

STEM OPT Student Name: Click here to enter text.

Training Opportunity (Job Title): Click here to enter text.

Position Classification: [ ]  Postdoc [ ]  EHRA Non-Faculty [ ]  SHRA [ ]  EHRA Faculty

Department: Click here to enter text.

Lab (if applicable): Click here to enter text.

Supervisor: Click here to enter text.

Salary $Click here to enter text. per year

Highest Degree Level: [ ]  Bachelor’s [ ] Master’s [ ] Doctoral

[ ]  Other (MD, JD, DMD, PharmD etc., please specify) Click here to enter text.

Educational background, employment experience, skill set, and industry expertise: Click here to enter text.

**Information about the opportunity**

Minimum degree required: [ ]  Bachelor’s [ ] Master’s [ ] Doctoral

[ ]  Other (MD, JD, DMD, PharmD etc…, please specify) Click here to enter text.

Duties, hours, supervision, educational background, employment experience, level of responsibility, skill set, and industry expertise required: Click here to enter text.

**Documentation of Similarly Situated U.S. Workers and their Duties, Hours, and Compensation**

STEM OPT Student Name: Click here to enter text. Department: Click here to enter text.

List all U.S. workers and their salaries in the same area of employment that have the same job title as the training opportunity of the STEM OPT student. If there is a discrepancy in compenstation, duties, and hours between the STEM OPT student and the U.S. worker employees, please provide an explanation for the difference.

**Factors that may be used:**

• **Duties**

• **Hours**

• **Supervision**

• **Educational background**

• **Industry expertise**

• **Employment experience**

• **Levels of responsibility**

• **Skill sets**

List U.S. workers with the same job title (identify by PID only, do not include the STEM OPT student):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| PID# | Salary | Degree | Similarly Situated and Commensurate duties, hours, and compensation? | Factors used to differentiate |
|  |  |  |  [ ] Yes [ ]  No |  |
|  |  |  | [ ] Yes [ ]  No |  |
|  |  |  | [ ] Yes [ ]  No |  |
|  |  |  | [ ] Yes [ ]  No |  |
|  |  |  | [ ] Yes [ ]  No |  |
|  |  |  | [ ] Yes [ ]  No |  |
|  |  |  | [ ] Yes [ ]  No |  |
|  |  |  | [ ] Yes [ ]  No |  |
|  |  |  | [ ] Yes [ ]  No |  |

Attach additional sheets if necessary.

[ ]  There are no similarly situated U.S. workers in the area of employment, but the duties, hours, and compensation of the STEM OPT student are consistent with the range of such terms and conditions the employer has offered or would offer to similarly situated U.S. employees.

**I have reviewed this documentation and have determined that the terms and conditions of the training opportunity of the STEM OPT student is commensurate with similarly situated U.S. workers.**

Name and Title of Preparer: Click here to enter text.

Signature of Preparer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name & Title of Human Resources Officer: Click here to enter text.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STEM OPT Student Name: Click here to enter text. Department: Click here to enter text.

1. “*Similarly situated U.S. workers*” includes U.S. workers performing similar duties subject to similar supervision and with similar educational backgrounds, industry expertise, employment experience, levels of responsibility, and skill sets as the student. 8 C.F.R. § 214.2 (f)(10)(ii)(C)(8). [↑](#footnote-ref-1)
2. *United States worker* means any worker who is: (1) A U.S. citizen; (2) A U.S. national; (3) Lawfully admitted for permanent residence; (4) Granted the status of an alien lawfully admitted for temporary residence under 8 U.S.C. 1160(a), 1161(a), or 12a(a)(1); (5) Admitted as a refugee under 8 U.S.C. 1157; or (6) Granted asylum under 8 U.S.C. 1158. 20 C.F.R. § 656.3. [↑](#footnote-ref-2)