

Filing Requirements

- Completed Application for Temporary Employment Certification
- Appendix B
- A Valid Prevailing Wage Determination (PWD)
- Copy of Job Order
- Agent/ Recruiter Documentation

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Completed Application for Temporary Employment Certification (ETA Form 9142)

- Timeframes: 75 to 90 days from requested Start Date
- Highlight Form Areas with Applicable Tips
 - Section B9 9. Statement of Temporary Need *
 - Keep Content centered around explaining temporary need and requested number of workers:
 - Annual Operations
 - Why Job Opportunity Fits the Chosen Standard in Item B8

8. Nature of Temporary Need: (Choose only one of the standards)*
Seasonal Peakload One-Time Occurence
Intermittent or Other Temporary Need

- What causes the need
- What causes the need to go away
- If applicable explain any change in dates of need or requested number of workers from the previous year

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- Sections C, D & E
 - Make sure to identify a Physical Address so packages can be sent via overnight delivery using UPS

C. Employer Information

Important Note: Enter the full name of the individual employer, partnership, or corporation and all the other information in this section. For joint employer or master applications filed on behalf of more than one employer under the H-2A program, identify the main or primary employer in the section below and then submit a separate attachment that identifies each employer, by name, mailing address, and total worker positions needed, under the application.

 Make sure to include a correct email address and choose one that will be monitored daily

D. Employer Point of Contact Information

Important Note: The information contained in this section must be that of an Employee of the Employer who is authorized to act on behalf of the employer in labor certification matters. The information in this Section must be different from the agent or attorney information listed in Section E, unless the attorney is an employee of the employer. For joint employer or master applications filed on behalf of more than one employer under the H-2A program, enter only the contact information for the main or primary employer (e.g., contact for an association filing as joint employer) under the application.

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- Section F, Job Offer Information
 - (a)(5) Job Duties

 Job duties - A description of the duties to be performed MUST begin in this space. If necessary, add attachment to <u>continue and complete</u> description. *

Fb. Minimum Job Requirements

- Education
- Training
- Experience
- Other

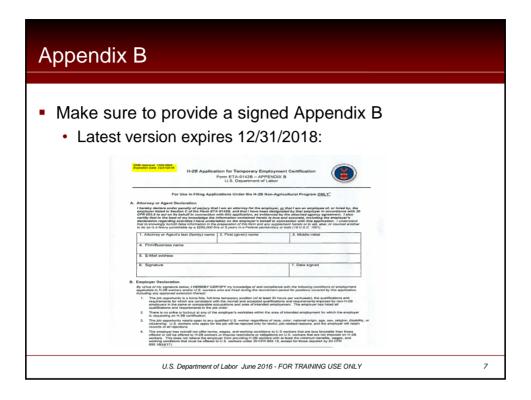
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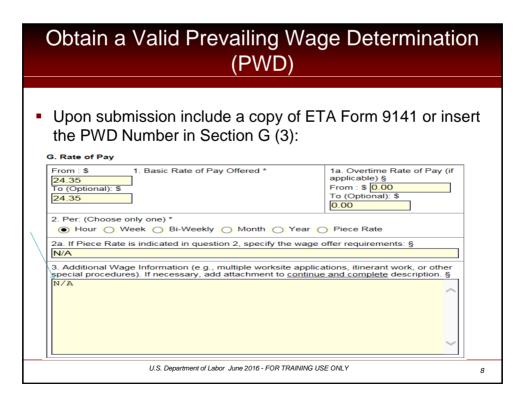
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- Section F, Job Offer Information
 - (c) Place of Employment Information Additional worksites

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Obtain a Valid Prevailing Wage Determination (PWD)

- Make sure that the following items are consistent between **Section F** of ETA Form 9141 and ETA Form 9142
 - SOC Code (ETA Form 9142, Item B.2)
 - SOC Occupational Title (ETA Form 9142, Item B.3)
 - Job Locations (ETA Form 9142, Item F.c.7 & 7a)

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Obtain a Valid Prevailing Wage Determination (PWD)

Important Information:

- If the application is submitted without a valid Prevailing Wage Determination (or valid PWD case number) and no emergency request was submitted, the application will be REJECTED without review.
 - The only remedy to the rejection is to obtain a valid PWD, REFILE the H-2B application, and make sure to either provide a copy of the PWD (ETA Form 9141) or identify the PWD case number in Section G(3). (Shown in previous slide)
 - If an emergency request is submitted but is denied, the application will also be rejected without review.

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Job Order

The Job Order Checklist can be found:

https://www.foreignlaborcert.doleta.gov/pdf/H-2B_Job_Order_Checklist.pdf

OFFICE OF FOREIGN LABOR CERTIFICATION, EMPLOYMENT AND TRAINING ADMINISTRATION, USDOL

Office of Foreign Labor Certification 2015 H-2B Interim Final Rule (IFR) Job Order Content Checklist January 2016 (Updated)

A completed job order must be submitted to the State Workforce Agency (SWA) at the same time the employer submits the H-2B application and a copy of the job order to the Chicago National Processing Center (NPC). 20 CFR § 655.16. The job order must offer U.S. workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2B workers. Each job qualification and requirement must be bona fide, disclosed in the job order, and consistent with the normal and accepted qualifications and requirements imposed by non-H-2B employers in the same occupation and area of intended employment.

The job order must address the content requirements at 20 CFR § 655.18, consistent with new requirements contained in the 2016 Department of Labor Appropriations Act. (Division H, Title I of Public Law 114-113) (2016 DOL Appropriations Act), which was enacted on December 18, 2015. Although each employer's job opportunity and business operation is unique, we provide below, where appropriate, example language that may help employers better understand how to disclose their obligations under the regulations. In addition, employers may use abbreviations so long as the abbreviation clearly and accurately captures the underlying job order content requirement.

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Agent/Recruiter Documentation

Agent and Recruiter Agreements

- · Agents must provide an agent agreement.
- Foreign recruiter agreements must include the identity and location of all persons and entities hired by or working for the hired foreign recruiter.
- If the employer is not using a foreign worker recruiter, then we will need a statement indicating that.

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Recruitment Report

Recruitment Reports

- Must not be on attorney/agent letterhead and not signed by attorney/agent.
- <u>Employer</u> must prepare and sign the recruitment report
- Be mindful of required content for recruitment reports. Many recruitment reports are missing content. (See 655.48)

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Helpful Resources

 Visit the OFLC website and "Subscribe" for e-mail updates http://www.foreignlaborcert.doleta.gov



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Helpful Resources

 If you are having technical problems or issues with your iCERT account, please contact the iCERT Technical Helpdesk at oflc.portal@dol.gov

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