

## H-2B APPLICATION FOR TEMPORARY EMPLOYMENT CERTIFICATION

### SWA Job Order Review

1. Employer notification the job order is concurrent with a filed *Application for Temporary Employment Certification* for H-2B workers is sent to the SWA concurrently with filing the Temporary Employment Certification to CNPC. [20 CFR 655.16(a)(1)]
2. The job order satisfies and contains at a minimum the following: [20 CFR 655.16(a)(2); 20 CFR 655.18]

#### H-2B JOB ORDER CONTENTS

General. Each job order placed in connection with an Application for Temporary Employment Certification must at a *minimum include* the following information: [20 CFR 655.18]

**NOTE: The job order must provide the same benefits, wages, and working conditions for H-2B workers and non-H-2B workers.**

<input type="checkbox"/>	20 CFR 655.18(b)(1)	<b>State</b> Employer Name and Contact Information
<input type="checkbox"/>	20 CFR 655.18(b)(2)	<b>State</b> employment is temporary, full-time position, and total number of open positions.
<input type="checkbox"/>	20 CFR 655.18(b)(3)	<b>Describe</b> the job opportunity to include: duties, minimum education requirements, experience requirements, work hours and days, anticipated start date, and end dates.
<input type="checkbox"/>	20 CFR 655.18(b)(4)	<b>Identify</b> the geographic area for the employment to inform applicants of any travel requirements, housing that may be needed.
<input type="checkbox"/>	20 CFR 655.18(b)(5)	<b>State</b> the wage NOTE: Where there are multiple wage rates, the range of wage offers to ensure the wage offer equals or exceeds the highest.
<input type="checkbox"/>	20 CFR 655.18(b)(6)	<b>State</b> if overtime is available and the overtime wage and hours.
<input type="checkbox"/>	20 CFR 655.18(b)(7)	<b>State</b> if on-the-job training will be provided.
<input type="checkbox"/>	20 CFR 655.18(b)(8)	<b>State</b> "A standard work week to compute wages due is a single workweek."
<input type="checkbox"/>	20 CFR 655.18(b)(9)	<b>State</b> the frequency of pay that must be a minimum of every 2 weeks or prevailing practice. NOTE: The most frequent occurrence of the two.
<input type="checkbox"/>	20 CFR 655.18(b)(10)	<b>Disclose</b> the provision and cost of board, lodging, other facilities, fringe benefits, or assistance <i>if provided the option by the employer.</i> <b>OR State</b> "Board, lodging, other facilities, fringe benefits not provided."
<input type="checkbox"/>	20 CFR 655.18(b)(11)	<b>State</b> "The employer will make all deductions as required by law." Any additional deductions not required by law must be stated in the job order. NOTE: This includes any reasonable costs for board, lodging, or other facilities.
<input type="checkbox"/>	20 CFR 655.18(b)(12)	Detail <b>how</b> the worker will be provided or reimbursed transportation and daily subsistence to employment if the worker completes 50% of the employment period in the job order.
<input type="checkbox"/>	20 CFR 655.18(b)(13)	<b>State</b> that the employer will provide or pay for the worker's cost of return transportation and daily subsistence from the place of employment to the place from which the worker, disregarding intervening employment, departed to work for the employer, if the worker completes the certified period of employment or is dismissed from employment for any reason by the employer before the end of the period
<input type="checkbox"/>	20 CFR 655.18(b)(14)	<b>State</b> if the employer will provide daily transportation to and from the worksite.
<input type="checkbox"/>	20 CFR 655.18(b)(15)	<b>State</b> that the employer will reimburse the H-2B worker in the first workweek for all visa, visa processing, border crossing, and other related fees, including those mandated by the government, incurred by the H-2B worker ( <i>but need not include passport expenses or other charges primarily for the benefit of the worker</i> ).
<input type="checkbox"/>	20 CFR 655.18(b)(16)	<b>State</b> that the employer will provide to the worker, without charge or deposit charge, all tools, supplies, and equipment required to perform the duties assigned
<input type="checkbox"/>	20 CFR 655.18(b)(17)	<b>State</b> the applicability of the three-fourths guarantee, offering the worker employment for a total number of work hours equal to at least three-fourths of the workdays of each 12-week period, if the period of employment covered by the job order is 120 or more days, or each 6-week period, if the period of employment covered by the job order is less than 120 days.
<input type="checkbox"/>	20 CFR 655.18(b)(18)	<b>Instruct</b> applicants to inquire about the job opportunity or send applications, indications of availability, and/or resumes directly to the nearest office of the SWA in the State in which the advertisement appeared and include the SWA contact information.

3. SWA notifies NPC of deficiencies within 6 business days. [20 CFR 655.16(b)]
4. SWA must place the job order into intrastate and interstate clearance. This is placing the job order active in AJL and circulating the job order with the identified states by the CO in the NOA received. [20 CFR 655.16(c)] Additionally, the SWA must send a copy of unionized job orders to the central office of the State Federation of Labor in the State(s) in which the work is performed
5. SWA only refers job seekers who have been notified of all the material terms and conditions and who are qualified for employment. [20 CFR 655.47]