

PRO  Green EXPO
Colorado Convention Center

Denver, CO | February 5 – 8

2019 H-2B Visa Program

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The 2019 H-2B Program

“The Non-Immigration Visa Program that is *VITAL* to Small Business Owners”

What is the H-2B Visa Program?

- The **H-2B visa** nonimmigrant program permits employers to hire foreign workers to come temporarily to the United States and perform temporary nonagricultural services or labor on a one-time, seasonal, peakload or intermittent basis.
- Employers seeking to employ temporary H-2B workers must apply for Temporary Employment Certification to the Chicago National Processing Center (NPC). An employer may submit a request for multiple unnamed foreign workers as long as each worker is to perform the same services or labor, on the same terms and conditions, in the same occupation, in the same area of intended employment during the same period of employment. Certification is issued to the employer, not the worker, and is not transferable from one employer to another or from one worker to another
- The H-2B visa classification requires the United States Secretary of Homeland Security to consult with appropriate agencies before admitting H-2B non-immigrants. Homeland Security regulations require the petitioning employer first apply for a temporary labor certification from the United States Secretary of Labor indicating that:
 - (1) there are not sufficient U.S. workers who are capable of performing the temporary services or labor at the time of filing the petition for H-2B classification and at the place where the foreign worker is to perform the work; and
 - (2) the employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers. The Department of Labor will review and process all H-2B applications on a first in, first out basis.

H-2B Visa Program Dept. of Labor Process

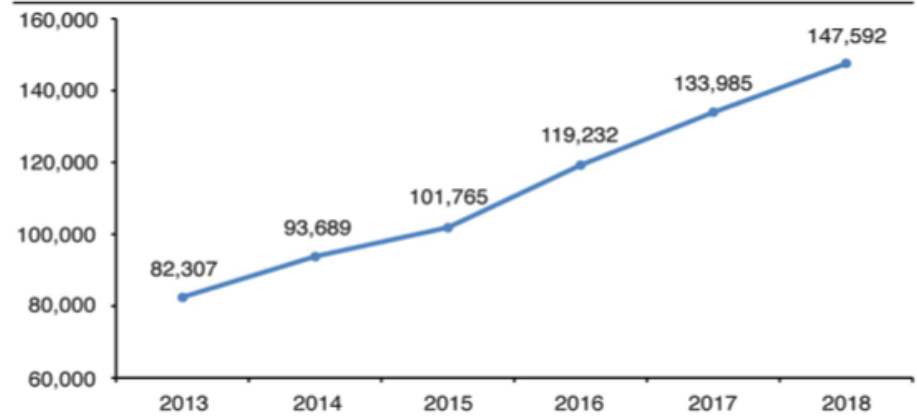
- Submit Prevailing Wage Determination Form to Dept. of Labor
 - This may take 30 to 60 days to receive determination back from Dept. of Labor
- Submit H-2B Application for Temporary Employment Certification to Dept. of Labor
 - Submit 90 to 75 days before date of need
- Dept. of Labor issues either an NOA (Notice of Acceptance) or NOD (Notice of Deficiency)
- Recruitment Period of U.S. workers begins once NOA is issued
 - Newspaper advertising – 2 days
 - Sunday Edition
 - Any other weekday
 - State Workforce Agency – Job Order posted
 - Must meet H-2B regulations with content
 - Runs from issue of NOA until 21 days before your date of need
- Recruitment Report submitted to Dept. of Labor on 15th day and contains the following items
 - Employer signature page verifying contents
 - Recruitment Summary
 - Copy of SWA Job Order
 - Copies of Job Opportunity Posters posted at work place
- Dept. of Labor issues Certification

H-2B Visa Program USCIS/DHS Process

- Submit H-2B application to USCIS/DHS - Cashier's checks for the following amounts
 - \$460 – Regular Processing Fee
 - \$1460 – Premium Processing Fee
 - \$150 – Fraud Prevention Fee
- USCIS/DHS cashes three (3) Cashier's checks and issues WAC or EAC number
- USCIS/DHS processes application
- USCIS/DHS issues Approval Notice or RFE (Request Further Evidence)
- Once Approval Notice has been issued by USCIS/DHS processing of workers begins
- Interview process at a U.S. Consulate for each H-2B worker
- Visa issued to H-2B worker
- Border Patrol check before entering U.S.

H-2B Visa Program Usage 2013-2018

Figure 1. H-2B Certified Workers, FYs 2013 to 2018



Source: ["FY 2018 H-2B Disclosure Data"](#), Department of Labor, Office of Foreign Labor Certification, accessed December 2018.

OFFICE OF FOREIGN LABOR CERTIFICATION

H-2B Temporary Non-Agricultural Labor Certification Program - Selected Statistics, FY 2018

Applications Received¹

FYTD	Q1	Q2	Q3	Q4	% Change FY 2017
9,465	1,858	5,965	269	1,373	5.4%

Applications Processed

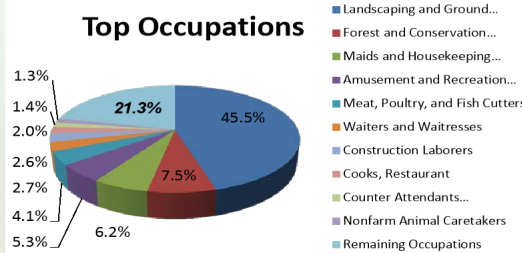
Determinations	FY	Q1	Q2	Q3	Q4
Total Determinations	9,490	1,749	5,385	1,208	1,148
- Certified	7,420	1,216	4,656	664	884
- Denied	1,001	218	286	348	149
- Withdrawn	933	279	408	173	73
- Rejected ¹	136	36	35	23	42
Positions Requested	194,384	45,787	97,837	22,623	28,137
Positions Certified	147,592	33,504	84,482	8,803	20,803
Processed Timely²	78.4%	82.3%	86.6%	21.4%	89.7%

**Review of Positions Certified FY 2018
(% of total certified FY 2018)**

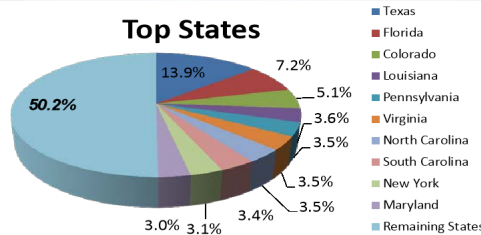
Top 10 Occupations (based on SOC Codes)	Landscaping and Groundskeeping Workers	67,112	45.5%
	Forest and Conservation Workers	11,093	7.5%
	Maids and Housekeeping Cleaners	9,180	6.2%
	Amusement and Recreation Attendants	7,865	5.3%
	Meat, Poultry, and Fish Cutters and Trimmers	6,011	4.1%
	Waiters and Waitresses	4,016	2.7%
	Construction Laborers	3,796	2.6%
	Cooks, Restaurant	2,977	2.0%
	Counter Attendants, Cafeteria, Food Concession	2,067	1.4%
	Nonfarm Animal Caretakers	1,968	1.3%
Top 10 States	Texas	20,443	13.9%
	Florida	10,690	7.2%
	Colorado	7,556	5.1%
	Louisiana	5,341	3.6%
	Pennsylvania	5,216	3.5%
	Virginia	5,173	3.5%
	North Carolina	5,129	3.5%
	South Carolina	4,984	3.4%
	New York	4,579	3.1%
	Maryland	4,439	3.0%
Top 10 Employers	Brightview Landscapes	3,390	2.3%
	Progressive Solutions, LLC	2,095	1.4%
	Imperial Pacific International	1,644	1.1%
	Alpha Services, LLC	1,330	0.9%
	Faith Forestry Services, Inc.	869	0.6%
	Silver Bay Seafoods, LLC	840	0.6%
	ABC Professional Tree Services, Inc.	803	0.5%
	Triple H Services, LLC	752	0.5%
	Trident Seafoods, Inc.	752	0.5%
	Icicle Seafoods, Inc.	702	0.5%

H-2B Labor Certification Statistics 2018

Top Occupations



Top States



¹Applications Received and Rejected Applications are derived from data not publicly disclosed.

²Processed Timely is defined as percentage applications processed 30 days before the date of need.

OFFICE OF FOREIGN LABOR CERTIFICATION

H-2B Temporary Non-Agricultural Labor Certification Program - Selected Statistics, FY 2017TD

Applications Received¹

FY 2017TD	Q1	Q2	Q3	Q4	% Change FY16
7,499	2,120	5,379	-	-	24%

Applications Processed

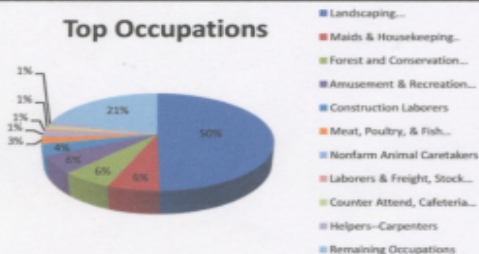
Determinations	FY 2017TD	Q1	Q2	Q3	Q4
Total Determinations	6,315	1,418	4,897	-	-
- Certified	5,108	1,052	4,056	-	-
- Denied	273	132	141	-	-
- Withdrawn	632	116	516	-	-
- Rejected	302	118	184	-	-
Positions Requested	120,606	32,244	88,362	-	-
Positions Certified	103,163	28,195	74,968	-	-
Processed Timely²	74%	86%	71%	-	-

Review of Positions Certified FY 2017TD
(% of total certified FY 2017TD)

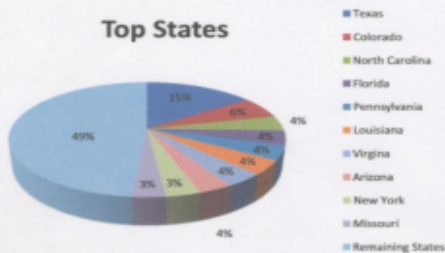
Top 10 Occupations (based on SOC Codes)	Landscaping & Groundskeeping Workers	51,305	49.7%
	Maids & Housekeeping Cleaners	6,496	6.3%
	Forest & Conservation Workers	6,344	6.1%
	Amusement & Recreation Attendants	6,057	5.9%
	Construction Laborers	3,849	3.7%
	Meat, Poultry, & Fish Cutters and Trimmers	2,533	2.5%
	Nonfarm Animal Caretaker	1,434	1.4%
	Laborers & Freight, Stock, and Material Movers	1,363	1.3%
	Counter Attend, Cafeteria, Food Concession	1,306	1.3%
	Helpers-Carpenters	1,244	1.2%
Top 10 States	Texas	15,637	15.2%
	Colorado	6,284	6.1%
	North Carolina	4,324	4.2%
	Florida	4,273	4.1%
	Pennsylvania	4,171	4.0%
	Louisiana	4,137	4.0%
	Virginia	3,875	3.8%
	Arizona	3,515	3.4%
	New York	3,434	3.3%
	Missouri	3,387	3.3%
Top 10 Employers	Brightview Landscapes, LLC	971	0.9%
	Progressive Solutions LLC	821	0.8%
	Alpha Services, LLC	787	0.8%
	Superior Forestry Service, Inc.	514	0.5%
	Triple H Services, LLC	511	0.5%
	Heaven and Earth Landscaping, LLC	508	0.5%
	Nationwide Structural, LLC	480	0.5%
	Challenger Sports Corp.	468	0.5%
	Grand Hotel LLC	448	0.4%
	Landscapes Unlimited, LLC	390	0.4%

H-2B Labor Certification Statistics 2017

Top Occupations



Top States



¹ Please note that applications received will not match posted disclosure data as that data set only includes adjudicated applications.
² Processed Timely defined as percentage applications processed 30 days before the date of need.

OFFICE OF FOREIGN LABOR CERTIFICATION

H-2B Temporary Non-Agricultural Labor Certification Program - Selected Statistics, FY 2016

Applications Received¹

FY 2016	Q1	Q2	Q3	Q4	% FY Change FY15
7,167	1,894	4,059	388	826	6.0%

Applications Processed

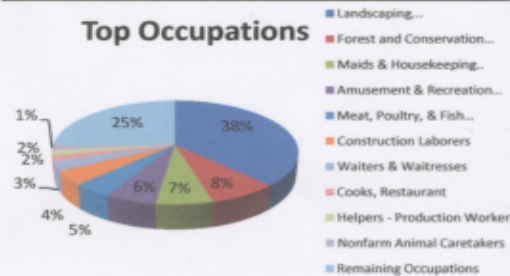
Determinations	FY 2016	Q1	Q2	Q3	Q4
Total Determinations	7,209	625	3,572	2,307	705
- Certified	5,933	323	3,202	1,896	512
- Denied	545	145	89	202	109
- Withdrawn	731	157	281	209	84
Positions Requested	143,311	13,383	71,140	42,459	16,329
Positions Certified	119,232	8,474	63,365	34,833	12,560
Processed Timely	N/A ²	N/A ²	N/A ²	N/A ²	N/A ²

Review of Positions Certified FY 2016 (% of total certified FY 2016)

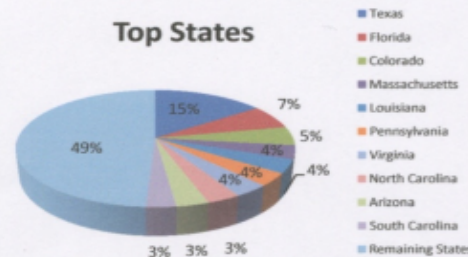
Review of Positions Certified FY 2016 (% of total certified FY 2016)			
Top 10 Occupations (based on SOC Codes)	Landscaping and Groundskeeping Workers	44,981	37.7%
	Forest and Conservation Workers	9,434	7.9%
	Maids and Housekeeping Cleaners	7,751	6.5%
	Amusement and Recreation Attendants	6,992	5.9%
	Meat, Poultry, and Fish Cutters and Trimmers	5,447	4.6%
	Construction Laborers	5,237	4.4%
	Waiters and Waitresses	3,426	2.9%
	Cooks, Restaurant	2,161	1.8%
	Helpers—Production Workers	1,974	1.7%
	Nonfarm Animal Caretaker	1,636	1.4%
Top 10 States	Texas	18,002	15.1%
	Florida	7,955	6.7%
	Colorado	6,179	5.2%
	Massachusetts	4,480	3.8%
	Louisiana	4,434	3.7%
	Pennsylvania	4,195	3.5%
	Virginia	4,124	3.5%
	North Carolina	3,950	3.3%
	Arizona	3,826	3.2%
	South Carolina	3,498	2.9%
Top 10 Employers	Genuine Builders, Inc.	1,068	0.9%
	Silver Bay Seafoods, LLC	971	0.8%
	The Brickman Group LTD LLC	834	0.7%
	Faith Forestry Services, Inc.	803	0.7%
	ValleyCrest Companies	754	0.6%
	Icicle Seafoods, Inc.	744	0.6%
	Progressive Solutions, LLC	724	0.6%
	Igloo Products Corp	700	0.6%
	International Plant Services, LLC	676	0.6%
	LandCare	608	0.5%

H-2B Labor Certification Statistics 2016

Top Occupations



Top States



¹ Please note that applications received will not match posted disclosure data as this data set only includes adjudicated applications.
² The significant delays employers are experiencing stem from implementation of the changes in program requirements contained in the 2016 DOL Appropriations Act (enacted on December 18, 2015) and the magnitude of the increase in H-2B applications filed during the late December to early January time period.

Colorado

State Summary

VISA CATEGORY	TOTAL APPLICATIONS PROCESSED	TOTAL APPLICATIONS CERTIFIED	TOTAL POSITIONS REQUESTED	TOTAL POSITIONS CERTIFIED	% OF TOTAL CERTIFIED APPLICATIONS	% OF TOTAL CERTIFIED POSITIONS	AVERAGE WAGE OFFER/AEWR
PERM	969	875	783	875	0.75%	0.75%	\$92,261.33
H-1B	6,297	5,602	14,613	13,103	0.97%	1.09%	\$80,037.41
H-2B	310	259	7,612	6,179	4.37%	5.18%	\$13.82
H-2A	245	232	2,143	2,058	2.33%	1.47%	\$11.27

Top Three Cities

PERMANENT LABOR (BY POSITIONS CERTIFIED)

City Name	Positions Certified	Average Wage Offer
Denver	153	\$91,763.59
Englewood	111	\$103,034.62
Greenwood Village	94	\$107,997.62

H-1B (BY POSITIONS CERTIFIED)

City Name	Positions Certified	Average Wage Offer
Denver	3,614	\$77,234
Englewood	3,160	\$80,014
Lone Tree	1,110	\$80,252

H-2B (BY POSITIONS CERTIFIED)

City Name	Positions Certified	Average Wage Offer
Aurora	613	\$13.88
Denver	602	\$14.09
Colorado Springs	569	\$11.88

H-2A (BY POSITIONS CERTIFIED)

City Name	Positions Certified	AEWR
Palisade	326	\$11.74
Brighton	284	\$11.74
Olathe	172	\$11.74

State summary 2018

Top Five Occupations/Agricultural Commodities

PERMANENT LABOR

Occupation	Positions Certified	Average Wage Offer
Software Developers, Applications	8,772	\$124,128.67
Software Developers, Systems Software	4,620	\$126,828.64
Electronics Engineers, Except Computer	2,610	\$115,187.13
Computer Systems Analysts	1,938	\$109,565.68
Computer and Information Systems Managers	704	\$158,181.88

H-1B

Occupation	Positions Certified	Average Wage Offer
Computer Systems Analysts	3,198	\$78,644.65
Software Developers, Applications	1,959	\$87,854.94
Computer Occupations, All Other	1,267	\$78,720.07
Computer Programmers	1,167	\$95,263.46
Software Developers, Systems Software	1,161	\$72,120.08

H-2B

Occupation	Positions Certified	Average Wage Offer
Landscaping and Groundskeeping Workers	4130	\$13.69
Maids and Housekeeping Cleaners	863	\$11.74
Rock Splitters, Quarry	144	\$16.65
Cement Masons and Concrete Finishers	107	\$17.28
Construction Laborers	102	\$15.74

H-2A

Occupation	Positions Certified	AEWR
Fruits and Vegetables	439	\$11.74
Livestock	404	\$11.74
Peaches	347	\$11.74
Nursery and Greenhouse Workers	127	\$11.74
Lettuce	109	\$11.74

Colorado

State Summary

VISA CATEGORY	TOTAL APPLICATIONS PROCESSED	TOTAL APPLICATIONS CERTIFIED	TOTAL POSITIONS REQUESTED	TOTAL POSITIONS CERTIFIED	% OF TOTAL CERTIFIED APPLICATIONS	% OF TOTAL CERTIFIED POSITIONS	AVERAGE WAGE OFFER/AEWR
PERM	718	615	718	615	0.78%	0.78%	\$43.46
H-1B	6,594	5,896	15,734	15,124	1.09%	1.29%	\$76,862.54
H-2B	251	214	5,359	4,861	4.19%	4.78%	\$28,207.62
H-2A	197	194	1,755	1,717	1.95%	1.23%	\$11.37

Top Three Cities

PERMANENT LABOR (BY POSITIONS CERTIFIED)

City Name	Positions Certified	Average Wage Offer
Denver	117	\$43.96
Greenwood Village	86	\$45.93
Englewood	78	\$46.49

H-1B (BY POSITIONS CERTIFIED)

City Name	Positions Certified	Average Wage Offer
Denver	4,888	\$75,658.74
Englewood	2,956	\$76,832.56
Colorado Springs	1,279	\$77,147.98

H-2B (BY POSITIONS CERTIFIED)

City Name	Positions Certified	Average Wage Offer
Aurora	632	\$27,879.93
Colorado Springs	527	\$24,088.63
Denver	482	\$29,768.27

H-2A (BY POSITIONS CERTIFIED)

City Name	Positions Certified	AEWR
Fallside	296	\$11.37
Brighton	269	\$11.37
Olafse	157	\$11.37

State summary 2017

Top Five Occupations/Agricultural Commodities

PERMANENT LABOR

Occupation	Positions Certified	Average Wage Offer
Software Developers, Applications	385	\$46.64
Software Developers, Systems Software	55	\$47.96
Computer Systems Analysts	51	\$46.56
Electronics Engineers, Except Computer	28	\$45.93
Cooks, Restaurant	26	\$12.90

H-1B

Occupation	Positions Certified	Average Wage Offer
Computer Systems Analysts	5,172	\$75,798.86
Computer Occupations, All Other	1,863	\$73,767.79
Computer Programmers	1,767	\$68,361.31
Software Developers, Applications	1,564	\$84,849.02
Software Developers, Systems Software	1,024	\$94,952.02

H-2B

Occupation	Positions Certified	Average Wage Offer
Landscaping and Groundskeeping Workers	3,269	\$28,127.59
Maid and Housekeeping Cleaners	483	\$24,943.10
Helpers-Pipelayers, Plumbers, Pipefitters	129	\$26,546.80
Rock Splitters, Quarry	118	\$32,520.80
Amusement and Recreation Attendants	96	\$18,839.60

H-2A

Occupation	Positions Certified	AEWR
Livestock	858	\$11.37
Fruits and Vegetables	305	\$11.37
Peaches	274	\$11.37
Corn	160	\$11.37
Nursery and Greenhouse Workers	122	\$11.37

**TAXABLE WAGES GENERATED BY USING THE H-2B
PROGRAM**
(LABOR SOLUTIONS, INC. CLIENT'S ONLY)

2019 Taxable Wages

Weekly Wages - \$1,842,164.00

**Taxable Wages
Generated**

Monthly Wages - \$7,368,656.00

Monthly Wages - \$58,949,248.00

**GROSS INCOME GENERATED BY USING THE H-2B
PROGRAM**

(LABOR SOLUTIONS, INC. CLIENT'S ONLY – 2017/2018)

**2017 Gross
Income Generated**

\$1,030,116,937.00

**2018 Gross
Income Generated**

\$2,675,984,240.00

COLORADO H-2B WAGE HISTORY
2015 - 2019

H-2B Prevailing Wages

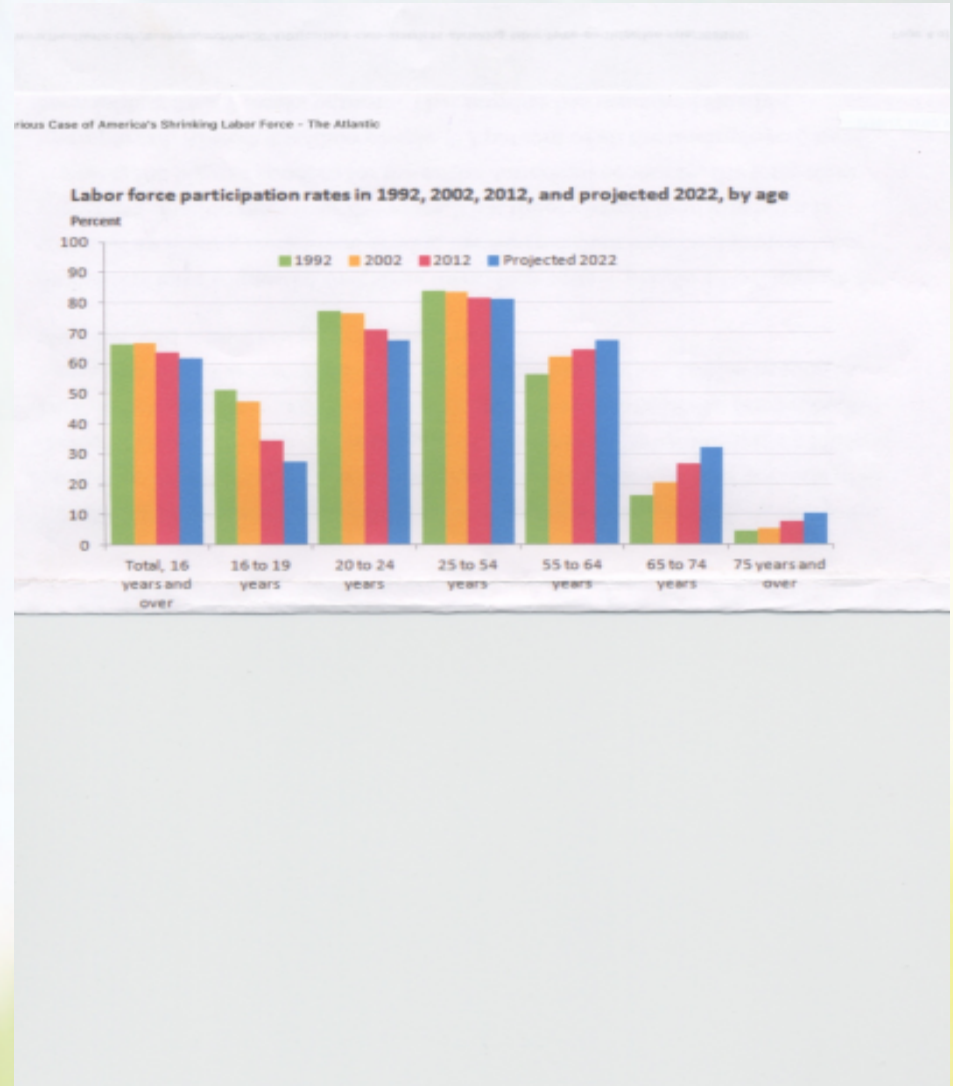
Year	Landscaping & Groundskeeping Workers	Rock Splitters	Cement Masons & Finishers	Construction Laborers
2015	\$13.81	\$15.46	\$18.13	\$16.25
2016	\$13.64	\$15.70	\$18.14	\$16.06
2017	\$14.51	\$18.51	\$19.36	\$16.05
2018	\$15.45	\$18.52	\$19.79	\$16.81
2019	\$15.51	\$16.96	\$20.71	\$17.32

Labor Solutions, Inc. provides H-2B workers for 7 out of the top 25 industries of occupational growth in Colorado for the 2015 – 2025 time period:

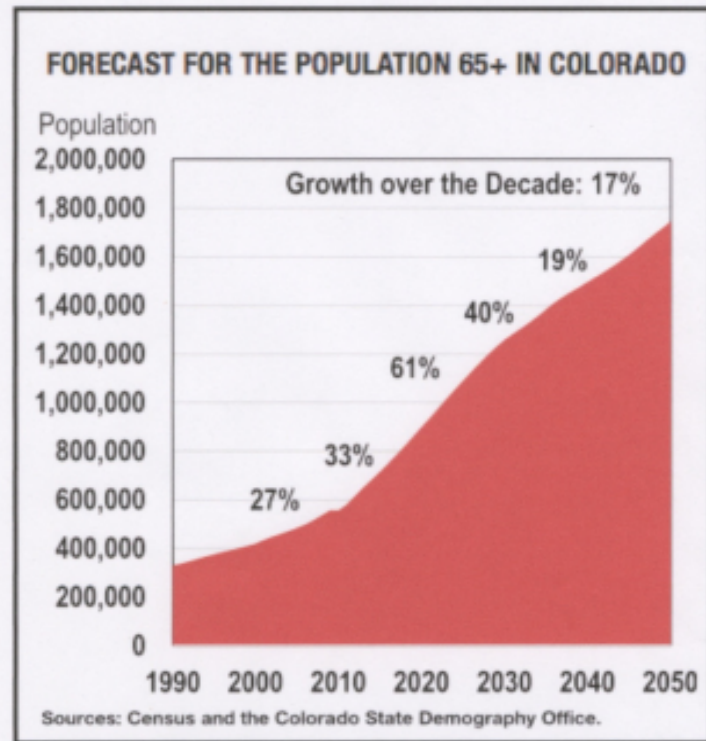
1. Combined Food Preparation and Serving Workers, Including Fast Food
2. Waiters and Waitresses
3. Cooks, Restaurant
4. Laborers and Freight, Stock, and Material Movers, Hand
5. Construction Laborers
6. Landscaping and Grounds Keeping Workers
7. Maintenance and Repair Workers, General

Labor Market participation data

Declining labor force participation rates of young people are pushing down the overall participation rate in part because of an increase in younger Americans going back to school (or never leaving it). Some Americans are simply putting off entering into the job market as long as they can, and school is a great way to do that.



Colorado Retirement Worker Data



IMPORTANT H-2B RULES

Form ETA 9142B – Appendix B

Employer Declaration:

By virtue of my signature below, I HEREBY CERTIFY my knowledge of and compliance with the following conditions of employment applicable to H-2B workers and/or U.S. workers who are hired during the recruitment period for positions covered by this application, including any approved extension thereof:

- 1.** The job opportunity is a bona fide, full-time temporary position (of at least 35 hours per workweek), the qualifications and requirements for which are consistent with the normal and accepted qualifications and requirements imposed by non-H-2B employers in the same or comparable occupations and area of intended employment. The employer has listed all qualifications and requirements in the job order.
- 2.** There is no strike or lockout at any of the employer's worksites within the area of intended employment for which the employer is requesting an H-2B certification.
- 3.** The job opportunity was/is open to any qualified U.S. worker regardless of race, color, national origin, age, sex, religion, disability, or citizenship. U.S. workers who apply for the job will be rejected only for lawful, job-related reasons, and the employer will retain records of all rejections.
- 4.** The employer has not/will not offer terms, wages, and working conditions to U.S. workers that are less favorable than those offered or will be offered to H-2B workers or impose restrictions or obligations on U.S. workers that are not imposed on H-2B workers. This does not relieve the employer from providing H-2B workers with at least the minimum benefits, wages, and working conditions that must be offered to U.S. workers under 20 CFR 655.18, except for those required by 20 CFR 655.18(b) (17).

5. The offered wage equals or exceeds the highest of the most recent prevailing wage for the occupation that is or will be issued by the Department to the employer for the time period the work is performed, or the applicable Federal, State, or local minimum wage, and the employer will pay at least the offered wage, free and clear, either in cash or in a negotiable instrument payable at par, during the entire period of this application. The employer guarantees to supplement a piece rate wage if at the end of the workweek, the piece rate does not result in average hourly piece rate earnings during the workweek at least equal to the offered wage.
6. The offered wage is not based on commissions, bonuses or other incentives, unless the employer guarantees a wage earned every workweek that equals or exceeds the offered wage.
7. During the period of employment that is the subject of this application, the employer will comply with applicable Federal, State and local employment-related laws and regulations, including, but not limited to, employment-related health and safety laws, 20 CFR part 655, Subpart A, 29 CFR Part 503. In addition, the employer and its agents and attorneys are prohibited from holding or confiscating workers' passports, visas, or other immigration documents pursuant to 18 U.S.C. 1592(a).
8. The employer has not laid off and will not lay off any similarly employed U.S. worker in the occupation and area of intended employment within the period beginning 120 days before the date of need through the end of the period of certification, unless the layoff is for lawful, job-related reasons and all H-2B workers are laid off first.
9. The employer and its agents, attorneys, and/or employees have not sought or received, and will not seek to receive, payment of any kind from the worker for any activity related to obtaining certification or employment, including but not limited to payment of the employer's attorney or agent fees, application or petition fees, or recruitment costs. Payment includes, but is not limited to, monetary payments,

wage concessions (including deductions from wages, salary, or benefits), kickbacks, bribes, tributes, in kind payments, and free labor.

10. Upon the separation from employment of any H-2B or U.S. worker(s) employed under this application, if such separation occurs prior to the end date of the employment specified in this application, the employer will notify the Department in writing of the separation from employment not later than 2 work days after such separation is discovered by the employer. The employer will also notify DHS in writing (or any other manner specified by DHS) of such separation of an H-2B worker.

11. The employer will not place any H-2B workers employed pursuant to this application outside the area of intended employment or in a job classification not listed on the approved application unless the employer has obtained a new approved Form ETA- 9142B.

12. The employer has demonstrated that it has a temporary need, as defined in 8 CFR 214.2(h)(6)(ii)(B), on Form ETA-9142B or an H-2B Registration, as applicable, and been granted the H-2B Registration, when applicable.

13. The employer will make all deductions from workers' paychecks required by law and only those additional authorized and reasonable deductions disclosed in the job order. Deductions not disclosed will be prohibited. Reasonableness of authorized deductions is determined under the principles stated in 29 CFR part 531. The wage payment requirement in condition 5 of this Declaration will not be met where unauthorized or unreasonable deductions, deposits, rebates, or refunds reduce the wage payment below the offered wage or where the worker "kicks back" any part of the wages to the employer or another person for the employer's benefit.

14. The employer has specified in the job order any applicable minimum productivity standard which the workers must meet in order to retain the job. With respect to any applicable productivity

standard, the employer is able to demonstrate that such standard is normal and usual for non-H-2B employers for the same occupation in the area of intended employment.

15. If, before the expiration date specified in the job order, the services of a worker are no longer required for reasons beyond the control of the employer due to fire, weather, other Act of God, or similar, unforeseeable man-made catastrophic event, the employer may terminate the job order with written approval of the Certifying Officer, and will make efforts to transfer the workers to comparable employment, or if transfer is not effected, provide return transportation for the worker as specified in the regulations.

16. The employer will keep a record of workers' earnings and provide the workers with the required earnings statements on or before each payday, which must be at least every 2 weeks or according to the prevailing practice in the area of intended employment, whichever is more frequent.

17. The employer has disclosed how it will provide transportation and subsistence costs in the job order. The employer will either advance all visa, visa-related, border crossing, subsistence, and transportation expenses to workers traveling to the employer's worksite, pay for them directly, or reimburse such expenses, other than travel and subsistence, in the first workweek and

reimburse the remainder of the expenses no later than the time workers complete 50 percent of the period covered by the job order. (Advancement of transportation and subsistence costs to U.S. workers employed under this application is required when it is the prevailing practice of non-H-2B employers in the occupation in the area of intended employment or when the employer extends such benefits to similarly situated H-2B workers). Provided that workers work until the end of the certified period of employment or are dismissed from employment for any reason before the end of that period, the employer will pay for such workers' return transportation and daily subsistence if the workers have no immediate subsequent

H-2B employment. All employer-provided transportation must comply with all applicable Federal, State, or local laws and regulations.

18. The employer will provide to workers, without charge or deposit, all tools, supplies, and equipment required to perform the duties assigned.

19. The employer will provide a copy of the job order to all H-2B workers no later than when the worker applies for a visa if located abroad, no later than the time of the job offer if the H-2B worker is changing employment from one H-2B employer to a subsequent H-2B employer, and to U.S. workers employed under this application no later than on the day work commences.

The disclosure must be in a language understood by the workers, as necessary and reasonable.

20. The employer has posted a Department-provided poster detailing H-2B and U.S. workers' rights and protections in a conspicuous location at the place of employment. The employer will request and post additional posters in languages common to a significant portion of the workers if they are not fluent in English.

21. The employer has not and will not (and has not and will not cause another person to) intimidate, threaten, restrain, coerce, blacklist, discharge or in any other manner discriminate against any person who, with respect to 8 U.S.C. 1184(c), 20 CFR Part 655, Subpart A, 29 CFR Part 503, or any other Department regulation promulgated thereunder; has filed a complaint; instituted or caused to be instituted any proceeding; testified or is about to testify;

consulted with a worker's center, community organization, labor union, legal assistance program, or attorney; or exercised or asserted on behalf of himself/herself or others any right or protection.

22. The employer has and will contractually forbid in writing any agent or recruiter (or any employee of such agent or recruiter) whom the employer engages, directly or indirectly, in international recruitment of H-2B workers to seek or receive payments or other compensation from prospective workers. The employer and its attorney and/or agent have provided with this application to the Department a copy of all agreements with any agent or recruiter whom it engages or plans to engage in the international recruitment of H-2B workers, as well as the identity and location of all persons or entities hired by or working for the agent or recruiter, and any of their agents or employees, to recruit prospective foreign workers for the H-2B job opportunities offered by the employer.

23. The employer will conduct all required recruitment activities pursuant to 20 CFR 655.40 through 655.46 including but not limited to: additional recruitment if required by the Certifying Officer and contacting all of its former U.S. workers employed in the occupation at the place of employment during the previous year, disclosing the terms of the job order, and soliciting their return, unless they were dismissed for cause or abandoned the worksite.

24. The employer has and will continue to cooperate with the SWA by accepting referrals and will hire all qualified and eligible U.S. workers who apply for the job opportunity until 21 days before the date of need.

25. The employer will cooperate with any agent of the Secretary of Labor who is exercising or attempting to exercise the Department's authority pursuant to 8 U.S.C. 1184(c), including investigations as described in 29 CFR 503.25.

26. The employer will retain all documents pertaining to this application and registration, the recruitment-related documents, the payroll records, and related documents for 3 years as required by the regulations at 20 CFR 655.56 and 29 CFR 503.17.

Immigration myths & facts

MYTH

- Jobs filled by Immigrants are jobs that could be filled by unemployed Americans.
- Immigrants drive down the wages of American workers.
- The sluggish U.S. economy doesn't need more immigrant workers.
- During periods of high unemployment, the U.S. economy does not need temporary foreign workers.
- Immigrants hurt communities that are struggling economically.

FACT

- Immigrants typically *do not* compete for jobs with native-born workers, and immigrants create jobs as entrepreneurs, consumers, and taxpayers.
- Immigrants give a slight boost to the average wages of Americans by increasing their productivity and stimulating investment.
- Immigrants will replenish the U.S. labor force as millions of Baby Boomers retire.
- Temporary workers from abroad fill specialized needs in specific sectors of the U.S. economy.
- Immigrants have economically revitalized many communities throughout the country.

Immigration myths and facts

MYTH

- Undocumented immigrants do not pay taxes.
- Immigrants come to the United States for welfare benefits.
- Today's immigrants are not assimilating into U.S. society.

FACT

- Undocumented immigrants pay billions of dollars in taxes each year.
- Undocumented immigrants are not eligible for Federal Public Benefit programs, and even legal immigrants face stringent eligibility restrictions.
- Today's immigrants are buying homes, becoming U.S. citizens, and learning English.

QUESTIONS?



Thank you!

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