



Foreign Labor Certification

Dr. William Carlson, Administrator



"WELCOME to the Office of Foreign Labor Certification (OFLC). We provide labor certification to employers seeking to bring foreign workers into the United States."

"To obtain certification employers must show that there are insufficient qualified U. S. workers available and willing to perform the work at the prevailing wage paid for the occupation. The intent is to ensure that admitting foreign workers does not adversely affect job opportunities, wages and working conditions for Americans."

[More about OFLC mission and organization](#)

Announcements

September 30, 2010. Prevailing Wage: Validity Period for H-2B prevailing wage determinations. On August 30, 2010, the U.S. District Court for the Eastern District of Pennsylvania in *Comité de Apoyo los Trabajadores Agrícolas (CATA) v. Solis, et al.*, Civil No. 2:09-cv-240-LP, 2010 WL 3431761 (E.D. Pa.) invalidated the Department's use of skill levels in establishing prevailing wages and the Department's reliance upon Occupational Employment Statistics (OES) data in lieu of Davis Bacon Act and Service Contract Act rates. The court order requires the Department to complete a new rulemaking regarding the calculation of prevailing wage rates in the H-2B program within 120 days.

The Department has been issuing prevailing wage determinations with a validity period ending on June 30, 2011, since the OES data is updated annually each June. Given that the Department has been ordered to promulgate a new regulation in approximately 3 months, which may result in changes to the calculation of the prevailing wage rates, the Department, beginning on **September 30, 2010**, will issue H-2B prevailing wage determinations with validity periods of three months, in accordance with § 655.10(d).

This change does not affect the validity periods of existing prevailing wage determinations. It also does not affect any new requests for prevailing wage determinations that will be used in connection with PERM, H-1B, H-1B1 or E-3 applications.

The Department has posted the second round of Frequently Asked Questions (FAQs) interpreting the 2010 Final Rule which became effective on March 15, 2010. The FAQs address questions posed by the regulated community and cover a range of topics including: pre and post-filing requirements, job offers, assurances and obligations, time frames, recruitment, etc. To view or download a PDF copy of the Round 2 H-2A FAQs,

AILA InfoNet Doc. No. 10093057. (Posted 9/30/10)

please [click here](#). The new FAQs are also separately available [here](#) on the FAQs page of the OFLC website under the H-2A Temporary Labor Certification Program (Agricultural) heading and relevant subject subheadings.

ETA announces the H-2A Public Job Registry

- The H-2A Public Job Registry, part of the Department's Open Government Initiative, is now accessible to the public. Visit the iCERT Visa Portal System at <http://icert.doleta.gov> to access active H-2A agricultural job orders.

U.S. workers looking for agricultural work search the H-2A Public Job Registry at <http://icert.doleta.gov>.

H-2A Public Job Registry Fact Sheet: [click here](#).

H-2A Job Registry Press Release (English): [click here](#).

H-2A Job Registry Press Release (Spanish): [click here](#).

Created: July 01, 2009

Updated: September 30, 2010

Employment and Training Administration

U.S. Department of Labor | Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210
www.doleta.gov | Telephone: 1-877-US-2JOBS | TTY: 1-877-889-5627 | Fax: 1-202-693-2726 | [Contact Us](#)