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Announcements

**APR
1**

Effective March 22, the Department is holding in abeyance the issuance of final determinations on most pending H-2B applications for temporary labor certification and those it received after March 22, while it considers appropriate action in response to the Court order entered March 21, 2013 in *Comite de Apoyo a los Trabajadores Agrícolas et al v. Solis*, 2:09-cv-00240-LDD (E.D. Pa). That order granted a permanent injunction against the operation of the portion of the 2008 wage rule related to certain prevailing wage determinations and gave the Department 30 days to come into compliance with the Court order.

The Department will, however, continue to process and issue final determinations on H-2B applications for temporary labor certification where the employer's wage offer is based upon a prevailing wage not enjoined by the court order: those utilizing applicable Collective Bargaining Agreements, acceptable private wage surveys or Service Contract Act or Davis Bacon Act wage determinations. The Department intends to promulgate a revised wage rule within 30 days of the date of the Court order. This will allow the Department to resume providing employers with both prevailing wage determinations and final determinations on their H-2B applications for temporary labor certification.

We encourage stakeholders to sign up to receive e-mail updates through the Department's Office of Foreign Labor Certification (OFLC) web site. Instructions for signing up for e-mail updates are provided below.

E-Mail Update Instructions: On the home page of the OFLC web site, under the E-mail Updates heading, enter your e-mail address and then click the "Subscribe" button. You will be directed to the Department's E-mail Subscription Service page. On that page, under the Employment and Training Administration heading, please select a checkbox next to "Foreign Labor Certification Website" and then click the "Submit" button.

**MAR
29**

March 29, 2013. H-2B Wage Final Rule Update: Delay of Effective Date.

The Department of Labor has published a notice in the Federal Register delaying the effective date of the Wage Methodology for the Temporary Non-agricultural Employment H-2B Program final rule (2011 Wage Final Rule), which was published on January 19, 2011, 76 FR 3452. In light of the enactment of the Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. 113-6, which establishes the Department's appropriations through September 30, 2013, and also continues the prohibition of the expenditure of the Department's appropriated funds to implement, administer, and enforce the 2011 Wage Final Rule, the Department is delaying the effective date of the 2011 Wage Final Rule. To read the Final Rule please click [here](#).

**MAR
28**

H-2A Program: Prevailing Wage Rates for Certain Occupations Processed under H-2A Special Procedures, Correction/Rescission Notice.

The Department has published in the Federal Register a notice correcting certain prevailing wage rates established by the January 8, 2013 notice for H-2A workers and workers in corresponding employment engaged in the open range production of livestock in Texas, Wyoming, Idaho, Montana, North Dakota, South Dakota, and Oklahoma. In addition, this notice rescinds prevailing wage rates established by the January 8, 2013 notice for H-2A workers and workers in corresponding employment engaged in sheepherding and goatherding occupations in Arizona, Nevada, Oregon and Washington. In the absence of the January 8 prevailing wage rates for sheepherding and goatherding, the Department is reverting to previously established prevailing wage rates for these occupations. To learn more, please read the Federal Register [notice](#).

MAR

28

Effective March 22, the Department is holding in abeyance most pending H-2B prevailing wage requests and those it received after March 22, while it considers appropriate action in response to the Court order entered March 21, 2013 in *Comite de Apoyo a los Trabajadores Agrícolas et al v. Solis*, 2:09-cv-00240-LDD (E.D. Pa). That order granted a permanent injunction against the operation of the portion of the 2008 wage rule related to prevailing wage determinations and gave the Department 30 days to come into compliance with the Court order. The result is that the Department can no longer make prevailing wage determinations based on the Occupational Employment Statistics (OES) survey four tier wage system. The Department will, however, continue to process prevailing wage requests not enjoined by the court order: those utilizing applicable Collective Bargaining Agreements, acceptable private wage surveys or Service Contract Act or Davis Bacon Act wage determinations. The Department intends to comply with the Court order within 30 days by promulgating a revised wage rule. This will allow the Department to resume providing employers with prevailing wage determinations.

We encourage stakeholders to sign up to receive e-mail updates through the Department's Office of Foreign Labor Certification (OFLC) web site. Instructions for signing up for e-mail updates are provided below.

E-Mail Update Instructions: On the home page of the OFLC web site, under the E-mail Updates heading, enter your e-mail address and then click the "Subscribe" button. You will be directed to the Department's E-mail Subscription Service page. On that page, under the Employment and Training Administration heading, please select a checkbox next to "Foreign Labor Certification Website" and then click the "Submit" button.

MAR
12

March 12, 2013. H-2A Program: 2013 Allowable Meal Charges and Travel Subsistence.

The Department has published in the Federal Register a notice establishing the 2013 allowable meal charges and maximum travel subsistence reimbursement amounts. The 2013 allowable charge for providing three meals a day is set at \$11.42 per day, although employers may petition the Chicago National Processing Center for a higher charge if justified by documentation of actual costs. Similarly, the 2013 minimum subsistence charge for meals during travel is set at \$11.42 a day. The maximum travel subsistence for meals will remain set at \$46.00 per day again this year for those workers who submit receipts substantiating a higher expense. Workers may claim up to \$34.50 with receipts for travel subsistence when traveling less than a full day. The new 2013 amounts are effective upon publication in the Federal Register. To learn more, please read the Federal Register [notice](#).

MAR
1

H-2A Program: 2013 Allowable Meal Charges and Travel Subsistence.

The Department expects to publish within a week a notice in the Federal Register establishing the 2013 allowable meal charges and maximum travel subsistence reimbursement amounts. The new 2013 amounts will become effective upon publication in the Federal Register, which the Department will announce on this website.

FEB
25

Prevailing Wage Frequently Asked Questions.

The Department of Labor has posted new FAQs for the Prevailing Wage Center. Topics include electronic form issues, multiple worksite issues, employer surveys, special skills, and withdrawals. These FAQs are available on the FAQs page of the OFLC website under the Prevailing Wage heading.

FEB
20

New iCERT System Enhancement: Reuse ETA Form 9035E Function.

On Monday, February 25th, the Office of Foreign Labor Certification will implement an enhancement to its Labor Condition Application (LCA) Electronic Filing Module within the iCERT System allowing employers or their authorized attorneys or agents to reuse previously filed LCAs under the H-1B, H-1B1, and E-3 visa programs. This new feature is expected to significantly reduce the administrative time and cost of preparing and submitting the ETA Form 9035E. To learn more about the new reuse feature please read this [factsheet](#).

FEB
13

H-2A Program Frequently Asked Questions, Round 8.

The Department of Labor has posted new FAQs for the H-2A program. Topics include custom combine activities, housing inspections, filing an application, rates of pay, reimbursable costs, surety bonds, and recruitment. These FAQs are available [here](#) and on the FAQs page of the OFLC website under the H-2A heading.

FEB
11

FY 2013 Selected Statistics by Program.

The Office of Foreign Labor Certification has posted updated program factsheets containing the FY 2013 Q1 selected statistics for the:

- [Permanent Labor Certification Program](#)
- [Prevailing Wage Determination Program](#)
- [H-1B Temporary Visa Program](#)
- [H-2A Temporary Agricultural Visa Program](#)
- [H-2B Temporary Non-agricultural Visa Program](#)

The program information included in the factsheets is for the 2013 Fiscal Year Q1 (October 1, 2012 - December 31, 2012). The updated program factsheets may also be found on OFLC's Performance Data [page](#).

FEB
4

H-2A Program Frequently Asked Questions, Round 7.

The Department of Labor has posted new FAQs for the H-2A program. Topics include signatures, job preferences, and fees. These FAQs are available [here](#) and on the FAQs page of the OFLC website under the H-2A heading.

FEB
1

H-2A Prevailing Wage Rates for the Sheepherding/Goatherding and the Open Range Production of Livestock Occupations: UPDATE.

On January 8, 2013, the Department published a notice in the Federal Register establishing new 2013 prevailing wage rates for certain occupations processed under H-2A special procedures, including for sheepherding/goatherding and open range production of livestock occupations which became effective immediately. See, 78 FR 1260 (Jan. 8, 2013). The Department is hereby updating prevailing wage rates for these occupations that must be offered and paid in certain states effective as of January 8, 2013. To access these prevailing wage rates please click [here](#).

[Archive](#)

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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 (1-877-872-5627) | TTY: 1-877-889-5627 | Fax: 1-202-693-2726 | [Contact Us](#)