



DEPARTMENT OF
CAREER SERVICES

Workforce Issuance

100 DCS 21.106

☐ Policy ☒ Information

To: Chief Elected Officials
MassHire Workforce Board Chairs
MassHire Workforce Board Directors
MassHire Career Center Directors
MassHire Fiscal Officers
MassHire DCS Operations Managers

cc: WIOA State Partners

From: Diane Hurley, Acting Director
MassHire Department of Career Services

Date: January 23, 2023

Subject: **MassHire Career Centers' (MCCs) Role in Connecting US Job Seekers to Jobs with Employers seeking to Employ H-2B Nonimmigrant Foreign Workers Certified for Work Starting in FY2023**

Purpose: To notify MassHire Workforce Boards, MassHire Career Center Operators, and other local workforce partners of the Department of Labor's (DOL's) Temporary Final Rule (TFR) related to their role in connecting US workers to employment opportunities with employers seeking to employ H-2B foreign labor.

Background: In response to strong demand for H-2B visas, Congress authorized a supplemental H-2B visa allocation for additional H-2B visas during FY 2023 for eligible employers whose employment needs during FY 2023 cannot be met under the general fiscal year statutory cap. Accordingly, DOL and DHS jointly published a TFR to exercise this authority to implement a supplemental visa allocation of 64,716 H-2B visas¹.

An equal opportunity employer/program.

Auxiliary aids and services are available upon request to individuals with disabilities.

TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

In Massachusetts, when applying for an H-2B visa, employers first recruit US workers by posting the job in JobQuest. The TFR includes a provision at 20 CFR 655.65(a)(5)(ii) requiring employers seeking access to a supplemental H-2B visa to:

- contact, by email or other electronic means, the nearest AJC serving the area of intended employment
- request staff assistance to advertise and recruit U.S. workers for the job opportunity

Because some MassHire Career Centers (MCC) may continue to offer virtual or remote services in combination with in-person services, the TFR requires employers to use electronic methods for the nearest MCC to meet the contact and disclosure requirements in this rule. This means that some employers may contact MCCs.

When contacting an MCC, the employers must provide the job order number or, if the job order number is unavailable, a copy of the job order placed on JobQuest.

Please note, the TFR directs employers to find MCCs using the DOL-sponsored website <https://www.careeronestop.org/LocalHelp/local-help.aspx>.

Action

Requested: MCCs should use established recruitment practices to help connect US job-seekers with job opportunities from employers seeking to employ foreign workers on supplemental H-2B visas.

Please share this issuance with all appropriate staff.

Effective: Immediately.

Inquiries: Please direct questions related to foreign labor certification to Jose Ocasio at jose.ocasio@mass.gov.

¹(See Consolidated Appropriations Act, 2022, Pub. L. 117-103, Div. O, Tit. I, § 204 (2022) and Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023, Pub. L. 117-180, Div. A, Tit. I, § 101(6) (2023)).