

MassWorkforce Issuance

100 DCS 21.101

☒ **Policy** ☐ **Information**

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

cc: WIOA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: October 28, 2015

Subject: **H-2B Related Job Order Procedures/Process**

Purpose: To notify Local Workforce Boards, One-Stop Career Center Operators and other local workforce partners of procedures for the processing of job orders filed at the One-Stop Career Centers (OSCCs) in connection with applications filed under the U.S. DOL H-2B Visa Program.

Background: With the implementation of the 2015 H-2B Interim Final Rule (INF), which became effective on April 29, 2015, several changes were made to the regulations to assure that U. S. workers who apply for H-2B related job opportunities, at local One-Stop Career Centers, are fully apprised of the material terms and conditions of employment.

Under the new regulation, employers are required to simultaneously submit their H-2B related job order to both the Chicago National Processing Center (CNPC) and the Department of Career Services (DCS, Foreign Labor Certification (FLC) Unit. The DCS Foreign Labor Certification (FLC) staff will be responsible for reviewing and processing all H-2B related job orders and notifying the CNPC of their findings. At the end of the CNPC review process, the CNPC analyst will send DCS FLC staff a copy of the “Notice of Acceptance” (NOA) which will direct further actions to be taken regarding the posting of the job order. All H-2B related job orders must be approved by the CNPC Certifying Officer, prior to being posted in MOSES/JobQuest.

One Stop Career Center role:

- Any employer seeking to file a job order in connection with a future H-2B related application must be directed to <http://www.mass.gov/lwd/employment-services/business-services/recruiting-and-hiring/hiring-foreign-workers/h-2b-non-agricultural-processing.html> for instructions on how to access the required forms for the filing of their job order.
- If Career Center staff become aware that an H-2B related job order has been posted in their service area, we ask that the job order be placed in a “closed” status and that the FLC unit be notified immediately via email at flch2b@detma.org (please include the Job Order Number in the subject line) in order for FLC staff to take appropriate action.
- Career Center staff shall only refer for employment those individuals who have been apprised of all the material terms and conditions of employment and who are qualified and will be available for employment.
- Career Center staff shall provide disclosure of all terms and conditions of employment in a language easily understood by the applicant. Please refer to MassWorkforce Issuance #09-16: *Language Services Assistance for Limited English Proficiency Customers*.
- Career Center staff must document referral activity in MOSES promptly, within 5 calendar days. Data collected by the MOSES system will be used by the FLC Unit to generate recruitment reports for the U.S. DOL Certifying Officer.

Note: Employer advertisements are required to direct applicants to apply for the job at the nearest local One-Stop Career Center office.

Action

Required: Please make certain that all appropriate individuals in your workforce area are notified and familiar with the policy and procedures outlined above and take necessary action to ensure compliance.

Effective: Immediately

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.