

# Mass Workforce Issuance

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**100 DCS 21-100**

☐ Policy

☒ Information

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**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:** March 30, 2016

**Subject:** **Office of Foreign Labor Certification Extension of Emergency Procedures  
for Backlogged H-2B Applications**

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**Purpose:** To notify Local Workforce Boards, One-Stop Career Center Operators and other local workforce partners that on March 28, 2016, the Office of Foreign Labor Certification ([OFLC](#)) announced an extension of emergency procedures for backlogged H-2B Applications through April 30, 2016.

**Background:** The Employment and Training Administration's (ETA) Office of Foreign Labor Certification (OFLC) is continuing to experience significant delays in processing employers' H-2B applications for certification. As explained in the public service announcement posted by the Department on February 19, 2016, these delays have been generated by several factors, the most significant of which was a 17-day certification processing pause at the Chicago National Processing Center (NPC) needed for OFLC to implement changes to comply with the revisions to the H-2B prevailing wage and certification standards contained in the Consolidated Appropriations Act, 2016 (2016 appropriations law), Public Law 114-113, 129 Stat. 2242 (Dec. 18, 2015).

The delays in the certification process that applicants are continuing to experience impair the ability of employers to hire foreign workers when needed, and create instability for small businesses that depend on temporary and seasonal workers. OFLC has concluded that the delays still impacting the timely processing of H-2B

applications constitute good and substantial cause under 20 CFR 655.17 for employers to request emergency procedures of their currently pending applications.

Therefore, employers with pending H-2B applications will be able to continue to request the emergency procedures under 20 CFR 655.17 through April 29, 2016, so that the Chicago NPC can complete the current application processing backlog. For H-2B applications filed on and between April 2 and April 29, the CNPC will accept requests for expedited procedures at 12:01 on April 4, and will no longer accept such requests at midnight April 29.

**Action**

**Required:** Please ensure that all appropriate OSCC staff and partners are aware of this information.