

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

Mass Workforce Issuance

100 DCS 21.100

☒ **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: August 14, 2015

Subject: **Processing H-2B, Temporary Non-Agricultural Employment Job Orders**

Purpose: To notify Local Workforce Boards, One-Stop Career Center Operators and other workforce investment partners of the changes, effective July 1, 2015, to the processing of H-2B related job orders. The H-2B program allows U.S. employers who meet specific regulatory requirements to bring foreign nationals to the United States to fill temporary non-agricultural jobs.

Background: On April 29, 2015, the Departments of Labor and Homeland Security jointly published new regulations governing the H-2B Temporary Non-agricultural Labor Certification Program. The new regulations went into effect immediately and forced several changes to the existing rule. The reason for these changes is to assure that U.S. workers who apply for a job opportunity through the Labor Exchange system are fully apprised of the material terms and conditions of employment.

Policy: One-Stop Career Center (OSCC) staff processing an H-2B related job order for an employer shall be aware of the requirement that each H-2B related job order must comply with specific content requirements outlined in the rule and provided via

the attached *H-2B Related Job Order Checklist*. While in transition of MOSES related changes, if specific requirements do not relate to a specific field in MOSES/JobQuest, they must be outlined, in detail, in the job description box.

New or current employers with Dates of Need (DON) **on or after October 1, 2015**, *MUST* be instructed to file the job offer directly with the Department of Career Services (DCS), Foreign Labor Certification Unit (FLCU) by flch2b@detma.org

OSCCs are expected to continue to refer qualified applicants to these jobs and to follow-up with employers within 5 business days. The results of the referral must be immediately documented in MOSES.

One-Stop Career Center staffs ***are not expected*** to review an employer self-posted H-2B job order for the language required under this rule. The Department of Career Services (DCS), Foreign Labor Certification Unit (FLCU), will monitor all employer self-posted H-2B related job orders during this transition period in order to identify and provide notification of deficiencies to the U.S. DOL, Chicago National Processing Center (CNPC).

Action

Required: Please assure that all appropriate individuals in your workforce development area are notified of this policy, and take necessary action to ensure compliance with its content.

Effective: Effective July 1, 2015

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

Attachment: H2B Related Job Order Checklist