Application for Temporary Employment Certification

U.S. Department of Labor

For Use in Filing Applications Under the H-2B Non-Agricultural Program <u>ONLY</u>

A. Attorney or Agent Declaration

I hereby declare under penalty of perjury... I understand that to knowingly furnish false information in the preparation of this form and any supplement hereto or to aid, abet, or counsel another to do so is a felony punishable by a $250,000 fine or 5 years in a Federal penitentiary or both (18 U.S.C. 1001).

1. Type of Representative (Attorney or Agent) Name	2. Last (Family) Name	3. First (Given) Name
4. Business Name		
5. Address 1		
6. Address 2		
7. City		8. State/Province
		9. Postal Code

B. Employer Declaration

By virtue of my signature below, I HEREBY CERTIFY the following conditions of employment:

1. The job opportunity and all material terms and conditions of employment are truly open, and no qualified, able, and willing U.S. worker was rejected for other than a lawful job-related reason, and employment is offered to U.S. workers on the same basis as offered to the alien.

2. The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.

3. The job opportunity is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute involving a work stoppage.

4. The wage offered equals or exceeds the prevailing wage and the employer will pay the offered wage during the entire period of the approved labor certification.

5. The offered wage is not based on commissions, bonuses, or other incentives, unless the employer guarantees a wage paid on a weekly, bi-weekly, or monthly basis.

6. The offered wage will be paid to the worker free and clear.

7. Upon the separation from employment of any worker(s) employed under the labor certification application, the employer will notify the Department of Labor.

8. The employer has not sought or received payment of any kind from any employee subject to the 8 U.S.C. 1184(c) or 20 CFR 655 for any activity related to obtaining labor certification, including payment of the employer's attorney or agent fees, application fees, or recruitment costs.

Case Number: _____   Case Status: _____   Period of Employment: _____ to _____

Application for Temporary Employment Certification
ETA Form 9142 – APPENDIX B.1
U.S. Department of Labor

9. The employer and its agents and/or attorneys have not sought or received payment of any kind from the employee for any activity related to obtaining labor certification, including payment of the employer's attorneys' fees, application fees, or recruitment costs. For purposes of this paragraph, payment includes, but is not limited to, monetary payments, wage concessions (including deductions from wages, salary, or benefits), kickbacks, bribes, tributes, in kind payments, and free labor.

10. Unless the H-2B worker is being sponsored by another subsequent employer, the employer will inform H-2B workers of the requirement that they leave the U.S. at the end of the period certified by the Department or separation from the employer, whichever is earlier, as required under § 655.35, and that if dismissed by the employer prior to the end of the period, the employer is liable for return transportation.

11. Upon the separation from employment of any foreign worker(s) employed under the labor certification application, if such separation occurs prior to the end date of the employment specified in the application, the employer will notify the Department and DHS in writing or any other method specified of the separation from employment not later than forty-eight (48) hours after such separation is discovered by the employer.

12. The employer will not place any H-2B workers employed pursuant to this application outside the area of intended employment listed on the Application for Temporary Employment Certification unless the employer has obtained a new temporary labor certification from the Department.

13. The dates of temporary need, reason(s) for temporary need, and number of worker positions being requested for certification have been truly and accurately stated on the application.

14. If the application is being filed as a job contractor, the employer will not place any H-2B workers employed pursuant to the labor certification application with any other employer or at another employer's worksite unless:

    (i)   The employer applicant first makes a bona fide inquiry as to whether the other employer has displaced or intends to displace a similarly employed U.S. worker within the area of intended employment within the period beginning 120 days before and throughout the entire placement of the H-2B worker, the other employer provides written confirmation that it has not so displaced and does not intend to displace such U.S. workers; and
    (ii) All worksites are listed on the certified Application for Temporary Employment Certification

I hereby designate the agent or attorney identified in section D (if any) of the ETA Form 9142 to represent me for the purpose of labor certification and, by virtue of my signature in Block 3 below, **I take full responsibility** for the accuracy of any representations made by my agent or attorney.

I declare under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge the information contained therein is true and accurate. *I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a felony punishable by a $250,000 fine or 5 years in the Federal penitentiary or both (18 U.S.C. 1001).*

1. Last (family) name	2. First (given) name	3. Middle initial
4. Title		
5. Signature		6. Date signed