

**JUSTIFICATION FOR EMERGENCY REQUEST FOR OMB APPROVAL
UNDER THE PAPERWORK REDUCTION ACT OF 1995
OF A NON-SUBSTANTIVE CHANGE TO AN ALREADY APPROVED
INFORMATION COLLECTION**

OMB Control Number: 1205-0509

Title: H-2B Application For Temporary Employment Certification, Appendix B

Justification and Instructions: On April 29, 2015, the Office of Management and Budget (OMB) approved the Department of Labor's (DOL) emergency request for changes to the information collections contained in OMB control number 1205-0509 due to rulemaking. The interim final rule (IFR), *Temporary Non-Agricultural Employment of H-2B Aliens in the United States*, was published and effective on the same date as the approval for the information collections, 80 FR 24042 (April 29, 2015).

As amended by the IFR, 20 CFR 655.15 allows employers to file ETA Form 9142B either electronically or by mail. As explained in the preamble to that regulation, upon receipt of the original certified ETA Form 9142B, the employer or its agent or attorney, if applicable, must complete the footer on the original Appendix B, retain the original Appendix B, and submit a signed copy of Appendix B, together with the original certified ETA Form 9142B directly to the Department of Homeland Security's U.S. Citizenship and Immigration Services. However, in the process of requesting the emergency changes to the Appendix B, DOL inadvertently omitted the change to the designation in the footer of Appendix B from "For Department of Labor Use Only" to "To Be Completed by Employer From a Certified ETA Form 9142B." And it also failed to change the instructions to reflect this new regulatory requirement.

The IFR also changed the recruitment requirements from pre-filing to post-filing of the application; therefore, the employers will not be able to fill in Section H of the ETA Form 9142B *Application for Temporary Employment Certification*. However, because deleting the section from the electronic form is very expensive, the Department simply wants to amend the instructions to the form to inform the filing public that it need not fill out this section.

The Department has determined it must amend current information collection to ensure that employers (and those who file H-2B applications on behalf of H-2B employers) know that they must manually fill in that bottom portion of the Appendix B after the application is approved and that they do not need to fill in Section H of the ETA Form 9142B. Therefore, we are requesting this non-substantive change to an already approved information collection. Because the information collection was approved under the emergency procedures of 5 CFR 1320.13, the public will be given a chance to comment on these changes and all others during the regular extension process DOL will initiate in the near future.