

NON-MATERIAL CHANGE REQUEST JUSTIFICATION

This non-substantive change request seeks: (1) to transfer Form ETA-9165, *Employer-Provided Survey Attestations to Accompany H-2B Prevailing Wage Determination Request Based on a Non-OES Survey*, and its associated burden from OMB Control Number 1205-0516 to OMB Control Number 1205-0509; (2) add a *Quick Start Guide* for the iCERT System; (3) provide a 508 compliant version of Form ETA-9142B, *H-2B Application for Temporary Employment Certification* and (4) propose to collect the following commonly available information from employers that will provide greater assistance to prospective U.S. applicants in applying for job vacancies: (a) a phone number where U.S. workers can apply; (b) an email address where U.S. workers can apply and (c) a website address where U.S. workers can apply.

An employer seeking H-2B temporary employment certification from the Department of Labor's (Department) Office of Foreign Labor Certification is required to complete Form ETA-9142B, *H-2B Application for Temporary Employment Certification*, and its accompanying form components, as applicable. For this process, in limited circumstances, an employer may request that the Department's National Prevailing Wage Center consider an employer-provided wage survey to determine the prevailing wage using Form ETA-9165. Form ETA-9165 is, therefore, really a component of the H-2B application process. Transferring the form will enable the agency to improve its management of the overall collection and provide the public a better understanding of the requirements. The transfer adds 278 responses from an equal number of respondents, 116 burden hours, and \$217,523 in other costs to control number 1205-0509. Once this action is completed the Department will submit a request to discontinue OMB Control Number 1205-0516, in order to remove the double counting of burden; consequently, there will be no overall change in respondent burden. Statutory and regulatory authorities for the ICR will remain unchanged, as both ICRs relied on the same legislation and regulations.

To provide better customer service and ensure better quality applications are submitted for review, OFLC created a separate *Quick Start Guide* that provides easy to understand steps and instructions for employers to use in filing H-2B applications using the iCERT System. The *Quick Start Guide* does not effectuate any change to the information collection, rather it clarifies the on-line system. Finally, as stated above the Department is providing a 508 compliant version of Form ETA-9142B.

Additionally, an employer seeking temporary labor certification under the H-2B visa program must submit an application and all required supporting documentation to the Department of Labor's (Department) Office of Foreign Labor Certification (OFLC) either electronically using the iCERT System (<http://icert.doleta.gov>) or by U.S. mail, and recruit for qualified U.S. workers before a temporary labor certification may be granted. The Department of Labor (Department) proposes to collect commonly available information from employers that will provide greater assistance to prospective U.S. applicants in applying for job vacancies. Once this information is collected from employers and the job opportunity is determined to be compliant with regulatory requirements, OFLC will make this information publicly available on the Department's existing electronic job registry that displays information about the employer's job opportunity and where U.S. workers can apply. The Department's electronic job registry for posting available job vacancies is required by 20 Code of Federal Regulations 655.144.