



Innovative Workforce Solutions

Workforce Innovation and Opportunity Act (WIOA)

H-2B Foreign Labor SWA Job Order Form

Foreign Labor Certification Unit
318 N Florence Street, Suite C, Casa Grande, AZ 85122

Submit to Desirae Diaz at ddiaz@azdes.gov or fax to (520) 836-5876.
Call (520) 866-3608 for any questions.

Did you receive a Prevailing Wage Determination for this H-2B job order? No Yes

EMPLOYER INFORMATION:

Employer/Business Name: \_\_\_\_\_

If applicable, Doing Business As (DBA): \_\_\_\_\_

FEIN: \_\_\_\_\_ Type of Business: \_\_\_\_\_

Business address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Mailing address, if different: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

JOB ORDER INFORMATION:

Worksite, if different from business address: \_\_\_\_\_

Daily travel to/from worksite provided: No Yes If yes, designated pickup location: \_\_\_\_\_

Title of job opening: \_\_\_\_\_ Number of openings: \_\_\_\_\_

Education required: \_\_\_\_\_ Experience required (in months): \_\_\_\_\_

Will you accept a trainee? No Yes Will on-the-job training (OJT) be provided? No Yes

Driver's License required: No Yes Class \_\_\_\_\_ Drug Testing: No Yes Pre Post

Job is: Full-time, temporary and (check one): peak load seasonal one-time occurrence intermittent

Dates of Employment: Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Work Hours: Start time: \_\_\_\_\_ End Time: \_\_\_\_\_ Total hours per week: \_\_\_\_\_

Work days: Sun Mon Tues Wed Thurs Fri Sat Varies

Salary: \$ \_\_\_\_\_ to \$ \_\_\_\_\_ per \_\_\_\_\_ Overtime offered: No Yes If yes, at what rate: \_\_\_\_\_

Pay Day: What day of the week: \_\_\_\_\_ Frequency of Pay: Weekly Bi-Weekly



- **First Work Week Reimbursement** – State that the employer will reimburse the worker in the first workweek for all visa, border, and related fees.

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- **Provision of Tools, Supplies, and Equipment** – State that the employer will provide all tools, supplies, and equipment at no cost to the worker.

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- **3/4th Guarantee** – 20 CFR 655.20(f) contains a requirement that the employer guarantee an offer of employment for total number of work hours equal to at least three-fourths of the workdays in each 12-week period (or each 6-week period if the period of employment is less than 120 days). However, section 113 of the 2016 DOL Appropriations Act prohibits the Department of Labor from expending Fiscal Year 2016 funds to enforce the three-fourths guarantee requirement. Therefore, the CNPC and SWA cannot require the employer to advertise and offer to workers the three-fourths guarantee. However, the 2016 DOL Appropriations Act did not vacate this regulatory provision, and it remains in effect, even though the Department will not use any Fiscal Year 2016 funds to enforce it. To help employers who want to offer and disclose the three-fourths guarantee, the following language may be included in the job order.

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**AGENT INFORMATION:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

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Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. Auxiliary aids and services are available upon request to individuals with disabilities. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1. • Free language assistance for DES services is available upon request • Ayuda gratuita con traducciones relacionadas a los servicios de DES está disponible a solicitud del cliente.

**EMPLOYER OBLIGATIONS:**

The employer's job order will offer to U.S. workers (this means anyone, including foreign-born residents, residing within the U.S. and/or its' territories) no less than the same benefits, wages, and working conditions the employer is offering, intends to offer, or will provide to H-2B workers. Job offers may not impose on U.S. workers any restrictions or obligations that will not be imposed on the H-2B workers. This does not relieve the employer from providing to H-2B workers at least the minimum benefits, wages, and working conditions which must be offered to U.S. workers consistent with H-2B regulations.

The employer must provide to an H-2B worker outside of the U.S. no later than the time at which the worker applies for the visa, or to a worker in corresponding employment no later than on the day work commences, a copy of the job order, in a language understood by the worker, including any subsequent approved modifications.

During the period of employment specified on the Application for Temporary Employment Certification, the employer must comply with all applicable Federal, State and local employment-related laws and regulations, including health and safety laws. This includes compliance with 18 U.S.C. 1592(a), with respect to prohibitions against employers, the employer's agents or their attorneys knowingly holding, destroying or confiscating workers' passports, visas, or other immigration documents.

**RECRUITMENT ACTIVITIES:**

Employers must conduct recruitment of U.S. workers to ensure there are not qualified U.S. workers who will be available for the positions listed in the Application for Temporary Employment Certification. U.S. applicants can be rejected only for lawful job-related reasons. Unless otherwise instructed by the Certifying Officer (CO), the employer must conduct the recruitment described in 655.42 through 655.46 within 14 calendar days from the date the Notice of Acceptance is issued. All employer-conducted recruitment must be completed before the employer submits the recruitment report as required in 655.48. Employers must continue to accept referrals and applications of all U.S. applicants interested in the position until 21 days before the date of need.

Employers that wish to require interviews must conduct those interviews by phone or provide a procedure for the interviews to be conducted in the location where the worker is being recruited so that the worker incurs little or no cost. Employers cannot provide potential H-2B workers with more favorable treatment with respect to the requirement for, and conduct of, interviews. The employer must consider all U.S. applicants for the job opportunity. The employer must accept and hire any applicants who are qualified and who will be available.

For more information visit the [H-2B Certification Website](#)<sup>1</sup>.

**TO BE COMPLETED BY THE SWA:** Job Order Number: \_\_\_\_\_

Employer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<sup>1</sup> [www.foreignlaborcert.doleta.gov/h-2b.cfm](http://www.foreignlaborcert.doleta.gov/h-2b.cfm)