



UNITED STATES DEPARTMENT OF LABOR

# **Office of Foreign Labor Certification CW-1 Nonimmigrant Visa Program**

## **Common Issues and Filing Tips**

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## Introduction:

The purpose of this webinar is to provide technical assistance and helpful tips for preparing the *Application for Prevailing Wage Determination* (Form ETA-9141C) in support of the CW-1 visa program, *CW-1 Application for Temporary Employment Certification* (Form ETA-9142C), the CW-1 Job Vacancy Announcement, and to cover some of the most pressing and common filing issues encountered.

These issues include common form deficiencies such as job duties, varying tasks, and excessive qualifications and requirements that are not normal and accepted. Other common deficiencies are within the recruitment report content, recruitment requirements, and failure to establish sole employer status or comply with job contractor filing.



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## Terminology:

- **CO** – Certifying Officer of the CW-1 program
- **CW-1 Application** – Form ETA-9142C, inclusive of appendices, a valid PWD and all other supporting or required documentation.
- **FLAG** – Foreign Labor Application Gateway (FLAG) System
- **Form ETA-9141C** or **PWD** – Prevailing Wage Determination, Application for Prevailing Wage Determination in support of the CW-1 Visa Program
- **Form ETA-9142C** – CW-1 Application for Temporary Employment Certification
- **JVA** – Job Vacancy Announcement
- **MDE** – Minor Deficiency E-mail
- **NOA** – Notice of Acceptance
- **NOD** – Notice of Deficiency
- **OFLC** – Office of Foreign Labor Certification
- **OEWS** – Occupational Employment and Wage Statistics
- **RFI** – Request For Information



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## *Application for Prevailing Wage Determination, Form ETA-9141C, in support of the CW-1 Visa Program*

### **Filing and Processing Tips**



## Form ETA-9141C: General Filing Tips

Vague job duties may result in an RFI. Provide specific job duties that will be performed by the worker for the employer addressing:

- Types of products
- Projects or services
- Processes
- Materials
- Equipment or tools



Reminder: The employer may elaborate on job duties in an RFI response but cannot remove duties.



## Form ETA-9141C: General Filing Tips, continued

- Do not use overly general statements that are not specific to the work being performed.
- Do not use all capital letters.
- Do not include irrelevant information such as the nature of the employer, weather related conditions, etc.



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## Form ETA-9141C:

### Answer the following, when applicable:

- What equipment or machines are being maintained and/or repaired?
- What types of vehicles being maintained and/or repaired? (truck, auto, bus, tractor, etc.)
- What type of engine is being maintained and/or repaired? (gasoline, diesel, etc.)
- Will the work be done at a manufacturing facility/repair shop or will it be done at a job site?
- When duties include driving a truck, what is the gross vehicle weight?
- What types of kitchen equipment and techniques are being used to prepare food?





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## Form ETA-9141C: All Requirements Must Match

Make sure each time you enter information about a requirement that you are not contradicting what you said before.

3. Is training for the job opportunity required? *		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3a. If "Yes" in question 3, specify the number of <u>months</u> of training required. § <b>24</b>	3b. Indicate the field(s)/name(s) of training required. § (May list more than one related field and more than one type) <b>Maintenance</b>	
4. Is employment experience required? *		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4a. If "Yes" in question 4, specify the number of <u>months</u> of experience required. § <b>12</b>	4b. Indicate the occupation(s) required. § <b>Maintenance</b>	
5. Special Requirements - List specific skills, licenses/certificates/certifications, and requirements of the job opportunity. * <b>Completion of a nine-week training course in equipment maintenance.</b> <b>Must have at least two years work experience with maintaining equipment.</b>		



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## Form ETA-9141C: Combinations of Occupations

- Many jobs include a variety of tasks that are in the definitions of several occupations.
- The determination will list the occupations and use the highest of those wages.
  - Found in Section F.d. and F.e.
  - Sometimes, this is shown as an addendum, so be sure to look towards the end of the PDF for the page that has all the occupations listed.



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## **Form ETA-9141C:** **Source of Wage**

1. When OFLC accepts the Governor's Survey as a proper value for the occupation, that is the wage used as required by regulation 20 CFR 655.410(b).
2. The law recognizes that not all occupations will have a wage value in the Governor's Survey.
  - a) When there is an OEWS mean wage for workers in Guam, that is the wage used pursuant to regulation 20 CFR 655.410(b).
  - b) When the OEWS does not have a mean wage for workers in Guam, for a particular occupation, OFLC regulations use an adjusted wage based upon:
    - The mean wage for all workers in the U.S.
    - Multiplied by a factor calculated using the mean wage for all workers in Guam compared to the mean wage for all workers in the U.S.; we call this the OEWS Adjusted Wage.



## ***CW-1 Application for Temporary Employment Certification, Form ETA-9142C***

### **Filing and Processing Tips**



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## Review of Common Deficiencies

### **Form ETA-9142C Filing and Processing Tips:**

- Improperly filed job contractor applications and recruitment
- Impermissible experience/education requirements
- Incomplete or improperly filed Form ETA-9142C

### **Recruitment and Advertisement Tips:**

- Inconsistencies within the JVA
- Inconsistencies between the JVA and Form ETA-9142C
- Notice of Posting deficiencies
- Recruitment Report deficiencies



## Form ETA-9142C Filing and Processing Tips

- CW-1 employers must complete all required fields in the CW-1 Application, and upload all required and relevant supporting documentation (e.g., Appendix B, job contractor agreement/contract, etc.) in OFLC's FLAG system.
- Do not use caps lock when completing forms.
- Do not respond to notices of deficiency with the following:
  - A vague response that does not quite address the deficiency(s).
  - A vague request for OFLC to modify the Application. Responses should note the specific change requested for the specific location on the Form ETA-9142C and/or Appendices, and give OFLC permission to make the change.
- Do not provide expired forms or appendices.



## Job Contractor

- A job contractor contracts services or labor on a temporary basis to one or more employer-clients. Job contractors **do not** exercise substantial, direct day-to-day supervision and control in the performance of the services or labor to be performed other than hiring, paying, and releasing the workers.
- ★ For example, filer, XYZ Corporation supplies temporary clerical staffing hires workers that are sent to its client, Acme Company, to answer phones and make copies. Acme Company, will exercise direct day-to-day supervision and control over the workers' tasks. XYZ Corporation, hires/fires and pays the workers as its employees. Therefore, XYZ Corporation is a job contractor, Acme Company is an employer-client.





## Job Contractor, Employer-Client Relationship

- Employer-client is a client that has entered into an agreement with a job contractor, under which the job contractor provides services or labor to the employer-client on a temporary basis. The employer-client **will** exercise substantial, direct day-to-day supervision and control in the performance of the services or labor to be performed.
- Job contractors and their clients are joint employers. The job contractor and its employer-client are at all times responsible for compliance with CW-1 program obligations and assurances. If DOL determines a violation occurred, either or both employers can be found responsible for remedying the violations and related penalties.



**TIP:** The CW-1 Application must clearly identify the joint employers (the job contractor and its employer-client) and the employment relationship (including the places of employment). The Appendix C must be signed by both the job contractor and the employer-client and include the contract or agreement that establishes the joint employers' relationship. A single application may support only one contract or agreement for one employer-client. **§ 655.421**





## Job Contractor Application Requirements

- Job Contractor (JC) filing requirements are listed in [20 CFR 655.421](#).
- A job contractor must have separate contracts with each different employer-client. A single contract or agreement may support only one CW-1 application for each employer-client job opportunity in the CNMI.
- Job contractor applications must provide an Appendix A identifying the employer-client information.
- Job contractor applications must submit two Appendix Cs. One Appendix C signed and dated by the job contractor and one Appendix C signed and dated by the employer-client.
- Common Deficiencies: The job contractor failed to indicate contractor status on the Form ETA-9142C, failed to provide a completed Appendix A, Appendix C for the employer-client, and/or failed to disclose a contract or agreement with the employer-client.



## Job Contractor Status

When an employer files as an individual employer, the CO may request clarification of the employer's status as possible job contractor based on the facts of the case, to include the following:

- The employer's industry classification (NAICS) code indicates it is a staffing company or temporary help services company.
- The employer has filed applications that include multiple disparate occupations and worksites.
- The employer submits a service agreement that indicates it will provide labor to a client.
- The employer refers to itself as a staffing company or manpower agency or similar.



## Job Contractor Status

The CO may issue a NOD or MDE to ask the employer to provide additional information, including:

- The nature of the employer's business and explanation of the need for workers in varying occupations at varying worksites.
- The names of the supervisors and nature/extent of supervision of workers at each worksite and payroll documentation demonstrating that the employer on the application employs the supervisors.
- A copy of any service/client agreement related to the CW-1 employment.
- Information regarding who retains control to hire/fire, maintain payroll, provide uniforms and tools/supplies/equipment, maintain scheduling, etc.



## Job Contractor Recruitment

- Job contractors and their clients are joint employers.
  - Either the JC or the employer-client must conduct recruitment.
  - Both of the joint employers must sign the recruitment report that is submitted to the NPC meeting the requirement set forth in [§ 655.446](#). (20 CFR 655.421(e)(1))
  - Joint employer recruitment must clearly identify both employers (the job contractor and its employer-client) by name and must clearly identify the place(s) of employment where workers will perform labor or services. (20 CFR 655.421(e)(2))



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## Job Contractor Advertisement Requirements

(20 CFR 655.421(e)(3)(i)(ii))

- The JC may combine its joint employers' advertisements into one ad when the employer-clients' opportunities are in the following same items:
  - dates of employment,
  - occupation,
  - requirements, and
  - terms and conditions.
- When the JC has multiple job opportunities and multiple employer-clients, but the job opportunities do not have the same items listed above, the advertisement must be specific to each job opportunity.
- Each advertisement must fully inform potential workers of the job opportunity available with each employer-client and otherwise satisfy the job offer assurances and advertising content requirements identified in [§ 655.441](#).



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## Job Contractor Advertisement Requirements

- Advertisements must clearly identify the following:
  - job contractor by name,
  - the joint employment relationship, and
  - the number of workers sought for each job opportunity, identified by employer-client names and locations.

**Example:** “...five openings with Employer-Client A (place of employment), three openings with Employer-Client B (place of employment).”

- Advertisements such as the JVA “**Additional Job Information**” field must contain the Job Contractor statement: (20 CFR 655.421(e)(3)(ii))

“Applicants may apply for any or all of the jobs listed. When applying, please identify the job(s) (by company and work location) you are applying to for the entire period of employment specified.”

★ **Reminder:** *If an applicant fails to identify one or more specific work location(s), that applicant is presumed to have applied to all work locations listed in the advertisement.*



## Impermissible Qualifications or Requirements

- Excessive education and/or experience: The education and/or experience requirements submitted in the application exceed the normal requirements for the assigned occupation.
- A qualification is “necessary to the individual’s ability to perform the job...” A requirement is “a term or condition of employment which a worker is required to accept...to obtain the job opportunity.”
- Qualifications and requirements must be bona fide, normal, and accepted among non-CW-1 employers in the same occupation.





## Impermissible Qualifications or Requirements

- The employer may only include the minimum experience or education required to perform the job, not preferred experience or education that exceeds the minimum required. The “employer must forego some of its preferences for its usual recruitment practices” to “comply with [CW-1] regulations” and ensure the job is open to U.S. worker applicants.
- OFLC primarily refers to its published data to determine normal and accepted minimum education and experience requirements. OFLC refers to O\*NET and BLS data for occupation norms such as tools, and special requirements, except for education and experience. OFLC may consult other sources or information from CNMI DOL if necessary.
- However, the burden is on the employer to demonstrate qualifications and requirements are bona fide, normal, and accepted.





## Impermissible Qualifications or Requirements

**Example of Occupation Norms:** Occupation Code 35-9021, Dishwashers, is classified as Job Zone One, meaning little or no previous work-related skill, knowledge, or experience is needed for these occupations. For example, O\*NET Help Page states Job Zone One Related Experience as “a person can become a waiter or waitress even if he/she has never worked before.” The education level for 35-9021 is “None” no education.



## Impermissible Qualifications or Requirements

- Requirements listed in **E.b.12, *Special Requirements***, must be specific and measurable/testable.

Examples of **unacceptable ambiguous/subjective requirements** are:

- Good moral character
  - Good communication skills
  - Honest and trustworthy
  - Strong interpersonal skills
  - Must be results oriented
  - Exceptional organizational skills
- Requirements must clearly relate to the occupation. Any listed requirements for the position that are not normal and unrelated to the occupation would generate a NOD.



## Incomplete or Improperly Filed Form ETA-9142C

- **Recruitment Information, E.e.1**, missing specific days and hours for applicants to apply for the job opportunity.
- Missing recruitment information or inconsistent phone numbers in items **E.e.1** and/or **E.e.2**.

e. Recruitment Information	
1. Explain <u>how</u> prospective U.S. applicants may be considered for employment under this job opportunity, including verifiable methods of contacting the employer, <u>and the days and hours applicants can apply for the job.</u> *	
2. Telephone Number to Apply *	3. Email Address to Apply *
4. Website address (URL) to Apply *	



## Incomplete or Improperly Filed Form ETA-9142C

- Employers filing for new employment must file no more than 120 calendar days before the date of need. New applications filed outside of this timeframe will be rejected without review.
- Employers filing for employment extension must file no more than 180 calendar days before the date on which the CW-1 status expires. Applications filed for renewal of approved employment will be rejected without review if filed outside of this timeframe.



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## Incomplete or Improperly Filed Form ETA-9142C: Mismatched Information

- **A.3** indicates 'No' to long term workers, but the period of need exceeds one year. Non-long-term workers are limited to one year.

3. <b>Long-Term Worker:</b> Is the employer seeking to employ a long-term worker who was previously issued a CW-1 visa or otherwise granted CW-1 status, as defined in 20 CFR 655.402? *	<input type="checkbox"/> Yes <input type="checkbox"/> No
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2. Workers Needed *		Period of Intended Employment	
		3. Begin Date: *	4. End Date: *

- ★ **TIP:** Do not repeat the start date for the end date.  
Example:

- April 1, 2024 – March 31, 2025, is one year.
- April 1, 2024 – April 1, 2025, is one year plus one day.

**End date**  
limited to one  
year after  
**Begin date**  
when A.3 is  
'No'



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## Incomplete or Improperly Filed Form ETA-9142C: Mismatched Information

- SOC (O\*NET/OEWS) Code and SOC (O\*NET/OEWS) Occupational Title in **E.a.1** and **E.a.2** are inconsistent with those issued on PWD. The entry in this field should be the same as the SOC code issued by the Department for the employer's job opportunity on the PWD Form ETA-9141C.

### E. Job Opportunity Information

#### a. Occupational Classification and PWD

1. SOC Occupational Code *	2. SOC Occupation Title *
<hr/>	
<b>F. Prevailing Wage Determination</b>	
<b>FOR OFFICIAL GOVERNMENT USE ONLY</b>	
1. PWD Tracking Number 500-23364-599924	2. PW Receipt Date 12/30/2023
3. SOC Code: 51-2023	a. SOC Occupation Title: Electromechanical Equipment Assemblers

★ **TIP:** F.3 and F.3a. of the 9141C is the assigned O\*NET/OEWS Occupational Code and Title in the PWD by the NPWC.





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## Incomplete or Improperly Filed Form ETA-9142C: Mismatched Information

- Requirements in **E.b.8, E.b.9, and/or E.b.10** are not consistent with requirements listed in **E.b.12**

### Example of Inconsistency

Anticipated days and hours of work per week [E.b.6]

Total Hours [E.b.6.a] 40

Monday [E.b.6.c] 8

Wednesday [E.b.6.e] 8

Friday [E.b.6.g] 8

Sunday [E.b.6.b] 0

Tuesday [E.b.6.d] 8

Thursday [E.b.6.f] 8

Saturday [E.b.6.h] 0

Hourly Work  
Schedule [E.b.7] 9:00 A.M. - 5:00 P.M.

Education [E.b.8] High School/GED

Training Months  
[E.b.9] 3

Experience Months  
[E.b.10] 24

Supervise Others? No  
[E.b.11]

**Special Requirements [E.b.12]** Must be High School Graduate with at least 3 months of training or work-related experience. Have knowledge of principles and processes for providing customer and personal services including handling of large group of arrival and departure and must be able to understand and follow instructions and out task in order and willing to work under pressure with the specified number of rooms or duties assigned in every day; and has the ability of extent flexibility that includes bending, twisting and lifting, willing to work in flexible shifts, days, evenings, weekend and holidays. Applicants either US Citizens and CW-1 workers must provide school credentials, training and employment certificates.



## Incomplete or Improperly Filed Form ETA-9142C: Mismatched Information

- ***Employer-Provided Tools and Equipment, E.d.5***, indicates “N/A” when the job is one that typically uses tools or equipment.

5. <b>Employer-Provided Tools and Equipment:</b> Workers will be provided, without charge or deposit charge, all tools, supplies, and equipment required to perform the duties assigned. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
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Many CW-1 jobs require the use of tools or equipment.

**Common examples:** Auto Mechanic, Commercial Cleaner, Farm Worker, General Maintenance & Repair Worker, Binding and Finishing Worker.

**§ 655.423(k)** requires employer provide all tools, supplies, and equipment required to perform the job, without charge to the worker, and to indicate this in the ETA-9142C and JVA.





## Incomplete or Improperly Filed Form ETA-9142C: Mismatched Information

- Employer's language on the application indicates it will provide housing or transportation, but **E.d.2, *Daily Transportation***, or **E.d.6, *Board, Lodging, or Other Facilities***, indicates "N/A"
- Employer charges workers for housing, but **E.d.7, *Deductions from Pay***, does not specify the amount of the deduction from a worker's pay and state that housing is optional, not mandatory.

★ **TIP:** Insert deduction type and amount and specify housing is optional, not mandatory.

7. <b>Deductions from Pay:</b> State all deduction(s) from pay and, if known, the amount(s). *



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## Incomplete or Improperly Filed Form ETA-9142C: Mismatched Information

- Item **E.d.3, *Overtime Available***, indicates “Yes,” but no OT wage is provided in **E.c.6a**

6. Basic Wage Rate Paid *		6a. Overtime Wage Rate Paid \$	
From: \$ ____ . ____ *	To: \$ ____ . ____	From: \$ ____ . ____	To: \$ ____ . ____

★ **TIP:** If **E.d.3** indicates “Yes”, then **E.c.6a** must list an OT wage




3. <b>Overtime Available:</b> Overtime hours will be available to the worker under this job offer and payable for every hour worked at the rate disclosed in this application. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
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## Incomplete or Improperly Filed Appendix C Attorney/Agent/Employer Declarations

- Only one page of the Appendix C submitted.
- Section **A, *Attorney or Agent Declaration***, is filled out with employer point of contact information instead of agent or attorney information.
- Section **B, *Employer Declaration***, not signed by the employer.
- Signature date is not current  
**Example:** Application filed on April 1, 2024, but Appendix C is signed and dated December 2023.
- If the employer is a job contractor, the employer-client must submit a separate Appendix C.  
 **TIP:** Appendix C must be signed and dated by the employer then uploaded to the application as a PDF. When there is an employer-client, the application must accompany an additional Appendix C (one per employer-client) signed and dated by the employer-client.



## Recruitment and Advertisement Tips

### Recruitment Report:

- Employers should review the instructions in the NOA and make sure their recruitment report includes all the required information.
- Employers should ensure the information in the recruitment report is consistent with information in the employer's Form ETA-9142C and JVA (i.e. number of workers requested, title of the offered position, etc).


### Job Vacancy Announcement:

- Employers should review the JVA instructions provided through CNMI DOL to make sure their advertisement includes all the required information.
- When there is a character limited field, or selection limited field use a free text field in the JVA application such as the “**Additional Job Information**” section to enter required information.



## Inconsistencies within the JVA

Many submitted JVAs show internal inconsistencies, such as:

- Education requirement in one section differs from education requirement listed in different sections (i.e. descriptive paragraphs or Additional Job Information).  
**Example:** The job requires a Bachelor's degree. The employer indicated a high school education is required in the Job Requirement free text field but then includes a Bachelor's degree requirement in the descriptive paragraph. The employer did not indicate its requirement of a Bachelor's degree clearly and concisely.
- Number of workers differ between the line item and the descriptive paragraphs.  
 **TIP:** Leave these items out of your descriptions and narratives.
- The employer's regulatory required statements are not listed in a free text field:
  - The three-fourths guarantee
  - Transportation and subsistence
  - Boarding, lodging, or other facilities, or assistance
  - Position is temporary
  - Paycheck deductions required by law and any deductions not required by law, such as any deductions for the reasonable cost of board, lodging, or other facilities.



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## Inconsistencies Between the JVA and ETA-9142C

Many applications are denied due to discrepancies between the ETA-9142C and the JVA. When running advertisement after a Notice of Acceptance is issued, employers must *ensure that all information in the JVA is consistent with the ETA-9142C*.

### Examples of inconsistencies:

- Inconsistent educational, experience, training, and/or special requirements between ETA-9142C and JVA. Requirements mismatch and/or the JVA list additional requirements.
- Training prior to hire: When the employer requires training obtained prior to hire, licensure, and/or certifications, it is considered job requirements. The employer must clearly specify its training prior to hire in “**Job Qualification Requirements**” section of the JVA.
- On-the-job training (OJT): OJT is not training prior to hire. When the employer will provide on-the-job training to workers after they are hired, the employer must clearly specify OJT in the “**Additional Job Information**” section of the JVA.
- Special Requirements: When the employer list Special Requirements in **E.b.12**, of the ETA-9142C the employer must clearly specify its special requirement in “**Job Qualification Requirements**” section of the JVA.





## Inconsistencies Between the JVA and ETA-9142C

### Examples of inconsistencies, continued:

- Offered Wage inconsistent.
  - Hourly: JVA wage is lower than the wage on ETA-9142C offered to foreign worker
  - Annual: If the employer is offering an annual salary or salary range, rather than an hourly wage, the employer should leave the hourly field blank or enter "N/A" and should instead complete the salary field.
    - Annual: JVA wage is lower than the wage on ETA-9142C offered to foreign worker
    - Annual Wage or Annual Wage Range with Overtime: When the employer offers overtime, the employer must list the hourly overtime rate or overtime hourly rate range in the "**Additional Job Information**" field of the JVA.
  - Wage Range: Another common deficiency is offered wage on the ETA-9142C is a wage range, JVA lists only the low end of wage range and not the full wage range.



## Inconsistencies Between the JVA and ETA-9142C

### Examples of inconsistencies, continued:

- Pay frequency inconsistent between ETA-9142C and JVA. (weekly vs bi-weekly)
- Day of pay: When the employer is offering a frequency of pay as weekly or over a different period (other than bi-weekly) the employer must then identify the day of pay in the “**Additional Job Information**” field of the JVA. The employer should not identify the day of pay when the employer intends to pay workers daily or bi-weekly.
- Inconsistent number of workers.
- Provisions such as daily transportation to worksite or that a company vehicle will be provided, tools, equipment, supplies, housing marked “Yes” on ETA-9142C but does not state these provision on JVA such as within the “**Additional Job Information**” or any free text field.





## Inconsistencies Between the JVA and ETA-9142C

### Examples of inconsistencies, continued:

- Dates of Need inconsistent.
  - Weekly work hours inconsistent between ETA-9142C and JVA (35 vs 40 hours per week).
  - Hourly work schedule per day inconsistent between ETA-9142C and JVA (9:00 am – 5:30 pm vs 7:00 am – 3:30 pm)
  - Workdays per week inconsistent between ETA-9142C and JVA (Monday – Friday vs Tuesday – Saturday).
  - Contact information is inconsistent between ETA-9142C and JVA or is missing.
- ★ **Reminder:** The job application instructions must provide the days and hours during which applicants may be interviewed for the job opportunity. When the employer chooses to conduct interviews, it must conduct interviews of both CW-1 and U.S. workers using the same interview process.



## Inconsistencies Between the JVA and ETA-9142C

**Example:** Discrepancy between the anticipated hourly work schedule listed on the ETA-9142C and the work schedule advertised on the JVA. (11:00am – 5:00pm versus 10:00am – 1:30pm and 5:00pm – 8:30pm)

### Anticipated days and hours of work per week [E.b.6]

Total Hours [E.b.6.a] 35

Monday [E.b.6.c] 5

Wednesday [E.b.6.e] 5

Friday [E.b.6.g] 5

Sunday [E.b.6.b] 5

Tuesday [E.b.6.d] 5

Thursday [E.b.6.f] 5

Saturday [E.b.6.h] 5

Hourly Work Schedule [E.b.7]  
11:00 A.M. - 5:00 P.M.

**Work Days Per Week:** Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday

**Work Hours Per Week:** 35

**Estimated Work Hours Per Day:** 7

**Hourly Work Schedule Per Day:**

Monday- 10:00am-1:30pm and 5:00pm-8:30pm

Wednesday- 10:00am-1:30pm and 5:00pm-8:30pm

Thursday- 10:00am-1:30pm and 5:00pm-8:30pm

Friday- 10:00am-1:30pm and 5:00pm-8:30pm

Sunday- 10:00am-1:30pm and 5:00pm-8:30pm



## Inconsistencies Between the JVA and ETA-9142C

**Example:** Required minimum education listed on the ETA-9142C is omitted from the job qualification requirements advertised on the JVA. Absence of education means no education required.

Education [E.b.8] High School/GED

Training Months 0  
[E.b.9]

Experience Months 24  
[E.b.10]

Supervise Others? No  
[E.b.11]

**Special Requirements** [E.b.12] MUST HAVE 24-MONTHS OF WORK RELATED EXPERIENCE. BASIC KNOWLEDGE EITHER IN MECHANICAL, OR ELECTRICAL AS A GENERAL MAINTENANCE.

### Job Qualification Requirements:

MUST HAVE 24-MONTHS OF WORK RELATED EXPERIENCE. BASIC KNOWLEDGE EITHER IN MECHANICAL, OR ELECTRICAL AS A GENERAL MAINTENANCE



## Inconsistencies Between the JVA and ETA-9142C

**Example:** The ETA-9142C states the position requires a Bachelor's and 60 months of total work experience, inclusive of 24 months of experience as a Christian School Administrator; however, the JVA did not state anywhere in the advertisement that a **total** of 60 months work experience is required and instead only stated the 24 months of specific experience.

Education [E.b.8] Bachelor's


Training Months 0  
[E.b.9]

Experience Months 60  
[E.b.10]

Special Requirements [E.b.12] Bachelors degree in Theology (maybe foreign equivalent).  
24-months experience as Christian School Administrator.

### Job Qualification Requirements:

Bachelors degree in Theology (maybe foreign equivalent).  
24-months experience as Christian School Administrator.

 **TIP:** Proofread the advertisement and ensure all information in the JVA and in the ETA-9142C is internally consistent within each document, and consistent between the two documents.



## Notice of Posting Deficiencies

- Employer fails to post the *CW-1 Application* in **two conspicuous locations** for **21 consecutive calendar days**.
- Employer does not post the **Form ETA-9142C CW-1 Application**, but instead posts:
  - a 'help wanted' notice
  - A copy of the JVA or job advertisement
  - Unfiled version of the ETA-9142C
- ★ **Reminder:** The regulations define *CW-1 Application* as the *Form ETA-9142C* and appendices, valid PWD, and all supporting or required documentation.



## Recruitment Report

Most common issues:

- Contact information not provided for all applicants.
- Final disposition for all applicants not provided.
- Employer did not provide the specific dates of the postings and/or JVA posting.
- Employer did not clearly state where the postings were displayed.
- Missing statement regarding whether the employer had former U.S. employees to contact, and, if so, the final disposition of that contact.
- The means and dates of contacting former U.S. employees not provided when applicable.





## Recruitment Report

Most common issues, continued:

- Recruitment Report not signed by the employer-client.
- Not submitting a CNMI DOL Job Vacancy Announcement (JVA) results page listing the JVA applicants.
- Applicant(s) listed on the JVA results page not listed in the employer's Recruitment Report.
- Contradictory information - employer states no applicants in the recruitment report but the JVA results page shows there were applicants.





# UNITED STATES DEPARTMENT OF LABOR

## Filing References for Employers

### ▶ FLAG User Guide

- OFLC provides a user guide to assist in filing applications and navigating the FLAG system, available here:  
<https://www.flag.dol.gov/programs/CW-1>.

### ▶ FLAG Processing Times

- OFLC provides application processing time information at  
<https://www.flag.dol.gov/processingtimes>.

### ▶ CNMI DOL Job Vacancy Announcement Instructions (JVA)

- CNMI DOL provides guidance for filing the JVA applications, available here:  
<https://labor.cnmi.gov/general-information/>

### ▶ ETA-9142C and 9141C Filing Guidance Presentation

- OFLC provides guidance for filing the Form ETA-9142C, available at:  
<https://www.dol.gov/agencies/eta/foreign-labor/programs/cw-1/videos/form-9142-c>.
- Guidance for filing the Form ETA-9141C is available at:  
<https://www.dol.gov/agencies/eta/foreign-labor/programs/cw-1/videos/form-9141C>.  
Additional prevailing wage filing guidance and tips are available here:  
<https://www.dol.gov/sites/dolgov/files/ETA/oflc/pdfs/CW-1-PW-Filing-Tips.pdf>



# UNITED STATES DEPARTMENT OF LABOR

## Protecting Workers and Program Integrity

### ▶ Reporting Human Trafficking

- File a report with the National Human Trafficking Hotline (NHTH) by calling the toll-free helpline at **1-888-373-7888**.
- Visit the NHTH for more information at <https://humantraffickinghotline.org/>

### ▶ Reporting Violations of Discrimination Based on Immigration Status or Citizenship

- For questions about the anti-discrimination provisions of the INA, call the DOJ Immigrant and Employee Rights (IER) section using the toll-free helpline at **1-800-255-8155**.
- Visit the DOJ-IER to file a charge at <https://www.justice.gov/crt/filing-charge>

### ▶ Reporting DOL Immigration Fraud or Program Abuse

- File a report with the DOL Office of Inspector General (OIG) by calling the helpline at **1-202-693-6999** or toll-free at **1-800-347-3756**.
- Visit the DOL-OIG to file a report at <https://www.oig.dol.gov/hotlinecontact.htm>



## End of the Presentation

# THANK YOU