OMB Approval: 1205-0509 Expiration Date: 05/31/2022

## H-2B Application for Temporary Employment Certification Form ETA 9142B – Appendix B U.S. Department of Labor



# For Use in Filing Applications Under the H-2B Non-Agricultural Program ONLY

#### A. Attorney or Agent Declaration

I hereby declare under penalty of perjury that I am an attorney for the employer, <u>or</u> that I am an employee of, or hired by, the employer listed in Section C of the Form ETA-9142B, and that I have been designated by that employer in accordance with 20 CFR 655.8 to act on its behalf in connection with this application, as evidenced by the attached agency agreement.

I HEREBY CERTIFY that I have provided to the employer the Form ETA-9142B and all supporting documentation for review and to the best of my knowledge the information contained herein is true and accurate, including the employer's declaration regarding activities I have undertaken on the employer's behalf in connection with this application. I understand that to knowingly and/or willfully furnish materially false information in the preparation of this form and any supplement hereto or to aid, abet, or counsel another to do so is a federal offense punishable by fines, imprisonment, or both (18 U.S.C. 2, 1001, 1546, 1621).

1. Attorney of	or Agent's Last (family) Name *	2. First (given) Name *	3. Middle Initial §
4. Firm/Busi	ness Name *		
5. Signature	*		6. Date Signed *
	er Declaration		
applicable to H-	initials and signature below, I HEREBY CERTI 2B workers and/or U.S. workers who are hired ktension thereof:	IFY my knowledge of and compliance with during the recruitment period for positions	the following conditions of employments covered by this application, including
Initials			
1.	The job opportunity is a bona fide, full-time requirements for which are consistent with temployers in the same or comparable occupa and requirements in the job order.	the normal and accepted qualifications ar	nd requirements imposed by non-H-2B
2.	There is no strike or lockout at any of the emplis requesting an H-2B certification.	loyer's worksites within the area of intended	employment for which the employer
3.	The job opportunity was/is open to any qualifie national origin, age, sex, religion, disability, or has a lawful, job-related reason(s) for the reject	citizenship. U.S. workers who apply for the	e job will be hired, unless the employer
4.	The employer has not/will not offer terms, wagnoffered or will be offered to H-2B workers or im workers. This does not relieve the employer fr working conditions that must be offered to U.S 655.18(b)(17).	npose restrictions or obligations on U.S. wor rom providing H-2B workers with at least the	kers that are not imposed on H-2B e minimum benefits, wages, and
5	The offered wage equals or exceeds the higher wage determination for the occupation that is it approved Application for Temporary Employm of a prevailing wage determination, the Depart the employer's application or certified period of the new prevailing wage or the applicable F Department. The employer will pay at least the payable at par, during the entire period of this computing wages due.	issued by the Department to the employer, ent Certification, for the time period the wo tment issues a new or revised prevailing wo femployment, the employer must offer a wederal, State, or local minimum wage, unlesse offered wage, free and clear, either in ca	as reflected on the employer's rk is performed. If, after the issuance age determination that is assigned to vage that equals or exceeds the highest ess notified otherwise by the sh or in a negotiable instrument

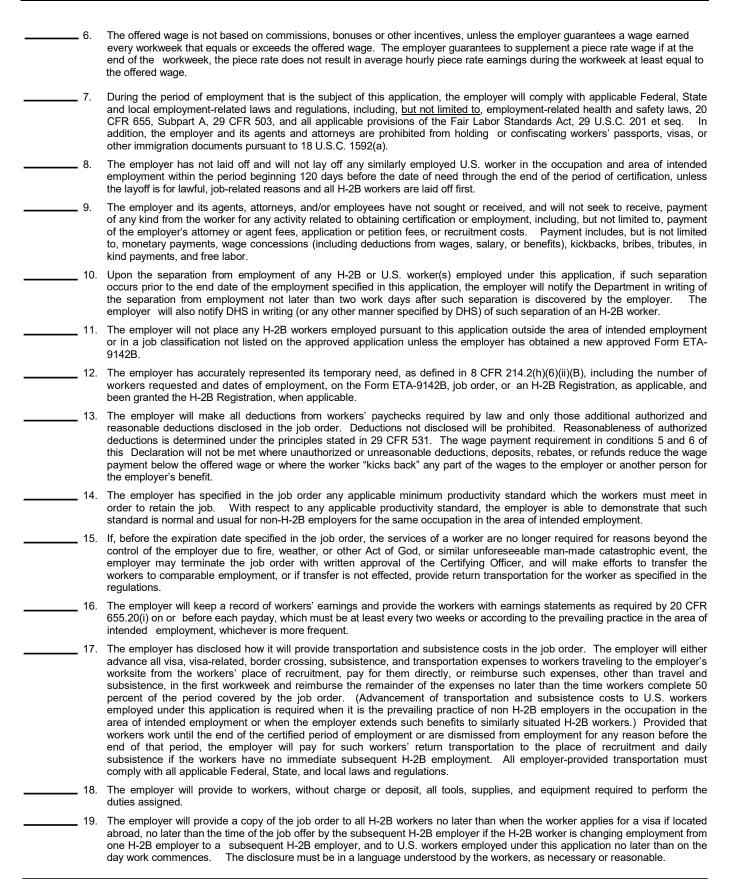
Form ETA-9142B – Appendix B Page B.1 of B.3

<sup>&</sup>lt;sup>1</sup> The Department of Labor Appropriations Act, 2016, Division H, Title I of Public Law 114-113 ("2016 DOL Appropriations Act"), prohibited the Department of Labor ("Department") from using any funds to enforce the definition of corresponding employment found in 20 CFR 655.5 or the three-fourths guarantee rule definition found in 20 CFR 655.20, or any reference thereto. See Sec. 113. This appropriations rider has been included in the continuing resolutions that have passed throughout FY 2017 and FY 2018, as well as in the Department of Labor Appropriations Act, 2018, Division H, Title I of Public Law 115-141 ("2018 DOL Appropriations Act"). Therefore, in order to comply, the Department has removed references to these provisions from the Form ETA-9142B – Appendix B. However, the 2016 DOL Appropriations Act, continuing resolutions, and 2018 DOL Appropriations Act did not vacate these regulatory provisions, and they remain in effect, thus imposing a legal duty on H-2B employers, even though the Department will not use any funds to enforce them until such time as the appropriations rider may be lifted.

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20. The employer has posted a Department-provided poster detailing H-2B and U.S. workers' rights and pro conspicuous location at the place of employment. The employer will request and post additional posters in languate to a significant portion of the workers if they are not fluent in English.	ges common			
blacklist, discharge, or in any other manner discriminate against any person who, with respect to 8 U.S.C. 1184(c), Subpart A, 29 CFR 503, or any other Department regulation promulgated thereunder, has filed a complaint; institute to be instituted any proceeding; testified or is about to testify; consulted with a worker's center, community organ	The employer has not and will not (and has not and will not cause another person to) intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against any person who, with respect to 8 U.S.C. 1184(c), 20 CFR 655, Subpart A, 29 CFR 503, or any other Department regulation promulgated thereunder, has filed a complaint; instituted or caused to be instituted any proceeding; testified or is about to testify; consulted with a worker's center, community organization, labor union, legal assistance program, or attorney; or exercised or asserted on behalf of himself/herself or others any right or protection.			
22. The employer has and will contractually forbid in writing any agent or recruiter (or any agent or employee of secruiter) whom the employer engages, directly or indirectly, in international recruitment of H-2B workers to se payments or other compensation from prospective workers. The employer and its attorney and/or agent have this application to the Department a copy of all agreements with any agent or recruiter whom it engages or plans the international recruitment of H-2B workers, as well as the identity and location of all persons or entities hired for the agent or recruiter, and any of their agents or employees, to recruit prospective foreign workers for opportunities offered by the employer.	ek or receive provided with to engage in by or working			
to: additional recruitment if required by the Certifying Officer and contacting all of its former U.S. workers emp	The employer will conduct all required recruitment activities pursuant to 20 CFR 655.40 through 655.46 including but not limited to: additional recruitment if required by the Certifying Officer and contacting all of its former U.S. workers employed in the occupation at the place of employment during the previous year, disclosing the terms of the job order, and soliciting their return, unless they were dismissed for cause or abandoned the worksite.			
24. The employer has and will continue to cooperate with the SWA by accepting referrals and will hire all qualified and workers who apply for the job opportunity until 21 days before the date of need.	The employer has and will continue to cooperate with the SWA by accepting referrals and will hire all qualified and eligible U.S. workers who apply for the job opportunity until 21 days before the date of need.			
25. The employer will cooperate with any agent or employee of the Secretary of Labor who is exercising or attempting the Department's authority pursuant to 8 U.S.C. 1184(c), including investigations as described in 29 CFR 503.25.				
	The employer will retain all documents pertaining to this application and registration, the recruitment-related documents, the payroll records, and related documents for three years as required by the regulations at 20 CFR 655.56 and 29 CFR 503.17.			
I hereby designate the agent or attorney identified in Section E (if any) of the Form ETA-9142B to represent me for the purpose of labor certification and, by virtue of my signature in Block 5 below, I take full responsibility for the accuracy of any representations made by my agent or attorney on every page of the Form ETA-9142B and documentation supporting this application.				
I declare under penalty of perjury that I have read and reviewed this application, including every page of the Form ETA-9142B and documentation, and that to the best of my knowledge the information contained therein is true and accurate. I understand that and/or willfully furnish materially false information in the preparation of this form and any supplement thereto or to aid, abet, or cound do so is a federal offense punishable by fines, imprisonment, or both (18 U.S.C. 2, 1001, 1546, 1621).	to knowingly			
1. Last (family) Name * 2. First (given) Name * 3. Middle Initial §				
4. Title *				
5. Signature *  6. Date Signed *				

#### Public Burden Statement (1205-0509)

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 2 hours and 10 minutes to complete the form and its appendices, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and reviewing the collection of information. The burden estimate is as follows: 9142B- 55 minutes, Appendix A- 15 minutes, Appendix B- 15 minutes, Appendix C- 20 minutes, Appendix D- 10 minutes, and recordkeeping- 15 minutes. The obligation to respond to this data collection is required to obtain/retain benefits (Immigration and Nationality Act, 8 U.S.C. 1101 et seq.). Please send comments regarding this burden estimate or any other aspect of this information collection to the U.S. Department of Labor \* Employment and Training Administration \* Office of Foreign Labor Certification \* 200 Constitution Ave., NW \* Box PPII 12-200 \* Washington, DC \* 20210 or by email to ETA.OFLC.Forms@dol.gov. Please do not send the completed application to this address.

Form ETA-9142B – Appendix B Page B.3 of B.3