H-2B Temporary Labor Certification Program

Application Process and Helpful Filing Tips

June 2026

Office of Foreign Labor Certification
Employment and Training Administration
U.S. Department of Labor

For Government Training Use Only (June 2026)

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Overview of the Immigration Process

Step 1

Obtain a labor certification from the **Department of Labor (DOL)**

– Requires conducting a labor market test with the State Workforce Agency (SWA) where work will be performed.

Step 2

Obtain an approved petition from the **Department of Homeland Security (DHS) United States Citizenship and Immigration Services (USCIS)** for a specific number of workers under H-2B visa classification.

Step 3

After receiving USCIS petition approval, workers apply with one of the **Department of State (DOS)** visa-issuing embassies or consulates abroad for an H-2B visa.

Step 4

After receiving the visa from DOS, workers arrive at a port of entry where **DHS's Customs and Border Protection** officers verify eligibility for admission and length of stay.

Department of Labor

Office of Foreign Labor Certification - Overview

- OFLC *electronically* processes labor certification applications through the Foreign Labor Application Gateway (FLAG) at https://flag.dol.gov
- OFLC programs are divided, by visa classification, into two major types:

Immigrant

Permanent (PERM) Program
"green card"

Immigrant and Non-Immigrant

Prevailing Wage Determination

Non-Immigrant

H-1B, H-1B1, E-3 Skilled Occupations Visas

H-2A Temporary Agricultural Visa

H-2B Temporary Non-Agricultural Visa

CW-1 Temporary Non-Immigrant CNMI

H-2B Visa Program

Current Regulatory Authority

Departments of Labor and Homeland Security jointly published two regulatory actions effective on April 29, 2015

- Interim Final Rule (IFR): Temporary Non-Agricultural Employment of H–2B Aliens in the United States

  https://www.govinfo.gov/content/pkg/FR-2015-04-29/pdf/2015-09694.pdf

- Final Rule: Wage Methodology for the Temporary Non-Agricultural Employment in the H–2B Program

  https://www.govinfo.gov/content/pkg/FR-2015-04-29/pdf/2015-09692.pdf

H-2B Visa Program

DOL Administrative Authority

- A Temporary Labor Certification (TLC) granted by DOL serves as advice to DHS regarding whether . . .
  1. A qualified U.S. worker is available to fill the petitioning H–2B employer's job opportunity; and
  2. A foreign worker's employment in the job opportunity will not adversely affect the wages or working conditions of similarly employed U.S. workers
- DHS regulations also require DOL to "*determine the prevailing wage applicable to an application for temporary labor certification*..." *8 CFR 214.2(h)(6)(iii)(D)*

H-2B Visa Program

DOL Administrative Authority

Employment and Training Administration (ETA) Office of Foreign Labor Certification (OFLC)

- TLC determinations are made by the OFLC Administrator within the ETA who, in turn, may delegate this authority to a designated National Processing Center (NPC) Certifying Officer (CO)

https://www.dol.gov/agencies/eta/foreign-labor

Wage and Hour Division (WHD)

- Investigates and enforces the terms and conditions of employment in the H-2B temporary labor certification

https://www.dol.gov/agencies/whd/immigration/h2b

H-2B Visa Program

General Overview

- Enable U.S. employers to hire nonimmigrant workers to perform temporary nonagricultural labor or services
- The nature of the employer's need for the services to be performed must be temporary and qualify under one of the following standards defined by DHS:
  - One-time occurrence
  - Seasonal
  - Peakload
  - Intermittent

Important Reminder: Additional DHS guidance on temporary need is at https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-2b-non-agricultural-workers/guidance-on-temporary-need-in-h-2b-petitions

H-2B Visa Program

General Overview

- Major steps involved for an employer to obtain a TLC

STEP 1 Employer requests a prevailing wage determination (PWD) for the job opportunity and area of intended employment

STEP 2 Employer submits a job order to the SWA serving the area of intended employment

STEP 3 Employer submits an H-2B application and all supporting documentation to OFLC for processing

STEP 4 OFLC reviews the H-2B application and, where requirements are met, authorizes the recruitment for U.S. workers

STEP 5 OFLC issues a TLC determination

H-2B 101 Presentation Recording: https://www.youtube.com/watch?v=XJ-B3sJ5-Ww

H-2B Visa Program

Temporary Need Registration Process

- H-2B regulations contain a separate registration process for DOL to determine an employer's temporary need, subject to review by DHS *(20 CFR 655.11 and 655.12)*.
- Since DOL has not implemented this registration process via notice in the *Federal Register*, OFLC makes a temporary need determination during review of the H-2B application.
- However, on November 2, 2022 DOL agreed in a court order to take the following actions related to the H-2B registration process:
  - Rescind the registration process in a future regulatory action (TBD); and
  - In the interim, use the Notice of Acceptance (NOA) procedures to inform an employer of OFLC's temporary need determination.

Visit the OFLC website to read the court order issued by the U.S. District Court for the Central District of California in *Padilla Construction Company,* No. 2:18-cv-1214 (C.D. Cal. Nov. 2, 2022) at https://www.dol.gov/agencies/eta/foreign-labor/news

H-2B Visa Program

Temporary Need Registration Process

- OFLC will continue to review the nature of the employer's temporary need during the application process.
- Provided all program requirements are met, OFLC will use the NOA procedures at 20 CFR 655.33 to inform the employer of the following:
  - The nature of its need for H-2B workers in the job opportunity is temporary, subject to DHS review as the final arbiter;
  - Provide a unique temporary registration number associated with the employer's job opportunity and period of need;
  - State the activation period for the Temporary Need Registration Number (TNRN), which may last for up to 3 years; and
  - Provide notification that, in future H-2B applications, OFLC may use the Notice of Deficiency (NOD) procedures at 20 CFR 655.31 where the employer's temporary need is called into question.

H-2B Visa Program

Temporary Need Registration Process

- Effective for all applications filed on and after January 1, 2023
- OFLC will issue the unique temporary need registration number (if not previously issued), activation period, and all terms and conditions within the body of the email that also contains the official NOA as an attachment

Sent: Friday, November 18, 2022 4:33 PM
To: EMPLOYER-AGENT-ATTORNEY EMAIL ACCOUNT
Subject: [DO NOT REPLY] OFLC Correspondence for Case H-400-22298-549014

OFFICIAL GOVERNMENT NOTIFICATION

H-2B Temporary Nonagricultural Visa Program

Notice of Acceptance

This electronic communication serves as official notice that the H-2B Application for Temporary Employment Certification, H-400-22298-549014, seeking labor certification under the H-2B visa program has been reviewed and accepted for processing. Please carefully review the information contained in the Notice of Acceptance attached to this email and comply with all instructions and requirements applicable to the employer.

TEMPORARY NEED DETERMINATION INFORMATION

Temporary Need Registration Number: H2B-REG-00000009

End Date of Activation Period: 11/17/2025

H-2B Visa Program

Temporary Need Registration Process

- Please retain the temporary need registration number and activation period in the event future H-2B applications for the same job opportunity are filed by the employer.
- In a future H-2B application for the same job opportunity, employer will link the temporary need registration number on Field B.8, Form ETA-9142B, during the activation period in lieu of providing a detailed statement of temporary need or other supporting documentation.
- The temporary need registration number cannot be transferred from one employer to another unless the employer to which it is transferred is a successor in interest to the employer to which it was issued.

Important Tip: Employers should not "paste" in the temporary need registration number. If the FLAG system does not allow linking, and the employer pastes in the number, the employer will receive a notice of deficiency asking to remove the temporary need registration number from the application.

H-2B Visa Program

Temporary Need Registration Linking in Flag

The following is a list of criteria that must match between the original case to link a registration number:

- The original registration number status must be active
- The originating case which issued the initial registration number must match the following values on the current Form ETA-9142B
  - Type of Need (field B.7)
  - Employer FEIN (field C.12)
  - Primary Worksite MSA (field F.b7)
- The employer may request to increase the number of workers noted in the H-2B Registration by no more than 20 percent (50 percent for employers requesting fewer than 10 workers). 20 CFR 655.35.

H-2B Visa Program
Temporary Need Registration Linking in Flag

- The current case must not have changed by more than a total of 30 calendar days for the entire period of need compared to the original period of employment associated with the registration number issued.

- If an employer cannot access a temporary need registration number for electronic linking purposes in FLAG, section B.8 of the Form ETA-9142B must be completed for OFLC to issue a new temporary need registration number available for subsequent linking.

H-2B Visa Program

Temporary Need Registration Process

- CO may use the NOD procedures in the following circumstances:
  - Temporary need registration number entered on a future application is inaccurate, inactive, or associated with a different employer or job;
  - Nature of the job classification, duties, number of workers needed, and/or period of need for the job opportunity has materially changed;
  - Nature of the employer's need for temporary services or labor to be performed has materially changed, or
  - CO receives information or documentation suggesting that the nature of the employer's need may not be temporary.

- If the CO determines that the nature of the employer's need is temporary, a new temporary need registration number will be issued for another period of time of up to 3 years.

H-2B Visa Program

Temporary Need Registration Linking in FLAG

If you cannot link a registration number to a Form ETA-9142B, please do the following:

- Ensure there are not any material changes within the application.
- Make sure the correct registration number is being used.
- Re-review the application data to ensure everything is correct.

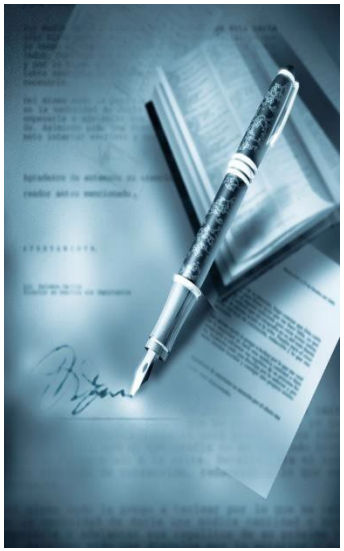
Below is a link to the FLAG user guide:

https://flag.dol.gov/sites/default/files/2023-11/Final_OFLC%20Application%20Modernization_How%20To%20Submit%20A%20ETA-9142B%20Application%20User%20Guide.Draft%20Update10.30.pdf

TNRN - Temporary Need Evidence

For employers who were granted Temporary Need Registration Numbers (TNRNs) which are expiring, the employer must submit new documentation supporting the type of temporary need and number of workers requested to obtain a new TNRN for 3 years.

OFLC will continue to accept an H-2B application with a TNRN if it is valid at the time of filing.



Section I

Application Filing Process

H-2B Visa Program

Application Filing Process

- The application filing window opens on July 3, 2026, at 12:00 a.m. Eastern Time
- On July 3, 4, and 5, 2026, the Office of Foreign Labor Certification (OFLC) will accept all timely filed applications containing an October 1, 2026, or later start date of need (i.e., three-day filing window)

H-2B Visa Program

Application Filing Process

- On July 6, OFLC will randomize **all** applications with October 1 start date and received in this three-day filing window using the procedures published in the Federal Register on March 4, 2019
- Randomized applications will be assigned to groups:
  - Group A will include a sufficient number of applications (about 35,000 worker positions) to fill the statutory visa cap
  - Each subsequent group will total no more than 20,000 worker positions

H-2B Visa Program

Application Filing Process

- Once randomization is completed:
  - ✓ Employers (and their agent/attorney) will be notified in writing of their group assignment
  - ✓ Group A applications will be assigned to analysts for review and issuance of first action decisions
  - ✓ After all first actions are issued for Group A applications, Group B applications will be assigned to analysts for review and issuance of first action decisions
  - ✓ Applications will be issued a 1st action as each successive stage in the labor certification process is completed

- OFLC will publish the list of applications received and their group assignment within five business days after the randomization process has been completed

H-2B Visa Program

Application Filing Process and FLAG System

- Employers and their authorized representatives can set up FLAG system accounts at https://flag.dol.gov
- Registered users are able to complete profiles, manage network users, and access other helpful tools to allow differentiated levels of access for point of contacts and other authorized users
- All communications regarding the processing of applications, supporting documentation, and case status updates are updated real-time in the FLAG system account
- The FLAG system also maintains a dedicated webpage that provides employers with up-to-date processing times for each immigrant and nonimmigrant visa program administered by OFLC at Processing Times | Flag.dol.gov
- FLAG functionality is continuously enhanced to improve customer service and application processing

H-2B Visa Program

Processing Times Report

- Updates will be available through the FLAG System every **Monday, Wednesday, and Friday** until the visa cap is met
- The first posting will be on July 10, 2026

-- EXAMPLE --

Filing Window	STEP 1	STEP 2		STEP 3	STEP 4
	Total Cases Submitted[3] & Positions Requested	Total Cases Issued First NOA or NOD	Percent Issued NOA or NOD	Total Cases Pending – Post NOA or NOD Issued[4]	Total Cases Issued Final Decision & Workers Certified
Jan 1-3 Group A[5]	2,007 (34,868 Workers)	2,007	100.0%	7 (89 Workers)	2,000 (33,908 Workers)
Jan 1-3 Group B[6]	1,086 (19,104 Workers)	1,086	100.0%	5 (54 Workers)	1,081 (18,353 Workers)
Jan 1-3 Group C[6]	1,059 (18,997 Workers)	1,059	100.0%	23 (307 Workers)	1,036 (17,911 Workers)
Jan 1-3 Group D[6]	1,088 (18,589 Workers)	1,088	100.0%	107 (1,677 Workers)	977 (16,405 Workers)
Jan 1-3 Group E[6]	236 (4,154 Workers)	236	100.0%	77 (1,252 Workers)	158 (2,847 Workers)
Jan 1 – 3[6]	2 (30 Workers)	2	100.0%	2 (30 Workers)	--

H-2B Visa Program

Application Filing Process – What to File

Employer will submit the following documents:

- Form ETA-9142B
  - Appendix A – Additional work site locations (if applicable)
  - Appendix B – Signed, initialed and dated copy of the original form (required)
    - **Appendix B that expires on June 30, 2026, will be accepted as long as it is signed timely.**
  - Appendix C – Foreign labor recruiter information (if applicable)
  - Appendix D – Job contractor employer-client information (if applicable)
- Copy of the job order concurrently submitted to the State Workforce Agency (SWA)
- Agent agreement/documentation demonstrating authority to represent the employer (if applicable)
- Copies of all contracts/agreements with any agent and/or recruiter engaged in international recruitment of H-2B workers (if applicable)

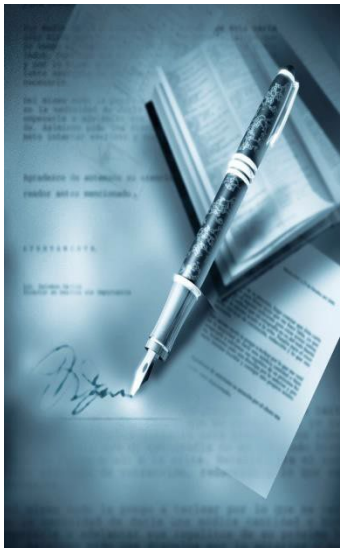
Important Reminder: Employers should provide certified translations of any contracts or agreements which are not in English to assure timely processing.

H-2B Visa Program

Application Filing Process – What to File

- Required documents (continued)
  - Occupations involving special procedures must submit other required documents (e.g., work itinerary on Appendix A)
  - Copy of Migrant and Seasonal Agricultural Worker Protection Act (MSPA) registration for the employer or agent, (if applicable) or Wage and Hour acknowledgment letter.

- Additional documents for **H-2B job contractors**
  - Appendix D – Identifying the one employer-client associated with the job opportunity.
  - Appendix B – Signed and dated copy of the original form employer-client.
  - A separate statement of temporary need for the employer-client on the Form ETA-9142B Section B.8 (include only one attachment)
  - Copy of an executed contract with employer-client.



Section II

Helpful Hints and Reminders

Form ETA-9142B (H-2B Application)

- Employers must complete all required fields and upload all required and relevant supporting documentation (e.g., *Appendix B*, MSPA registration i.e. Farm Labor Contractor/Employee (FLC/E) documents, job contractor agreement/contract, etc.)
- Both the signature on the *Appendix B* must be a wet (pen/ink) signature, as well as the initials on each attestation
- Section A of *Appendix B* should not be completed if the employer is not represented by an agent or attorney

Good Practice:

– The employer's signature on the Appendix B should be **original** and dated concurrently with an application.

Form ETA-9142B, Temporary Need

- Statement of Temporary Need must be included in Section B.8 **OR** a hyperlinked registration number must be in Section B.8
- An attachment should only be included if additional space is needed **AND** there is no hyperlinked registration number
- "See Attached" with no explanation in Section B.8 will result in a Notice of Deficiency (NOD)

Form ETA-9142B, Temporary Need

Note: If the employer hyperlinks its registration number AND also submits a statement of temporary need narrative, it will slow down processing. If there are no material changes to the application, only the hyperlinked registration number in Section B.8 is acceptable.

Reminder: The burden of proof is on the employer to provide evidence which substantiates its temporary need.

Multiple Filings

- In accordance with Departmental regulations at 20 CFR 655.15(f), only one Application for Temporary Employment Certification may be filed for worksite(s) within one area of intended employment for each job opportunity with an employer for each period of employment.

- If multiple filings are submitted during the three-day filing window, all applications will receive a NOD requesting that the employer demonstrate that the job opportunities are not the same.

- Employers may not separate filings according to whether they are intended for cap-subject workers and cap-exempt workers. If the jobs are the same, there may only be <u>one filing.</u>

Multiple Filings After a Certification

- An employer who receives a certification and employs <u>any number</u> of H-2B workers pursuant to that certification may <u>not</u> submit a subsequent application for the same need
- Any new filing must demonstrate a new need and a need for additional workers over and above those already certified
- An employer who receives a certification but does not employ <u>any</u> H-2B workers pursuant to that certification may "return" the completely unused certification and file a new application (with a later start date) to cover the same need

Returning a Labor Certification

The employer can return a temporary labor certification that is no longer needed using the following procedures:

- Email the NPC at oflc.tlc@dol.gov
- Include the phrase "H-2B Cert Return Notification" followed by the full case number in the email subject line
- Include the full case number and employer name in the body of the email and a brief explanation as to the certification return

Good Practice:

– Good example of email language: "Acme Company will not use the certification for H-400-1234-56789 due to the H-2B cap being reached."

Returning a Labor Certification (Continued)

- The NPC Help Desk will issue a confirmation that the return has been processed.
- If the employer receives a certification and files a second application for the same worker positions with a later start date (e.g., the portion of need after the next visa cap release), the employer can return the certification as a part of the new filing. It should be clearly marked as its own PDF attachment.

Caution!

- This option is only available for unused temporary labor certifications.
- If a partially used temporary labor certification is returned and a subsequent application is submitted for the same job opportunity, the application will be considered a duplicate filing.

Returned Certifications

For applications granted certification, if certification is granted, and the certification is returned, it should not be reinstated based on a duplicate filing submitted and USCIS extending the cap for Foreign Labor Certification visas. The newly submitted application should stand and be eligible for certification.

However, when submitting duplicate applications, only one application should be granted certification. It is advisable not to return one certification in preparation for the duplicate certification to be certified.

Changing Dates of Need

- A peak within a peak is potentially acceptable
  - For example, a single period of need now being split into multiple periods of need, such as a peak within a peak
- A change in the requested period of need after a filing history demonstrating a different period of need may result in a NOD
  - The employer must explain and demonstrate, through supporting documents, the change in business that necessitated a change to its established period of need
  - If successfully supported, for repeating needs, the new period of need will be expected to be the new norm and must be supported by contracts/payroll in future seasons
- Such a change to filing patterns simply as an accommodation to the cap will not be acceptable

Job Order (JO)

- The employer must submit a copy of the JO concurrently placed with the SWA when the H-2B application is filed with OFLC
- Information submitted on ETA-9142B and JO must match:
  - Dates of need, Number of workers, Daily Transportation, Overtime Available, On-the-Job Training, Employer-Provided Tools, Board/Lodging, Special requirements, Named multiple worksites on *Appendix A*

IMPORTANT – PLAN AHEAD!

Employers might need to register with the SWA in the state where the work will be performed. Some states (e.g., LA) require out-of-state employers to be "registered" with state authorities to access the SWA's website. Some states (e.g., MD) have public websites which provide the names and legal status of employers licensed or registered in the state.

Appendix A

- *Appendix A* must be complete, particularly in applications with additional work sites for occupations such as carnival, brush clearing, and forestry
- A separate itinerary is <u>not acceptable</u>
  - If a separate itinerary is submitted, the employer <u>will receive a NOD</u> and the NPC will be required to conduct the data entry in order to obtain a complete and accurate *Appendix A*. This will take time and <u>will delay</u> further processing of the case
  - Please watch out for incorrect wages listed on *Appendix A* and incorrect start dates of need (dates / year)

Appendix A (Continued)

- City field must be completed; this field may not be blank

- Employer should enter "multiple cities and towns" in the *Appendix A* when there are multiple locations within one county

IMPORTANT!

Unanticipated worksites are not permissible; all worksites (MSA/county) must be identified in the filing and must be supported by a PWD

Appendix A (Continued)

- Upload NOD responses and Recruitment Reports to the "My Cases" table in the employer's FLAG System account using the "NOD Response" or "Recruitment Report "document categories, do not use other document categories, i.e., "Ad Hoc" as this will delay case processing.
- DO NOT send a duplicate response to the OFLC NPC Help Desk via email, as this might create delays with processing your application.
- Monitor case processing dates on the OFLC website; OFLC NPC will not respond to case status inquiries on cases during the backlog period. Employers can check status at the following website: Processing Times | Flag.dol.gov.

NODs can slow the H-2B process. These are a few tips to ensure your H-2B application is properly filed.

1. H-2B Applications must provide evidence, consisting of supporting documents and data, to support the **type** of temporary need, i.e., peakload or seasonal need
2. If there is a material change in work positions, the employer cannot use the existing temporary need registration number. The employer must submit new evidence to support the requested temporary need and number of workers consult the regulations as to the definitions of Peakload and Seasonal need

H-2B Visa Program

Helpful Hints and Reminders - continued

3. Employers are required to ensure consistency between all words on the Form ETA-9142B and the draft Job Order.

Specifically:

* Daily work schedule
* The job's special requirements, if any
* Wage and overtime pay must comply with the Form ETA-9141 (Prevailing Wage Determination)
* Transportation, board and any deductions
* Employer's declaration on Appendix B contains the name, signature and date which matches the name and contact details on the Job Order

To avert deficiencies on the H-2B Application, the stakeholder should avoid:

1. Filing an application with higher-than-normal education or experience requirements as stated on the Form ETA-9141, Prevailing Wage Determination.
2. Filing an Application for an entity that is not duly authorized to engage in business operations at the intended worksite; or is not listed in good standing in the State of incorporation.
3. Failing to file the draft Job Order with the SWA <u>where work will be performed</u> **at the same time** the H-2B Application is filed with OFLC.

H-2B positions requiring a foreign national to operate a CMV (Commercial Motor Vehicle)

Effective June 15, 2026, all job orders and H-2B applications must include an English Language Proficiency (ELP) requirement consistent with 49 CFR 391.11(b)(2). A compliant example is:

> 'The worker must be able to read and speak the English language sufficiently to converse with the general public, understand highway traffic signs and signals in English, respond to official inquiries, and make entries on reports and records.'

Employers may use equivalent wording in their job order and/or H-2B application. *See* the Department's FAQ issued on May 14, 2026, *https://www.dol.gov/sites/dolgov/files/ETA/oflc/pdfs/ELP-FAQs-Publication.pdf*

O*NET changes to Job Zones

Earlier this year, O*NET consolidated Job Zones 1 and 2 into a single category, Job Zone 1-2, creating a new four-level framework. These positions usually require a high school diploma or GED, though some occupations may not.

Nothing has substantially changed, the SVPs associated with each job zone remain as they were before and will be used to define normal experience and education for the assigned SOC code or codes.
https://www.onetcenter.org/reports/Job_Zone_Transition.html

Recruitment Report Requirements -

- The name of each recruitment activity or source must be clearly listed on the H-2B Recruitment Report
- The Report must contain the name and contact information of each U.S. worker who applied or was referred to the job opportunity up to the date of the preparation of the recruitment report, and the disposition of each worker's application
- The Report must also clearly state whether the job opportunity was offered to any qualified and available U.S. worker and whether the U.S. worker accepted or declined
- The Report must contain confirmation that former U.S. employees were contacted, if applicable, by what means and include the disposition of former US workers
- If applicable, the Report must indicate that the bargaining representative was contacted, and by what means

Recruitment Report Requirements, Continued

- If there is no union representative at the worksite, the Report must state the dates the employer posted the job opportunity, for 15 consecutive business days, in two conspicuous locations at the site of intended employment for viewing by all employees in the offered position.

- If applicable, for each U.S. worker who applied for the position but was not hired, the Report must state the lawful job-related reason(s) for not hiring the U.S. worker.

- The employer must prepare, sign, and date the recruitment report.

Recruitment Report, Continued

- OFLC will accept electronic signatures that comply with the standards contained in the E-Sign Act, accessible here: https://www.govinfo.gov/content/pkg/PLAW-106publ229/pdf/PLAW-106publ229.pdf
  - Typed signatures are not acceptable
- Where recruitment was conducted by a job contractor or its employer-client, both joint employers must sign the Report
- The Report must be submitted by the date specified in the NOA
- The Recruitment Report must indicate the name of the employer as indicated on the Form ETA-9142B
- Employers should verify with the SWA that the Job Order was opened by the SWA in the area of intended employment, and obtain the Job Order Number and provide it on the Report

Recruitment Report, Continued

- An employer should act timely in contacting U.S. applicants and allow a reasonable period of time for the U.S. applicants to respond to the employer before submitting the Report.
- Submission of the recruitment report to OFLC can only occur after the job opportunity has been posted for 15 consecutive business days **after the date of the NOA**. Delays in adjudication are caused by employers who submit Reports too early. In these situations, OFLC will reject the recruitment report, and the employer must refile the Report timely.
- If an employer seeks to electronically post the notice of the job opportunity as an upload to a website, it should be accessible by the employer's employees; and contain typical employee notices, e.g. wage and hour notices, complaints for discrimination.

Recruitment Report, Continued

- **NOTE**: The NOA may identify additional recruitment requirements for which the employer must document compliance in the Report
- The employer must comply with all requirements listed in the NOA, including additional recruitment
- A Recruitment Report Checklist can be located at the end of the DOL H-2B Program web page under "Additional Resources" – *See* https://www.dol.gov/agencies/eta/foreign-labor/programs/h-2b
- This Checklist is a tool to help employers correctly complete their recruitment reports
- The Recruitment Report Checklist is intended for use as guidance only; it should not be submitted to the OFLC CO; and it DOES NOT absolve the employer from complying with all regulatory requirements

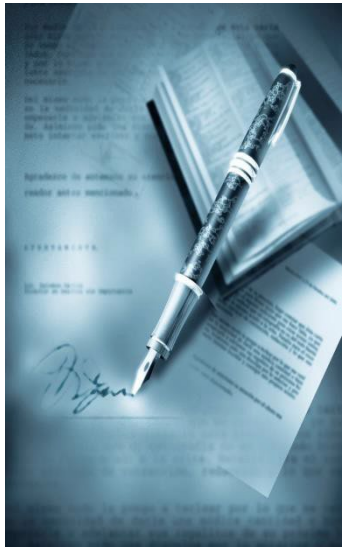
Recruitment Report, Continued

IMPORTANT!

- The employer must continue to update the recruitment report throughout the recruitment period. In a joint employment situation, either the job contractor or the employer-client may update the recruitment report
- The updated recruitment report must be signed, dated and available upon request by the DOL
- The recruitment report must be maintained for three years post-certification

H-2B Visa Program

Section III: Post-Certification Reminders



- When the employer signs the H-2B Application, s/he agrees that the business will cooperate with any agent or employee of the Secretary of Labor who is exercising or attempting to exercise the Department's authority including audits and investigations.
- By signing the H-2B Application, the employer agrees that the business will retain ALL documents pertaining to the H-2B Application and registration, the recruitment-related documents, the payroll records, and all related documents for three (3) years from the date of the H-2B certification.

H-2B Visa Program

How Can We Help You?

- FLAG System Support
  - Contact Login.gov at https://www.login.gov for technical issues with account creation, signing in, or changing Login.gov settings.
  - Contact DOL FLAG Technical Helpdesk for any technical problems filing applications at https://flag.dol.gov/support/contact

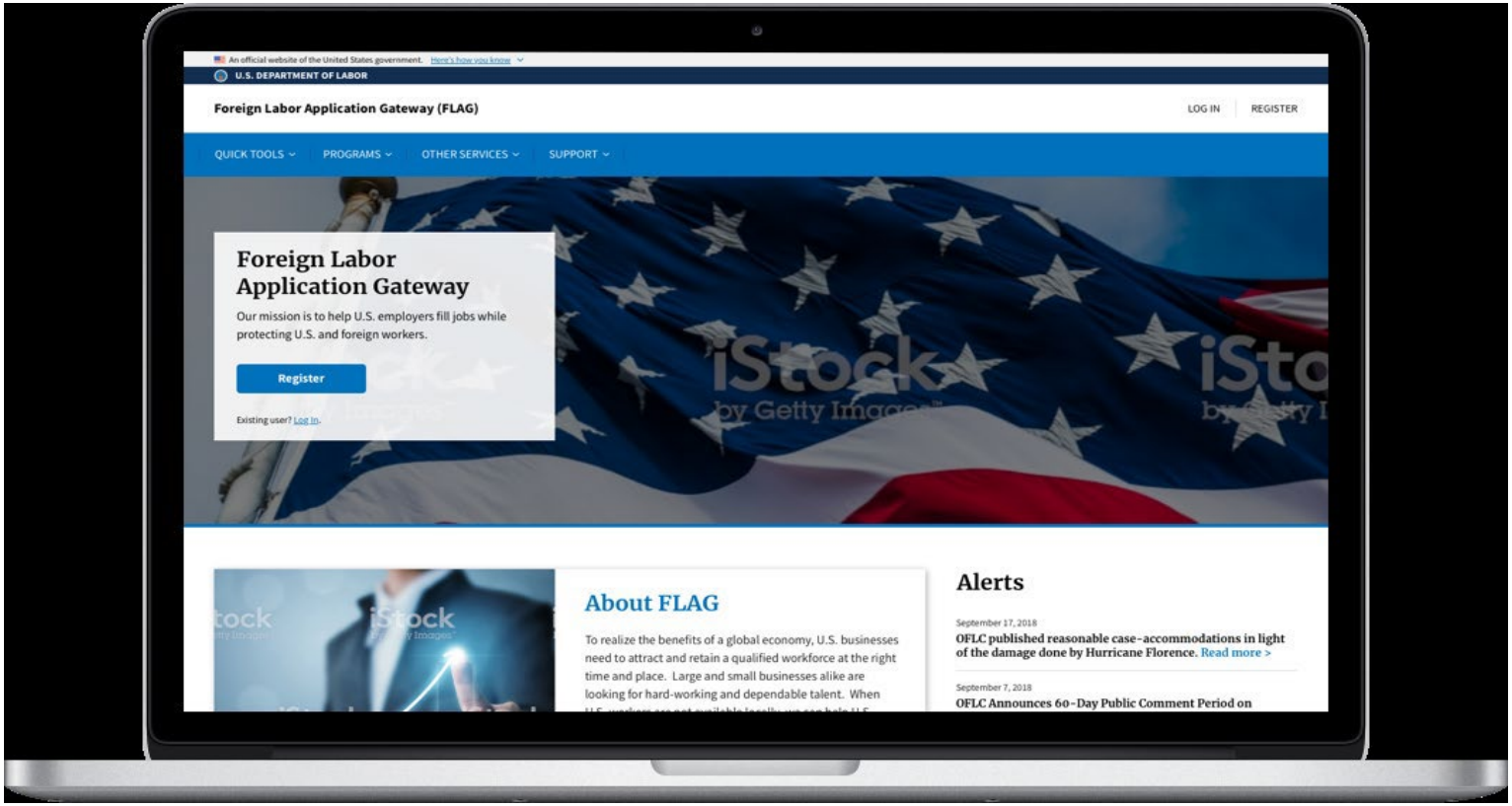
- H-2B Prevailing Wage Support
  - Contact OFLC NPWC Helpdesk for any questions related to processing prevailing wage requests at oflc.pwd@dol.gov

- H-2B Program Support
  - Contact OFLC H-2B Program Helpdesk for any questions related to the processing of H-2B applications at oflc.tlc@dol.gov

H-2B Visa Program

How Can We Help You?

Access additional help and resources via the FLAG webpage https://flag.dol.gov, where users can get help, access videos and tutorials, set up an account, and report technical problems.



H-2B Visa Program

How Can We Help You?

Visit the OFLC website and “Subscribe” for e-mail updates

https://www.dol.gov/agencies/eta/foreign-labor