

**U.S. Department of Labor    Employment and Training Administration**  
Office of Foreign Labor Certification  
Chicago National Processing Center  
11 West Quincy Court  
Chicago, IL 60604-2105



**NOTICE OF CERTIFICATION**  
**H-2B TEMPORARY NON-AGRICULTURAL PROGRAM**

{Insert Current Date}

{Insert Employer}  
{Insert Employer Address 1}  
{Insert Employer Address 2}  
{Insert City}, {Insert State} {Insert Postal Code}

{Insert Attorney/Agent}  
{Insert Attorney/Agent Address 1}  
{Insert Attorney/Agent Address 2}  
{Insert City}, {Insert State} {Insert Postal Code}

Case Number:  
{Insert ETA Case Number}

**RE: {Insert Employer Name}**

Dear Sir/Madam:

Your application seeking temporary labor certification under the H-2B temporary non-agricultural program has been **certified**. On {Insert Notice of Acceptance Date}, this office accepted for consideration an application from you requesting H-2B temporary labor certification for {Insert Number of Workers Requested} {Insert Occupational/Job Title}.

In accordance with 20 CFR Part 655, Subpart A, it has been determined that a sufficient number of able, willing and qualified U.S. workers are not available at the time and place needed to fill the job opportunities for which certification has been requested and that employment of the H-2B workers will not adversely affect the wages and working conditions of U.S. workers similarly employed. The Department is therefore granting certification for {Insert Number of Workers Certified} {Insert Occupational/Job Title} workers for a period beginning on {Insert Certified Start Date of Work} and ending on {Insert Certified End Date of Work}.

As a condition of certification, the employer must comply with all program requirements contained in the Department of Labor's regulations governing the temporary employment of H-2B workers at 20 CFR Part 655, Subpart A. Please remember that the attached temporary labor certification is valid only for the period approved, the specific number of job positions, the area of intended employment, the job classification and specific services or labor approved to be performed for {Insert Employer Name}.

### **IMPORTANT NOTICE OF CHANGE TO FORM ETA-9142B, APPENDIX B:**

The Office of Foreign Labor Certification has made amendments to Appendix B, Form ETA-9142B to comply with the requirements of the Department of Labor Appropriations Act, 2016, (Division H, Title I of Public Law 114-113), passed into law on December 18, 2015. Accordingly, upon receipt of this notification and the original certified Form ETA-9142B, the employer or, if applicable, the employer's agent or attorney, must complete sections A, B, and the footer on the revised, blank Appendix B, which is enclosed.

Once completed, the employer must *retain* the original revised Appendix B, and submit a signed copy of the revised Appendix B, together with the original certified Form ETA-9142B directly to the appropriate U.S. Citizenship and Immigration Services (USCIS) Service Center (see, <http://www.uscis.gov/i-129-addresses>) along with the *Petition for Non-Immigrant Worker*, Form I-129, that is required in conjunction with an H-2B temporary labor certification. The USCIS Form I-129 can be obtained at <http://www.uscis.gov>.

If a copy of a revised Appendix B has already been submitted to the Department, the employer or, if applicable, the employer's agent or attorney, must only complete the footer on the Appendix B, *retain* the original Appendix B, and submit a signed copy of Appendix B, together with the original certified Form ETA-9142B directly to the appropriate USCIS Service Center as directed above. If a copy of a revised Appendix B has already been submitted to the Department, the enclosed Appendix B may be discarded.

### **Important Reminders**

Pursuant to the 2016 Department of Labor Appropriation, the Department of Labor is prohibited from enforcing 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 references thereto. However, the Appropriations Act did not vacate these regulatory provisions, and they remain in effect, even though the Department will not use any Fiscal Year 2016 funds to enforce them.

The employer must:

- Comply with all program assurances and obligations as detailed in 20 CFR 655.18, except for those required by 655.18(b)(17), and endorsed by the employer on revised Appendix B of this certified Form ETA-9142B;

- Retain all records and documents for a period of three (3) years in accordance with 20 CFR 655.56, including a copy of the temporary labor certification and the original signed Appendix B. If required, you must provide the records and documents to the Department and/or other Federal agencies in the event of an investigation.

Questions concerning this case can be directed to the Chicago National Processing Center (NPC) via e-mail to [TLC.Chicago@dol.gov](mailto:TLC.Chicago@dol.gov), phone at (312) 886-8000 or facsimile at (312) 886-1688. **Please remember to include your case number on any correspondence sent to the Chicago NPC.**

Sincerely,

OFLC Certifying Officer

Enclosures: Form ETA-9142B

CC: {Insert State Workforce Agency Name}