

Alien Labor Certification
(Program Name)

Purpose:

The Agency for Workforce Innovation (AWI) is responsible for processing alien labor certification applications submitted by employers or their agents to sponsor nationals from another country to perform work activities in their homes or businesses. Wage determinations are also provided to employers to file or update a labor attestation or labor condition application.

Under agricultural activities we assist the U.S. Department of Labor (USDOL), Employment and Training Administration by:

- Providing prevailing wage and practice determinations on crops or activities for which agricultural employers are seeking to bring in temporary foreign workers;
- Conducting pre-occupancy on-site housing inspections to ensure housing meets Federal Guidelines;
- Ensuring through recruitment efforts domestic workers are afforded job referrals.

Highlights/Accomplishments:

We forwarded 8,669 applications for Alien Employment Certification to the Atlanta Regional Office during Program Year October 1, 2001 through September 30, 2002. We assigned 14,331 wage determinations for Labor Condition Applications and permanent Reduction in Recruitment cases.

Forty-three agricultural certification applications were filed by agents, employers and farm labor contractors for crop activities in citrus, tomatoes, plant nurseries, vegetables and sugar cane. We conducted 62 on-site housing inspection visits that included 391 structures.

Challenges/Barriers:

On December 20, 2000, Congress passed the Family Life Act 245 I. The act allowed non-immigrants who could prove they were in the country prior to December 20, 2000 the right to file application for permanent residence status on or before April 30, 2001. As a result, 13,000 Family Life Act cases were filed by employers/agents willing to sponsor non-immigrants. Many of the employers have taken advantage of the option to convert these applications to "Reduction In Recruitment" (RIR), a process which allows an employer to advertise prior to filing and substantially reduce the application processing time. We continue to process several hundred RIR's each week as

employers/agents convert the family life act cases to the RIR method. There are over 10,000 pending permanent filings and new applications are received daily. The state is still faced with a tremendous combined caseload. Implementation of the "Perm Process", a Federal centralized automated processing program, has not initialized at the Federal level and states are still mandated to work through the current pending cases. Staffing levels remain the same and activities continue to increase in both the permanent and temporary filings.

New H2A employers (and some experienced employers) and agency staff are faced with a severely compressed cycle for inspection and remediation of farm labor camp facilities. The Federal government reduced the H-2A application period from 60 days to 45 days in July, 1999. This compressed the period of time available to employers and Central Office staff to complete the OSHA/ETA Temporary Labor Camp inspection process from 30 days to less than 15 days. Immigration and Naturalization Service enforcement activities and new emphasis on verification of social security numbers by the Social Security Administration have created further impetus to use the program. The number of farm labor housing inspections has increased yearly as new employers use the program and existing employers develop confidence and experience and increase the number of workers they import. Additional constraints developed with the loss of many of the 17 local Agricultural Service Representatives through budget cuts, privatization of positions, or redefinition of their duties. This has resulted in reliance on Central Office staff to complete the housing inspections throughout the state.

Recent prevailing wage determinations of piece rates for hand harvest of several citrus crops have caused the citrus industry to question if the single wage method truly reflects the actual payment schedule to the workers. We have written a letter to Ms. Charlene Giles, USDOL, Division of Foreign Labor Certification, requesting approval of changes to our 2003 Citrus Prevailing Wage Survey methodology. If approved, we will strive to establish a schedule of rates to reflect both crop and picking conditions.

Future Goals/Strategies:

1. Due to the number of cases filed during the 245 I, we encourage employers/agents to convert their existing 245 I permanent cases to "Reduction in Recruitment" filings. This will allow their cases to be expeditiously processed and forwarded to the USDOL for adjudication.
2. Nineteen prevailing wage and practice surveys for established demand H2A crops will be conducted in the upcoming year. Loss of Agricultural Services Representatives in key agricultural service areas has had a significant impact on the completion of vital surveys through loss of employer contacts and staff availability to conduct employer and worker interviews. Expanded use of mail surveys and the development of telephone survey methods for the citrus harvest wage surveys will be used to compensate for declining field staff levels.

3. OSHA/ETA Temporary Labor Camp inspections are a labor intensive, time critical function. Central Office H-2A staff members will be supplemented by other ALC staff members and volunteers from other agency staff sections. These supplemental personnel will be trained in the OSHA/ETA Temporary Labor Camp inspection and information reporting process.

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Period	Applications Forwarded to Regional Office	Prevailing Wage Determinations Issues	Number of On-Site Visits	Structures or Apartments	Number of Job Orders Filled
10/1/01 - 3/31/01	4,556	8214	18	62	26
4/1/02 - 9/30/02	4,113	6117	44	329	26
Total	8,669	14331	62	391	52