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Foreign Labor Certification

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Calendar Year 2015

- **March 4, 2015. FAQs regarding CATA v. Perez and employer-provided surveys in the H-2B program**

On March 4, 2015, the federal district court in the Northern District of Florida vacated the Department of Labor's (DOL) 2008 H-2B regulations on the ground that DOL lacks authority under the Immigration and Nationality Act to issue regulations in the H-2B program. *Perez v. Perez*, No. 3:14-cv-682 (N.D. Florida, Mar. 4, 2015). Because of this decision, effective immediately, DOL can no longer accept or process requests for prevailing wage determinations or applications for labor certification in the H-2B program. DOL is considering its options in light of the court's decision.

- **March 2, 2015. FAQs regarding CATA v. Perez and employer-provided surveys in the H-2B program**

The Department is making available Frequently Asked Questions (FAQs) regarding its implementation of the court's decision in *Comite de Apoyo a los Trabajadores Agrícolas (CATA) v. Perez*, 774 F.3d 173, 191 (3d Cir. 2014). Following the court's decision, the Department ceased issuing prevailing wage determinations in the H-2B program based on employer-provided wage surveys. In addition, the Department can no longer issue H-2B temporary employment certifications based on employer-provided wage surveys. The FAQs may be accessed [here](#).

- **February 23, 2015. Federal Register Notice Announcing the 2015 Allowable Charges for Agricultural Workers' Meals and Travel Subsistence Reimbursement, Including Lodging for the H-2A Program.**

The Department of Labor has published a Notice in the Federal Register to announce the allowable charges for 2015 that employers seeking H-2A workers may charge their workers when the employer provides three meals a day, and the maximum travel subsistence meal reimbursement that a worker with receipts may claim in 2015. The Notice also includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence for the H-2A program. To read the Notice, please click [here](#).

- **January 27, 2015. Additional Guidance regarding CATA v. Perez and Employers' H-2B Temporary Employment Certifications That Are Based on Employer-Provided Surveys.**

On Dec. 23, 2014, the Department announced procedures to implement the Court's decision in *Comite de Apoyo a los Trabajadores Agrícolas et al v. Perez*, No. 14-3557 (3d Cir. Dec. 5, 2014), which were applicable to (1) employers with pending prevailing wage requests based on an employer-provided survey and (2) employers who had received a prevailing wage determination based on an employer-provided survey but whose H-2B application had not yet been certified. In the latter case, the Department is issuing supplemental prevailing wage determinations (SPWDs) based on the OES mean. For employers who already received an H-2B temporary labor certification based on an employer-provided survey as of the date of the issuance of the Court's order on December 5, 2014, the Department will hold in abeyance the issuance of any SPWDs pending the conclusion of the adjudicatory proceeding initiated by the Secretary of Labor's Notice of Intent to Issue a Declaratory Order, 79 Fed. Reg. 75179 (Dec. 17, 2014).

- **January 22, 2015. FY 2015 Q1 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 1 of FY 2015 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **January 16, 2015. DOL has Extended the Comment Period for the H-2B Notice of Intent to Issue Declaratory Order**

On December 17, 2014, the Department of Labor (Department) published in the Federal Register a Notice of Intent to Issue Declaratory Order, Request for Comment, 79 Fed. Reg. 75179 (Notice). The Notice provided for the submission of public comments through January 16, 2015. On January 16, 2015 the Department published in the Federal Register a subsequent notice extending this comment period by 15 days, until February 2, 2015 in order to provide the public with additional time to submit comments. To read the notice extending the comment period, please click [here](#). To read the Notice and learn how to submit comments, please click [here](#).

- **January 16, 2015. The Office of Foreign Labor Certification (OFLC) Implements Search FAQs feature on Frequently Asked Questions and Answers page.**

The Office of Foreign Labor Certification (OFLC) has updated the FAQ page of its official website with a new keyword search function, *Search FAQs*. Users may now search the FAQ page by using a single keyword or exact phrase to identify items in the FAQ database that correspond to keywords or characters specified by the user. A Tip sheet has been developed to assist with use of the *Search FAQs* tool. To access the FAQs page and *Search FAQs* Tip Sheet, click [here](#).

Calendar Year 2014

- **January 13, 2014. DOL is Extending the Comment Period for the H-2B Notice of Intent to Issue Declaratory Order.**

On December 17, 2014, the Department of Labor (Department) published in the Federal Register a Notice of Intent to Issue Declaratory Order, Request for Comment, 79 Fed. Reg. 75179 (Notice). The Notice provided for the submission of public comments through January 16, 2015. The Department will publish in the Federal Register a notice extending this comment period by 15 days, until February 2, 2015 in order to provide the public with additional time to submit comments. To read the Notice and learn how to submit comments, please click [here](#).

- **January 8, 2014. Permanent Labor Certification Program: Listening Session.**