

H-2A Labor Supply State Determinations

Last updated: October 30, 2024

Introduction

Pursuant to the 2022 H-2A Final Rule, effective on November 14, 2022, the Office of Foreign Labor Certification (OFLC) implemented a new process for determining labor supply states (LSS). LSS are additional states to which an employer’s approved job order will be circulated by the State Workforce Agency (SWA) with which the job order is placed and, if appropriate, area(s) of labor supply within a designated state, if any, where additional positive recruitment efforts may be required of the employer. Consistent with 20 CFR 655.154(d), the OFLC Administrator solicited public input about LSS and related positive recruitment mechanisms to make a determination identifying the areas of traditional or expected labor supply where employment will take place or where employment will occur for jobs which include multistate itineraries. The solicitation requested information regarding the availability of qualified workers and the appropriate and effective means of recruiting those workers.

Based on the state in which the approved Form ETA-790/790A was originally placed with the SWA, the LSS chart below contains two columns of recruitment requirements. First, the SWA will be required to circulate, on behalf of the employer, approved job orders to each of the additional states identified in the Labor Supply States column and help facilitate the referral of qualified workers from those states to the employer. Second, the column identified as Additional Employer Positive Recruitment includes specific positive recruitment requirements the employer will be required to conduct and which will be identified by the OFLC Certifying Officer in the Notice of Acceptance Letter.

Effective Date: The LSS determinations contained in the chart below are effective for all Notices of Acceptance issued on and after October 30, 2024. This determination will remain valid until the OFLC Administrator publishes a new determination on the OFLC website as provided by 20 CFR 655.154(d).

Labor Supply State Chart

H-2A Filing State	Labor Supply States - The Job Order will be transmitted to the following SWAs for interstate recruitment	Additional Employer Positive Recruitment
Alaska	California	None
Arizona	New Mexico, Nevada, California	None
Alabama	Georgia, Mississippi, Florida	None
Arkansas	Louisiana, Oklahoma, Texas	None
California	Oregon, Washington	None
Colorado	Arizona (<i>Excludes Sheepherding</i>), New Mexico, Oklahoma, Texas	None
Connecticut	New York, Massachusetts, Puerto Rico	None
District of Columbia	Maryland, Virginia	None
Delaware	Pennsylvania, Virginia, Florida	None
Florida	Alabama, Georgia, Mississippi, Texas, North Carolina, Puerto Rico	None
Georgia	None	None
Hawaii	California	None
Idaho	Oregon, Washington	None
Illinois	Kentucky, Missouri, Texas	None
Indiana	Michigan, Ohio, Texas	None
Iowa	Missouri, Texas	None
Kansas	New Mexico, Oklahoma	None
Kentucky	Tennessee, Florida	None

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H-2A Filing State	Labor Supply States - The Job Order will be transmitted to the following SWAs for interstate recruitment	Additional Employer Positive Recruitment
Louisiana	Arkansas, Mississippi, Texas	None
Maine	New Hampshire, Vermont, Puerto Rico (<i>Excludes Logging Applications</i>)	None
Maryland	Virginia, Texas, Puerto Rico	None
Massachusetts	New York, Pennsylvania, Puerto Rico	None
Michigan	Ohio, Indiana, Florida, Georgia, Puerto Rico	None
Minnesota	Iowa	None
Mississippi	Alabama, Louisiana, Florida	For work in the Delta area, additional recruitment will include advertisement placement in "The Enterprise-Tocsin" news either one advertisement placed in the "The Delta Den" newspaper if the work is in the counties of Leflore Carroll, Holmes, Montgomery and Tallahatchie or one advertisement in the "The Greenwood Commonwealth" newspaper if the work is in the counties of Bolivar, Sunflower, Humphreys, Sharkey, Issaquah and Desha.
Missouri	Illinois, Kansas	None
Montana	Idaho, Wyoming	None
Nebraska	Kansas, Missouri, Texas	None
Nevada	Arizona, Oregon	None
New Hampshire	New York, Vermont	None
New Jersey	New York, Pennsylvania, Puerto Rico	None
New Mexico	Arizona, Texas	None
New York	New Jersey, Pennsylvania, Puerto Rico	None
North Carolina	Virginia, South Carolina, Puerto Rico, Tennessee (<i>Christmas Trees Only</i>)	None
North Dakota	Montana, South Dakota	None
Ohio	Michigan, Texas, Florida	None
Oklahoma	Arkansas, New Mexico, Kansas, Colorado, Texas	None
Oregon	Washington, Nevada, California, Arizona	None
Pennsylvania	Delaware, Maryland, New Jersey, New York, Ohio, West Virginia	None
Rhode Island	New York, Massachusetts, New Jersey, Connecticut, Maine, Puerto Rico	None
South Carolina	Georgia, Tennessee, Florida	None
South Dakota	Iowa, Nebraska, Texas	None
Tennessee	Georgia, Kentucky	None
Texas	Oklahoma, New Mexico, Louisiana, Arkansas	None
Utah	Arizona, New Mexico, Texas	None
Vermont	Massachusetts, New York	None
Virginia	North Carolina, Puerto Rico, Tennessee (<i>Christmas Trees Only</i>)	None
Washington	Idaho, Oregon, California	None
West Virginia	Maryland, Virginia	None
Wisconsin	Illinois, Iowa, Texas	None
Wyoming	Oregon, Idaho	None

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H-2A Filing State	Labor Supply States - The Job Order will be transmitted to the following SWAs for interstate recruitment	Additional Employer Positive Recruitment
North Mariana Islands	None	None

Note: If work is performed in States outside of the H-2A filing States and the additional Labor Supply States listed, the State(s) where additional work is performed will also be provided a copy of the Job Order to the SWA for interstate recruitment.



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