

WORKFORCE DEVELOPMENT DIVISION
Workforce Service Delivery
Technical Assistance Bulletin #137

Program: **Employment Service**

Topic: **WorkInTexas.com Enhancements for Alien Labor Certification Job Postings**

Date: **December 19, 2006**

This Technical Assistance (TA) Bulletin provides Local Workforce Development Boards (Boards) with information on the WorkInTexas.com enhancements now in effect for Alien Labor Certification (ALC) job postings.

The Texas Workforce Commission (TWC) ALC program is federally funded through a contract with the U.S. Department of Labor (DOL). The program allows employers that have been unable to hire qualified workers eligible to work in the United States to file a labor certification application with:

- TWC's ALC section to bring foreign workers—H-2A and H-2B temporary workers—into the United States on a *temporary* basis; or
- DOL directly to bring foreign workers into the United States on a *permanent* basis.

When an employer submits a labor certification application for temporary employment to TWC, the ALC section:

- determines the prevailing wage for the occupation in the local workforce development area of intended employment; and
- initiates a work search by entering the job posting in WorkInTexas.com to recruit and refer qualified U.S. workers for the job opening.

If no qualified U.S. workers are found to fill the job opening, the application is forwarded to DOL's Chicago National Processing Center for certification or denial.

Two issues were identified and then resolved through recent enhancements to WorkInTexas.com.

Issue #1: WorkinTexas.com *Temp or Temp to Hire* options in the *Duration* drop-down box
The ***Duration*** options available in WorkInTexas.com for both job seekers and employers were as follows:

- ***Regular (150 days or more)***
- ***Temp or Temp to Hire (4–150 days)***
- ***Short-term Temp (1–3 days)***

Though ALC job postings were listed as *Temp or Temp to Hire (4–150 days)*, the actual job start and end dates entered in the *Job Description* field often are 150 days or more. Because the ALC section did not want to give job seekers the impression that a job is permanent, the *Temp or Temp to Hire (4–150 days)* option was used as the best fit among the available definitions. However, conflicting duration information listed in the job posting itself created confusion for Texas Workforce Center staff and job seekers.

WorkInTexas.com Enhancement:

The number of days descriptions have been removed from the first two choices in the *Duration* drop-down box. The choices now read as follows:

- *Regular*
- *Temp OR Temp to Hire*
- *Short Term (1–3 days)*

Issue #2: ALC job postings in WorkInTexas.com listed as Service Level 2

All ALC job postings in WorkInTexas.com were listed as Service Level 2, requiring job seekers to contact a Texas Workforce Center for additional information on the job posting, including employer contact information. Additionally, for ALC job postings, the ALC section required Texas Workforce Center staff to call the employer and obtain the employer’s approval before a contact between employer and job seeker could be made.

WorkInTexas.com Enhancement:

For ALC H-2B job postings in WorkInTexas.com, the ALC section has waived the requirement that Texas Workforce Center staff call the employer before a contact by the job seeker can be made. ALC H-2B job postings in WorkInTexas.com now can be listed at Service Level 1, thus allowing job seekers—including out-of-state job seekers—to contact the employer directly. This allows ALC job postings maximum exposure and makes it easier and faster for job seekers to apply.

However, per 20 C.F.R. §653.501, ALC H-2A job postings will remain at Service Level 2. When a job seeker requests a referral to an ALC H-2A posting, Texas Workforce Center staff will continue to:

- request a hard copy—ETA-750 Part A “Application for Alien Employment Certification,” ETA-790 “Agricultural and Food Processing Clearance Order,” Attachments to ETA-790, E-50 “Job Seeker Agricultural Check List,” and E-83 “Department of Labor Protection for Farm Workers”—from the Texas Workforce Center to which the job posting is assigned; and
- review the terms and conditions of employment contained in the hard copy with the job seeker requesting the referral.

Note: Initial input and subsequent update capability on all ALC WorkInTexas.com job postings will continue to be available to the ALC section only. Neither Texas Workforce Center staff nor the employer can update an ALC job posting.

Please distribute this information to appropriate staff. Direct inquiries regarding this TA Bulletin to the assigned contract manager for your local workforce development area.