

H-2B Application for Temporary Employment Certification
Form ETA-9142B – General Instructions
U.S. Department of Labor



IMPORTANT: Please read these instructions carefully before completing the Form ETA-9142B –Application for Temporary Employment Certification. These instructions contain full explanations of the questions and attestations that make up the Form ETA-9142B. ***In accordance with Federal Regulations, incomplete or obviously inaccurate applications will not be certified by the Department of Labor. If you need additional room to complete an answer, please begin the answer in the space provided and attach an addendum to the relevant section and item identifying each clearly. ALL required items must be completed as well as any fields/items where a response is conditioned on the response to another required field/item.***

Anyone, who knowingly and willingly furnishes any false information in the preparation of Form ETA-9142B and any supporting documentation, or aids, abets, or counsels another to do so is committing a federal offense, punishable by fine or imprisonment up to five years or both (18 U.S.C. §§ 2, 1001). Other penalties apply as well to fraud or misuse of this immigration document and to perjury with respect to this form (18 U.S.C. §§ 1546, 1621).

Important Note Regarding When To File: Except where the employer submits the request in support of an emergency filing, the employer must submit the ETA Form 9142B Application for Temporary Employment Certification must be filed no less than 75 calendar days and no more than 90 calendar days before the employer's start date of need.

Important Note Regarding Job Contractors: Where a job contractor files the ETA Form 9142B on behalf of the employer-client, both the job contractor and employer-client must submit Sections B.9, C and D and Appendix B

Public Burden Statement (1205-0509)

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 1 hour to complete the form, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this data collection is required to obtain/retain benefits (Immigration and Nationality Act, 8 U.S.C. 1101, et seq.). Please send comments regarding this burden estimate or any other aspect of this information collection to the Office of Foreign Labor Certification * U.S. Department of Labor * Room C4312 * 200 Constitution Ave., NW, * Washington, DC * 20210. **Please do not send the completed application to this address.**

**Section A
Employment - Based Nonimmigrant Visa Information**

1. Enter the following classification symbol to indicate the type of visa supported by this application: **"H-2B"**.

**Section B
Temporary Need Information**

Important Note: The Department will announce in a future Federal Register Notice a separate transition period for the registration process and submission of the ETA Form 9155. Until then, the Office of Foreign Labor Certification continues to require that temporary need documentation be submitted in Section B of the ETA Form 9142B.

1. Enter the title of the job opportunity for which the application for temporary employment certification is being sought by the employer.
2. Enter the six or eight-digit Standard Occupational Classification (SOC)/Occupational Network (O*NET) code for the occupation, which most clearly describes the work to be performed. For example, the six-digit SOC code for a fruit or vegetable harvester or orchard worker is 45-2092.02 (Farmworkers and Laborers, Crop).
3. Enter the occupational title associated with the SOC/O*NET (OES) code. For example, the occupational title associated with SOC/O*NET code 45-2092.02 is "Farmworkers and Laborers, Crop".
4. Enter whether this position is full-time by indicating "Yes" or "No". Although there is no regulatory definition for full-time employment, the Department generally considers 35 hours per week as the distinction point between full-time and part-time.

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5. Enter the beginning date for the worker's period of employment. Use a month/day/full year (MM/DD/YYYY) format.
6. Enter the end date for the worker's period of employment. Use a month/day/full year (MM/DD/YYYY) format.
7. The collection of this item contains two parts. First, enter the number of workers being requested for certification. Second, use collection items (a) through (f) to enter the number of workers in each applicable category based on the answer to the first part of this item. Every box **MUST** be filled. If the employer has no workers in a particular category, please indicate "0 (zero)."
8. Mark the appropriate box to indicate the nature of the employer's temporary need for the services or labor to be performed. Only one standard of temporary need may be selected. The following definitions generally apply to temporary agricultural and non-agricultural work:

Seasonal Need: The employer must establish that the services or labor is traditionally tied to a season of the year by an event or pattern and is of a recurring nature. The employer shall specify the period(s) of time during each year in which it does not need the services or labor. The employment is not seasonal if the period during which the services or labor is not needed is unpredictable or subject to change or is considered a vacation period for the employer's permanent employees.

Peakload Need: The employer must establish that (1) it regularly employs permanent workers to perform the services or labor at the place of employment and that it needs to supplement its permanent staff at the place of employment on a temporary basis due to a seasonal or short-term demand, and (2) the temporary additions to staff will not become a part of the employer's regular operation.

One-Time Occurrence: The employer must establish that either (1) it has not employed workers to perform the services or labor in the past and that it will not need workers to perform the services or labor in the future, or (2) it has an employment situation that is otherwise permanent, but a temporary event of short duration has created the need for a temporary worker(s).

Intermittent or Other Temporary Need: The employer must establish that it has not employed permanent or full-time workers to perform the services or labor, but occasionally or intermittently needs temporary workers to perform services or labor for short periods.

9. Provide a statement clearly describing the employer's temporary need for the services or labor to be performed. The employer's statement must explain (a) the nature of the employer's business or operations, (b) why the job opportunity and number of workers being requested for certification reflect a temporary need, and (c) how the employer's request for the services or labor to be performed meets the chosen standard under Question 8 of a seasonal, peakload, one-time occurrence, or an intermittent basis.

Section C
Employer Information

1. Enter the full name of the individual employer, joint employer, job contractor, partnership, corporation, i.e. the employer filing this application. The employer's full legal name is the exact name of the individual, corporation, LLC, partnership, or other organization that is reported to the Internal Revenue Service.
2. Enter the full trade name or "Doing Business As" (DBA) name, if applicable, of the business, person, association, firm, corporation, or organization, i.e., the employer filing this application.
3. Enter the street address of the employer's principal place of business.
4. If additional space is needed for the street address, use this line to complete the employer's street address.

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5. Enter the city of the employer's principal place of business. If the city and country are the same, the name must still be entered in both fields.
6. Enter the state of the employer's principal place of business.
7. Enter the postal (zip) code of the employer's principal place of business.
8. Enter the country of the employer's principal place of business. If the city and country are the same, the name must still be entered in both fields.
9. Enter the province of the employer's principal place of business, if applicable.
10. Enter the area code and telephone number for the employer's principal place of business. Include country code, if applicable.
11. Enter the extension of the telephone number for the employer's principal place of business, if applicable.
12. Enter the nine-digit Federal Employer identification Number (FEIN) as assigned by the IRS. Do not enter a social security number.

Note: All employers, including private households, MUST obtain an FEIN from the IRS before completing this application. Information on obtaining an FEIN can be found at www.irs.gov.

13. Enter the four to six-digit North American Industry Classification System (NAICS) code that best describes the employer's business, not the alien's job. A listing of NAICS codes can be found at <http://www.census.gov/epcd/www/naics.html>.
14. ~~Mark the appropriate to indicate the type of application being filed for temporary employment certification. Only one application type may be selected. Enter the number of non-family full time equivalent employees.~~
15. Enter the employer's total annual receipts of the last complete fiscal year.
16. Enter the year the employer's business was established under the current FEIN number.
17. Mark the appropriate box to indicate the type of application being filed for temporary employment certification. Only one application type can be selected.

Section D Employer Point of Contact Information

An employer point of contact is an employee of the employer whose position authorizes the employee to provide information and supporting documentation concerning this Application for Temporary Employment Certification and to communicate with the Department of Labor on behalf of the employer. The employer point of contact should be the individual most familiar with the content of this application and circumstances of the foreign worker's employment.

Note: The employer point of contact information in this Section, specifically the name, telephone number, and email address, must be different from the attorney/agent information listed in Section E, unless the attorney is an employee of the employer.

*** Important Note: Where a job contractor files the ETA Form 9142B on behalf of the employer-client, both the job contractor and employer-client must submit Sections B.9, C and D and Appendix B**

1. Enter the last (family) name of the employer's point of contact.
2. Enter the first (given) name of the employer's point of contact.
3. Enter the middle name of the employer's point of contact.

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4. Enter the job title of the employer's point of contact.
5. Enter the business street address for the employer's point of contact.
6. If additional space is needed for the street address, use this line to complete the street address.
7. Enter the city of the employer's point of contact. If the city and country are the same, the name must still be entered in both fields.
8. Enter the state of the employer's point of contact.
9. Enter the postal (zip) code of the employer's point of contact.
10. Enter the country of the employer's point of contact. If the city and country are the same, the name must still be entered in both fields.
11. Enter the province of the employer's point of contact, if applicable.
12. Enter the area code and business telephone number of the employer's point of contact. Include country code, if applicable.
13. Enter the extension of the telephone number of the employer's point of contact, if applicable.
14. Enter the business e-mail address of the employer's point of contact in the format [name@emailaddress.top-level](#) domain.

Section E
Attorney or Agent Information (if applicable)

Note: The attorney/agent information in this Section, specifically the name, telephone number, and email address, must be different from the employer's point of contact information in Section D, unless the attorney is an employee of the employer.

1. Identify whether the employer is represented by an attorney or agent in the process of filing this application. Only mark one box. If "Yes", complete the remainder of Section E. If "No" in question 1, skip questions 2 to 19 and continue to Section F.
2. Enter the last (family) name of the attorney/agent.
3. Enter the first (given) name of the attorney/agent.
4. Enter the middle name of the attorney/agent.
5. Enter the street address of the attorney/agent.
6. If additional space is needed for the street address, use this line to complete the attorney/agent's street address.
7. Enter the city of the attorney/agent. If the city and country are the same, the name must still be entered in both fields.
8. Enter the state of the attorney/agent.
9. Enter the postal (zip) code of the attorney/agent.
10. Enter the country of the attorney/agent. If the city and country are the same, the name must still be entered in both fields.
11. Enter the province of the attorney/agent, if applicable.

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12. Enter the area code and telephone number of the attorney/agent. Include country code, if applicable.
13. Enter the extension of the telephone number of the attorney/agent, if applicable.
14. Enter the e-mail address of the attorney/agent in the format [name@emailaddress.top-level](#) domain.
15. Enter the attorney/agent's law firm or business name.
16. Enter the attorney/agent's law firm or business nine-digit FEIN as assigned by the IRS.
17. Enter the attorney's state Bar number. If the attorney is licensed in more than one state, enter only one state Bar number. If submitting this form electronically and the attorney is licensed in a state which does not issue state Bar numbers, leave the field blank and once confirmed it will be automatically pre-populated with "N/A."

Note: The answers to questions 18 and 19 below should correspond to the same state for which a Bar number was provided in question 17, if any.

18. Enter the state of the highest court where the attorney is in good standing.
19. Enter the name of the highest court in the state where the attorney is in good standing.

Section F
Job Offer Information

a. Job Description

1. Enter the same job title as the one entered under Section B question 1.
2. Enter the basic hours of work required per week and overtime hours per week in accordance with State and Federal law for the work and area of employment.
3. Enter the daily work schedule for the job opportunity (e.g., 9 a.m. to 5 p.m., 7 a.m. to 11 a.m. and 4 p.m. to 8 p.m.).
4. Mark "Yes" or "No" as to whether the job opportunity supervises the work of other employees.

4a. If "Yes" is marked in question 4, enter the total number of employees the job opportunity will supervise.

5. ~~Describe the job duties, in detail, to be performed by any worker filling the job opportunity. Specify any equipment to be used and pertinent working conditions. If "Yes" is marked in question 4, enter the total number of employees the job opportunity will supervise.~~
6. Describe the job duties, in detail, to be performed by any worker filling the job opportunity. Specify any equipment to be used and pertinent working conditions.

b. Minimum Requirements

1. Identify whether the minimum U.S. diploma or degree required by the employer for the job opportunity is none, high school/GED, Associates, Bachelor's, Master's, Doctorate, or Other. Only mark one box.

1a.. If "Other" in question 1, enter the specific U.S. diploma or degree required. (Example: JD, MD, DDS, etc.). If the answer to question 1 is not "Other," enter "N/A."

1b. Enter the major(s) and/or field(s) of study required by the employer for the job opportunity. You may list more than one field and/or more than one related major. If the answer to question 1 is "None" or "High School", enter "N/A."

2. If the employer requires a second U.S. diploma or degree for the job opportunity, mark "Yes." Otherwise, mark "No."

2a. If "Yes" in question 2, enter the specific second U.S. diploma or degree required. If the answer to question 2 is "No", enter "N/A."

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3. If the employer requires training for the job opportunity, mark "Yes." Otherwise, mark "No." Training may include, but is not limited to: programs, coursework, or training experience (other than employment). When answering this question, do not duplicate requirements – the training required should not be counted as education or experience required.
 - 3a. If "Yes" in question 3, enter the number of months of training required by the employer for the job opportunity. If the answer to question 3 is "No", enter "0" (zero). When answering this question, do not duplicate time requirements – the training time required should not be counted as (added to) education or experience time required.
 - 3b. If "Yes" in question 3, enter the field(s) and/or name(s) of the training required by the employer for the job opportunity. You may list more than one field and/or more than one name. If the answer to question 3 is "No", enter "N/A."
4. If the employer requires employment experience, mark "Yes." Otherwise, mark "No."
 - 4a. If "Yes" in question 4, enter the number of months of experience required by the employer. If the answer to question 4 is "No", enter "0" (zero).
 - 4b. If "Yes" in question 4, enter the occupation in which experience is required by the employer for the job opportunity. If the answer to question 4 is "No", enter "N/A."
5. Enter the job related special requirements. Examples are shorthand and typing speeds, specific foreign language proficiency, test results. Document business necessity for a foreign language requirement.

Section F
Job Offer Information (*continued*)

c. Place of Employment

It is important for the employer to define the area of intended employment with as much geographic specificity as possible. This information is used for purposes of reviewing and verifying regulatory compliance with advertising, positive recruitment requirements, and prevailing wage determinations.

Important Note: For farm labor or job contractors filing under the ~~H-2A or~~ H-2B visa programs where multiple worksites are involved or where special procedures apply, submit a separate attachment identifying, by business name and address, all physical locations where the services or labor is expected to be performed. Enter the address of the first worksite location on the form using questions 1 through 7, and then use question 7-A to identify the business name for the first worksite location and write the words "See attached worksites".

1. Enter the street address of the worksite location identified in item 1, where work will be performed. The worksite address must be a physical location and cannot be a P.O. Box.
 2. If additional space is needed for the street address, use this line. If no additional space is needed, enter "N/A."
 3. Enter the city of the worksite location.
 4. Enter the county of the worksite location.
 5. Enter the state/district/territory of the worksite location.
 6. Enter the postal (zip) code of the worksite location.
 7. If work will be performed in location(s) other than the address listed in questions 1-6 above, mark "Yes" and complete question 7a. If work will not be performed in location(s) other than the address listed in questions 1-6 above, mark "No."
- 7a. If "Yes" in question 7, identify the geographic place(s) of employment with as much specificity as possible, such as the

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Metropolitan Statistical Areas (MSAs) or the city(ies)/township(s)/county(ies) and the corresponding state(s) where work will be performed. The employer must provide enough geographic detail to cover all the worksite locations of intended employment.

Section G
Rate of Pay

1. Enter the rate of pay to be paid to the nonimmigrant workers. If the wage offer is expressed as a range, enter the bottom of the wage range to be paid.

Enter the top of the wage range to be paid to the nonimmigrant workers in the section indicating "To (Optional)."

- 1a. Enter the rate of overtime pay, if applicable, to be paid to the nonimmigrant workers. If the wage offer is expressed as a range, enter the bottom of the wage range to be paid.

Enter the top of the wage range to be paid to the nonimmigrant workers in the section indicating "To (Optional)."

2. Enter whether the rate of pay is in terms of per year, month, two weeks, week or hour in the section indicating "Rate is Per." Mark only one box.

Important Note: The employer is required to pay H-2B or U.S. workers recruited in connection with an H-2B application at least that hourly wage for all hours worked, including those hours in excess of 40 hours of work per week. This requirement of the H-2B program is independent of any applicable exemption from the provisions of the Fair Labor Standards Act. Please remember that the H-2B regulations also require compliance with applicable State and local employment laws, which may require a higher rate of pay for overtime hours.

- 2a. If the answer to question 2 is "Piece Rate", enter the wage offer requirements. Describe the unit size that governs how the piece rate is paid, such as tree size/spacing, weight/size/number of boxes picked/packed, dimensions of bags or boxes filled. For example: 5/8 bushel, 90 pound bag or box, 10 box bin.

3. Enter any additional wage information covered by the job opportunity and the anticipated area(s) of intended employment (e.g., itinerant work, multi-state worksite locations). In order to expedite the application review process, employers are **strongly encouraged** to list all valid prevailing wage determinations received by the OFLC National Processing Center (NPC) in support of the application as well as all corresponding wage offers.

Important Note: The employer is encouraged to enter the Tracking Number found in the footer of the ETA Form 9141 into this field.

Section H
Recruitment Information

Important Note: *Employers are no longer required to Complete Section H of the ETA Form 9142. Under the new 2015 H-2B Interim Final Rule, the employer will be required to conduct positive recruitment of U.S. workers after H-2B application is submitted to the Department for processing. Please continue to Section I.*

- ~~1. Enter the name of the State Workforce Agency which received the job offer from the employer and placed a job order on its active file for recruitment of U.S. workers.~~
- ~~2. Enter the unique job order number provided by the State Workforce Agency.~~
- ~~2-A Enter the start date of the SWA job order. Use a month/day/full year (MM/DD/YYYY) format.~~
- ~~2-B Enter the end date of the SWA job order. Use a month/day/full year (MM/DD/YYYY) format. H-2A applicants must enter the date that is the midpoint of the contract period, which reflects the end of the 50% rule period as described in 20 CFR 655.135(d).~~
- ~~3. Mark "Yes" or "No" whether there is a Sunday edition of a newspaper (of general circulation) in the area of intended employment.~~

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~~Note: Only if the job opportunity is located in a rural area of intended employment that does not have a newspaper that publishes a Sunday edition, is the employer permitted to use the newspaper edition with the widest circulation in the area of intended employment, and not a Sunday edition.~~

~~4. Enter the name of the newspaper of general circulation or other publication in which the H-2B employer placed an advertisement for the job opportunity. H-2A employers enter "N/A."~~

~~For the named newspaper/publication, enter the start and end dates in which the newspaper advertisement referenced was printed. Use a month/day/full year (MM/DD/YYYY) format. If the newspaper advertisement or publication took place on 1 day, then enter the same date in the "From:" and "To:"~~

~~5. H-2B employers enter the name of the newspaper of general circulation or other publication in which the employer placed an advertisement for the job opportunity. H-2A employers enter "N/A."~~

~~For the named newspaper/publication, enter the start and end dates in which the newspaper advertisement referenced was printed. Use a month/day/full year (MM/DD/YYYY) format. If the newspaper advertisement or publication took place on 1 day, then enter the same date in the "From:" and "To:"~~

~~6. H-2B employers describe other efforts to positively recruit U.S. workers for the job opportunity. For each positive recruitment activity, identify the type or source of recruitment (e.g., additional SWA job orders, out-of-state newspaper, contact with former employees) and the date(s) on which the recruitment was conducted. H-2A employers enter "N/A."~~

Section I
Declaration of Employer and Attorney/Agent

Employer must read and agree to all the applicable terms, assurances, and obligations as a condition for receiving a temporary labor certification from the U.S. Department of Labor. Mark "Yes" or "No" to confirm that Appendix B is complete and is being submitted with the filing of this application.

Section J
Preparer

This section must be completed if the preparer of this application is a person other than the one identified in either Section D (employer point of contact) or E (attorney or agent) of this application.

1. Enter the last (family) name of the person preparing this application by or on behalf of the employer.
2. Enter the first (given) name of the person preparing this application by or on behalf of the employer.
3. If applicable, enter the middle name of the person with preparing this application by or on behalf of the employer.
4. Enter the job title of the person who prepared the application.
5. Enter the Firm/Business name of the person with preparing this application by or on behalf of the employer.
6. Enter the email address of the person with preparing this application by or on behalf of the employer. Format must be in the format [name@emailaddress.top-level](#) domain.

Section K
U.S. Government Agency User ONLY

Read this section. No entries required.

Public Burden Statement Control Number 1205-NEW1

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Please read this disclosure. No entries are required.

APPENDIX B

Employer and Attorney/Agent Declarations for H-2B Employers

A. Attorney/Agent Declaration

1. Enter the last (family) name of the attorney/agent representing the employer in the filing of this application.
2. Enter the first (given) name of the attorney/agent representing the employer in the filing of this application.
3. Enter the middle initial of the attorney/agent representing the employer in the filing of this application.
4. Enter the Firm/Business name of the attorney/agent representing the employer in the filing of this application.
5. Enter the email address of the attorney/agent representing the employer in the filing of this application. Format must be in the format [name@emailaddress.top-level](#) domain.
6. The attorney/agent must sign the application. Read the entire application and verify all contained information prior to signing.
7. The attorney/agent must date the application. Use a month/day/full year (MM/DD/YYYY) format.

B. Employer Declaration

1. Enter the last (family) name of the person with authority to sign on behalf of the employer.
2. Enter the first (given) name of the person with authority to sign on behalf of the employer.
3. Enter the middle name of the person with authority to sign on behalf of the employer.
4. Enter the job title of the person with authority to sign on behalf of the employer.
5. The person with authority to sign on behalf of the employer must sign the application. Read the entire application and verify all contained information prior to signing.
6. The person with authority to sign on behalf of the employer must date the application. Use a month/day/full year (MM/DD/YYYY) format.

Important Note: The footer in Appendix B is to be completed by the employer upon certification of its ETA Form 9142B.