Employer Guide to Participation in the H-2A Temporary Agricultural Program

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
January 2012

Table of Contents

INTRODUCTION **1**
What is the H-2A Program? 1
Who Can Participate? 1
THE H-2A TEMPORARY LABOR CERTIFICATION PROCESS OVERVIEW **2**
STEP 1 FILING A JOB ORDER WITH THE STATE WORKFORCE AGENCY **3**
What to File 3
When and Where to File 3
What Happens After Filing the Agricultural Job Order 3
STEP 2 FILING AN H-2A APPLICATION WITH THE CHICAGO NPC **5**
What to File 5
When and Where to File 5
What Happens After Filing the H-2A Application 6
Receiving a Notice of Deficiency 6
Receiving a Notice of Acceptance 7
STEP 3 CONDUCTING RECRUITMENT FOR U.S. WORKERS **8**
When and Where to Advertise 8
What Content to Advertise 8
How to Prepare the Recruitment Report 9
STEP 4 COMPLETING THE TEMPORARY LABOR CERTIFICATION PROCESS **11**
What Documents to Submit to the OFLC Chicago NPC 11
Receiving a Denial Determination 11
Receiving a Certification Determination 12
Congratulations! You are Ready to File with the USCIS 12
Appendix A. Key Regulatory Provisions **14**
Appendix B. Helpful Resources **16**
Appendix C. H-2A Temporary Labor Certification Process Chart **17**

INTRODUCTION

Welcome to the H-2A Temporary Agricultural Program Employer Guide! This guide summarizes and explains how a U.S. employer can participate in the Department of Labor's (Department) H-2A Program. The information contained in this guide is not a substitute for reading and complying with the Department's regulations at 20 CFR 655 Subpart B and 29 CFR 501, which provide complete and definitive information regarding program requirements. Additional information on the H-2A Program, including filing tips and frequently asked questions, can be found at the Department's Office of Foreign Labor Certification (OFLC) website at http://www.foreignlaborcert.doleta.gov/h-2a.cfm.

What is the H-2A Program?

The H-2A Program is authorized under the Immigration and Nationality Act (INA) and allows a U.S. employer to hire foreign workers on a temporary basis to perform agricultural work when there are not sufficient U.S. workers available. Before the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) can approve a visa petition for H-2A workers, the employer must first receive a temporary labor certification from the Department.

The Department's OFLC within the Employment and Training Administration is responsible for receiving and processing employer-filed H-2A applications, and ensuring as a condition of certification that qualified U.S. workers are not available for the job and the employment of temporary foreign workers will not adversely affect the wages and working conditions of U.S. workers similarly employed. The Department's Wage and Hour Division is responsible for enforcing the terms and conditions of the agricultural work contract and worker protections under the H-2A Program.

Who Can Participate?

A U.S. employer or an association of agricultural producers who has full-time work that needs to be performed on a temporary or seasonal basis may apply to the OFLC for an H-2A temporary labor certification. The general guidelines below will help you understand whether you are eligible to participate in the H-2A Program.

- **You must be an employer** with a place of business physically located in the United States, possess a valid Federal Employer Identification Number (FEIN); and have the ability to hire, pay, fire, supervise, or otherwise control the work of the workers you employ;
- **The work to be performed must consist of agricultural labor or services**, such as the planting, raising, cultivating, harvesting, or production of any agricultural or horticultural commodity;
- **The work must be full-time**, at least 35 hours (or more) per work week; and,
- **The need for the work must be seasonal or temporary in nature** and tied to a certain time of the year by a recurring event or pattern, such as an annual growing cycle, normally lasting 10 months or less.

THE H-2A TEMPORARY LABOR CERTIFICATION PROCESS OVERVIEW

The process of obtaining a temporary labor certification from the OFLC under the H-2A Program involves the following four basic steps:

Step 1: Filing a Job Order with the State Workforce Agency (SWA)

What: The first step involves preparing and submitting an agricultural job order to the SWA that serves the state where the actual work will be performed. The SWA will review the job order, work with you on any needed corrections, and initiate recruitment of U.S. workers.

When: 75 to 60 calendar days before the start date of work

Step 2: Filing an H-2A Application with the Chicago National Processing Center (NPC)

What: The second step describes the requirements for submitting an H-2A application to the OFLC's Chicago NPC. The Chicago NPC will review your application, notify you of any deficiencies, and provide you with additional instructions for completing the temporary labor certification process.

When: No less than 45 calendar days before the start date of work

Step 3: Conducting Recruitment for U.S. Workers

What: The third step summarizes the recruitment of U.S. workers you will conduct on your own, including where and when to advertise, what content the advertisements must contain, and how to prepare your recruitment report

When: Beginning on the date you receive the Notice of Acceptance from the Chicago NPC until you complete the recruitment steps

Step 4: Completing the Temporary Labor Certification Process

What: The final step in this process identifies the additional documents you must submit to the Chicago NPC in order to receive a final determination; and, should labor certification be granted, moving on to the USCIS.

When: No less than 30 calendar days before the start date of work
(unless the Chicago NPC provides you with 5 more days to submit documentation)

For an illustration of the H-2A temporary labor certification process, including key action steps for employers, timeframes for filing and processing H-2A applications, and receiving a final determination from the Chicago NPC, please refer to Appendix C: H-2A Temporary Labor Certification Process Chart.

STEP 1: FILING A JOB ORDER WITH THE STATE WORKFORCE AGENCY

The State Workforce Agency (SWA) serving the geographic area or location where you need the agricultural work performed will be your first point-of-contact in the labor certification process. You will need to prepare and submit to the SWA an agricultural job order containing a description of the job duties including any experience requirements, number of workers, anticipated period of employment, and all the benefits, wages, and working conditions you will offer to U.S. and H-2A workers.

What to File

- A completed ETA Form 790 *Agricultural and Food Processing Clearance Order* including all attachments explaining the benefits, wages, and working conditions of the job; and,
- A written note or cover letter identifying that the job order will be used in connection with a future H-2A application and requesting that an inspection of your housing by the SWA be scheduled.

When and Where to File

Your agricultural job order must be filed with the SWA **no more than 75 calendar days and no less than 60 calendar days** before the first day you need the workers. If the work to be performed is located in more than one State within the same geographic area, you may submit the agricultural job order to any one of the SWAs covering the anticipated locations. Contact and mailing information for each SWA may be obtained by visiting the OFLC web site at http://www.foreignlaborcert.doleta.gov/h-2a.cfm.

What Happens After Filing the Agricultural Job Order

The SWA will review your agricultural job order for compliance with all regulatory requirements and notify you in writing of any deficiencies within 7 calendar days. If the agricultural job order contains deficiencies, you will need to respond to each deficiency within 5 calendar days after receiving notice from the SWA, and then the SWA will issue a final decision within 3 calendar days of receiving your final response.

Upon acceptance of the agricultural job order, the SWA will place a copy of your job order in its clearance system and begin recruitment of U.S. workers. At this point, you will be expected to cooperate with the SWA by accepting referrals of eligible U.S. workers who apply for the job.

PLEASE READ BEFORE YOU PROCEED

When preparing your agricultural job order, remember to:

- Use the most current ETA Form 790 available on the OFLC website at http://www.foreignlaborcert.doleta.gov/form.cfm
- Complete the form legibly, clearly label all attachments, and sign/date the form
- Describe in detail the agriculture work to be performed, including the use of any necessary equipment, and the specific crops or commodities to be planted, cultivated, and/or harvested
- Ensure the job offers the same benefits, wages, and working conditions to U.S. and H-2A workers
- Include a wage offer (hourly or piece rate) for each crop or commodity
- When offering to pay an hourly rate, check the current Adverse Effect Wage Rate on the OFLC website at http://www.foreignlaborcert.doleta.gov/adverse.cfm
- When offering to pay a piece rate, check to see if the state where the work will be performed has issued a prevailing piece rate, which is available on the OFLC website at http://www.foreignlaborcert.doleta.gov/aowl.cfm
- Use the current amounts for food payments to your workers when on travel, available on the OFLC website at http://www.foreignlaborcert.doleta.gov/meal_travel_subsistence.cfm
- Check your information - including the mailing address - for accuracy
- If possible, include an e-mail address on your application so that the SWA can more efficiently communicate with you

STEP 2: FILING AN H-2A APPLICATION WITH THE CHICAGO NPC

The Chicago NPC is responsible for receiving and processing all employer-filed H-2A applications and will be your last point-of-contact in the labor certification process. You will need to prepare and submit an H-2A application requesting a temporary labor certification to bring nonimmigrant foreign workers into the United States. Please remember that you will not be able to file an I-129 visa petition for H-2A workers with USCIS until the Chicago NPC grants a temporary labor certification.

What to File

- A completed ETA Form 9142 *Application for Temporary Employment Certification* and *Appendix A.2* bearing your original signature and, if applicable, that of the agent or attorney authorized to represent you; and,
- A copy of the ETA Form 790 *Agricultural and Food Processing Clearance Order* submitted to the SWA including all attachments.

For H-2A Labor Contractors ONLY: Please include the following additional documents with your submission:

- An attachment containing the name and location of each fixed-site employer, expected start and end dates of work, and a description of the crops and activities your workers will perform at each location;
- A copy of your valid Farm Labor Contractor (FLC) and, if applicable, Farm Labor Contractor Employee (FLCE) Certificate of Registration. If your certificate(s) will expire at any time before the end date of need on the ETA Form 9142, you must submit a written assurance that the certificate(s) will be renewed timely;
- An original surety bond demonstrating your ability to meet payroll and other financial obligations to your workers;
- Copies of fully-executed (signed and dated) work contracts with each fixed-site employer; and,
- Where provided by the fixed-site employer, proof that housing and transportation for workers meets all applicable standards and regulations.

When and Where to File

The application package must be received **at least 45 calendar days** before the first day you need the workers to the:

U.S. Department of Labor
Office of Foreign Labor Certification
Chicago National Processing Center
ρρ 7 ÅÓÔ 1ÕÉÎÃÙ #ÏÕÒÔ
Chicago, IL φπφπτζς ρπυ
Attention: H-2A Program Unit

Employers may now submit their H-2A application either electronically OR via mail directly to the Chicago National Processing Center (NPC). The employer must choose only one method of submission. Duplicate applications, where the employer or authorized representative files electronically and submits that same application via U.S. mail, will be rejected.

Employers may submit their H-2A application electronically via the Department's iCERT Visa Portal System. It is important to read the H-2A iCert Quick Start Guide and H-2A iCERT User Manual before completing and submitting an H-2A application. The online help provides step-by-step instructions for completing and submitting the H-2A application electronically. For more resources and information, please visit the iCERT implementation web page at http://www.foreignlaborcert.doleta.gov/h2ah2b_icert_rollout.cfm.

For Emergency Filings ONLY: You may file your H-2A application less than 45 calendar days before you need the workers only in the following circumstances:

- If you are either filing for the first-time or have a need for workers that could not be foreseen, you must file an emergency H-2A application concurrently with the Chicago NPC and the SWA; or,
- If the SWA did not accept your job order or respond in a timely manner, you only need to submit the emergency H-2A application to the Chicago NPC.

Please don't forget to include a statement and any other documentation justifying why you need to file an emergency H-2A application. Filing under this provision does not automatically guarantee acceptance.

What Happens After Filing the H-2A Application

The Chicago NPC will review your H-2A application for compliance with all regulatory requirements and notify you in writing of any deficiencies within 7 calendar days. If you included an electronic mail (e-mail) address on the ETA Form 9142, the Chicago NPC will use that e-mail address to more efficiently correspond with you on courtesy receipt notifications, notices of deficiencies, and any other information concerning the status of your H-2A application. We encourage our employer customers to use e-mail because it is an official form of communication in other visa programs we administer delivering more convenient, faster, and cost-effective service. If you do not have an e-mail address, the Chicago NPC will assure that all correspondence sent to you will be delivered by next-day delivery. You will continue to receive all final determination actions (e.g. denial or certifications) by next-day delivery.

Receiving a Notice of Deficiency

Deficiencies can arise in your H-2A application due to failure to complete all required fields on the forms, the presence of obvious errors or inaccuracies, or failure to properly disclose an important wage, benefit, or other working condition required by the regulation of your job offer. If the H-2A application contains deficiencies, you will receive a Notice of Deficiency requesting that you respond to each deficiency within 5 business days after receipt. The Notice of Deficiency will state the reason(s) why your application cannot be accepted and specify what corrections are needed. In lieu of responding to each deficiency, you will also be provided with an opportunity to submit an appeal to the Department's Administrative Law Judge (ALJ) within 5 business days after receiving notice.

Important Reminder: If the Chicago NPC does not receive your response within 12 calendar days or you fail to request a review or hearing before the ALJ within 5 business days, your H-2A application will be considered abandoned and denied temporary labor certification.

Receiving a Notice of Acceptance

If the H-2A application contains no deficiencies, you will receive a written Notice of Acceptance within 7 calendar days. The Notice of Acceptance will contain specific instructions for you on how to recruit U.S. workers as well as directing the SWA to circulate a copy of your job order to other states as potential sources of U.S. workers. In addition, the Chicago NPC will place a copy of your job order on its national H-2A Public Job Registry located at http://icert.doleta.gov. It is important to remember that your job order will remain active until 50 percent of your work contract has elapsed and you will be expected to cooperate with the SWA by accepting and fully considering referrals of eligible U.S. workers who apply for the job.

Important Reminder: If you need to request an amendment to your H-2A application (e.g., increase number of workers, change start date of work), please send us an e-mail at TLC.Chicago@dol.gov or by facsimile to (312) 886-1688 (Attn: H-2A Amendment Request).

PLEASE READ BEFORE YOU PROCEED

When preparing your H-2A application, remember to:

- Use the most current ETA Form 9142 and Appendix A.2 available on the OFLC website at http://www.foreignlaborcert.doleta.gov/form.cfm
- Complete the form legibly and sign/date the form and Appendix A.2
- Ensure all required information on the ETA Form 9142 is as close to identical as possible to the information on the ETA Form 790
- Check your information – including the mailing address - for accuracy
- If possible, include an e-mail address on your application so that the OFLC can more efficiently communicate with you

STEP 3: CONDUCTING RECRUITMENT FOR U.S. WORKERS

Once you receive a Notice of Acceptance from the Chicago NPC, you will be asked to conduct recruitment on your own for U.S. workers in addition to the recruitment conducted on your behalf by the SWA. Please read your Notice of Acceptance carefully as it will contain specific instructions that you will need to follow including when and where to advertise, what content the advertisements must contain, and how to prepare your recruitment report. Conducting good faith recruitment and determining whether there are insufficient eligible U.S. workers that will meet your need, at least temporarily, is a critical factor in the decision process of whether the Chicago NPC will grant a temporary labor certification.

When and Where to Advertise

Your advertising and recruitment efforts must be conducted between when you receive the Notice of Acceptance until the date on which the H-2A workers depart for the worksite or the 3rd calendar day before the start date of work, whichever is earlier. At a minimum, you must conduct and document the following recruitment activities on your own:

- **Placing newspaper advertisements** on 2 separate days, one of which must be a Sunday, in a newspaper of general circulation serving your local area where the work will be performed. If the newspaper does not have a Sunday edition, please advertise in the regularly published daily edition with the widest circulation serving your local area;
- **Contacting, by mail or other effective means, any former U.S. workers** from the previous year and solicit their return to the job. You do not need to contact former U.S. workers who were previously employed and either were terminated for cause or abandoned the worksite; and,
- **Conducting additional recruitment** in accordance with specific instructions contained in your Notice of Acceptance, which typically involves placing newspaper or other advertisements in no more than 3 other states within the regional area or expected labor supply states (e.g., Florida, Texas, Puerto Rico).

What Content to Advertise

All advertising must contain, at a minimum, the following content to adequately apprise prospective applicants of your job:

- Employer's name and location of work;
- Description of the job duties and crops;
- Start and end dates of work;
- Wage offer (hourly and/or piece rate pay);
- Indicate the job is "temporary";
- Total number of job openings;

- Statement guaranteeing work for 3/4th of the total work days;
- Statement that tools, supplies, and equipment will be provided at no cost, if applicable;
- Statement that transportation and subsistence to the worksite will be reimbursed upon completion of 50 percent of the work contract (Note: The Fair Labor Standards Act applies independently of the H-2A Program and imposes separate obligations on employers regarding the payment of wages);
- Statement that housing will be provided at no cost for workers who cannot reasonably return to their permanent residence at the end of the work day; and,
- SWA contact information and, if available, job order number and a statement directing applicants to apply for the job by contacting the SWA.

Important Reminders:

• Employers requiring interviews must conduct those by phone or provide a procedure for the interviews to be conducted in the location where the worker is being recruited at little or no cost to the worker.

• Where workers complete 50 percent of the work contract, employers are responsible for the reasonable travel costs of workers reaching the worksite, including transportation, lodging (where necessary), and food.

How to Prepare the Recruitment Report

During the entire recruitment period, you may receive referrals of U.S. workers for consideration from the SWA as well as "self-referrals" of applicants who find out about your job through other recruitment sources (e.g., newspaper ads, Job Registry, word-of-mouth) and wish to apply for the job. Please read your Notice of Acceptance carefully as it will contain instructions on how to prepare your recruitment report and a specific date on which you must sign, date, and submit the recruitment report to the Chicago NPC.

Your recruitment report should, at a minimum, contain the following information:

- The name of each recruitment source;
- The name and contact information of each U.S. worker (including former U.S. workers) who applied or was referred to your job up to the date you prepared the recruitment report;
- If applicable, for each U.S. worker who applied for the position but was not hired, explain the lawful job-related reason(s) for not hiring the U.S. worker; and,
- A statement confirming whether former U.S. workers were contacted yet and, if so, by what means.

Important Reminder: You must continue to maintain and update your recruitment report through 50 percent of the work contract period because that is how long your job will be open with the SWA and on the national H-2A

Public Job Registry. You do not need to submit this "final" recruitment report to the Chicago NPC, but must keep it in your file in the event of an audit or other request by the Department.

STEP 4: COMPLETING THE TEMPORARY LABOR CERTIFICATION PROCESS

In order to grant a temporary labor certification, the Chicago NPC must determine that there are insufficient U.S. workers to meet your need and the employment of H-2A workers will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. This determination is based upon a favorable review of your recruitment report, the terms and conditions of your job order and H-2A application, and other required documentation guaranteeing certain protections to employed workers.

What Documents to Submit to the OFLC Chicago NPC

In order to receive a final determination on your H-2A application, the Notice of Acceptance will request that the following documents be submitted by you and/or the SWA:

- **Recruitment Report**: A signed and dated written report of your recruitment efforts up to that date;
- **SWA Housing Certification**: A statement or certification submitted by the SWA on your behalf that the proposed housing meets the applicable standards and has sufficient capacity to house the number of workers requested. If rental housing or other public accommodations will be provided to workers, you (not the SWA) must provide documentation that the housing complies with the applicable local, state, or Federal standards; and,
- **Workers' Compensation Coverage**: A copy of your workers' compensation insurance policy which must be in compliance with State law or, in the event of an exemption from State law, coverage benefits at least equal to those provided under the State workers' compensation law for other comparable employment. The employer must provide proof of coverage including the name of the insurance carrier, the insurance policy number, and proof of insurance for the period of need stated on the application, or, if appropriate, proof of State law coverage.

Important Reminder: If the coverage will expire at any time during the period of employment, you will need to submit a written statement demonstrating your intent to renew and maintain workers' compensation coverage for the entire period of employment.

Receiving a Denial Determination

If the Chicago NPC determines that the H-2A application does not meet the regulatory criteria for certification, you will be denied temporary labor certification. You will receive a Final Determination letter that will include the reason(s) temporary labor certification cannot be granted and offer you an opportunity to request an expedited administrative review or a *de novo* administrative hearing of the decision before the Department's ALJ within 7 calendar days of the date on the Final Determination letter. All records and documents supporting the H-2A application must be retained for a period of 3 years from the date OFLC denied temporary labor certification.

Receiving a Certification Determination

If the Chicago NPC determines that the H-2A application meets the regulatory criteria for certification, you will be granted temporary labor certification. You will receive a Final Determination letter, a certified ETA Form 9142 and Appendix A.2, and an invoice requiring payment for fees associated with processing your application ($100) and the number of workers certified ($10 per worker), the total of which will not exceed $1,000. Failure to pay this required fee may result in the imposing of sanctions. All records and documents supporting the H-2A application must be retained for a period of 3 years from the date OFLC granted temporary labor certification.

It is important to remember that the Chicago NPC can issue the following types of certification determinations:

1. **Full Certification** means you were granted labor certification for the entire number of H-2A workers and period of employment you requested;

2. **Partial Certification** means you were granted labor certification but either the number of H-2A workers or period of employment or both has been reduced. Please read your Final Determination letter carefully as it will contain the reason(s) why you were granted a partial certification and provide you with an opportunity to file an appeal to the Department's ALJ within 7 calendar days of the date on the Final Determination letter.

Important Reminder: Your certification fee must be paid within 30 calendar days of issuance of the Certification by check or money order. Payments must be in U.S. dollars and made payable to U.S. Department of Labor and sent to the following address:

U.S. Department of Labor
Office of Foreign Labor Certification
Chicago National Processing Center
ρρ 7 ÅÓÔ 1 ÕÉÎÃÙ #ÏÕÒÔ
#ÈÉÃÁÇÏ), φπφπτζςρπυ

Congratulations! You are Ready to File with the USCIS

Once you receive a labor certification, you are now ready to take your certified ETA Form 9142 and Appendix A.2 and move on to the USCIS. You will need to prepare and submit the Form I-129 *Petition for Nonimmigrant Worker* to the USCIS California Service Center requesting approval for the admission of H-2A workers to perform work in the United States. The forms and instructions for filing as well as current processing times for H-2A visas can be obtained from the USCIS web site at: http://www.uscis.gov.

APPENDICES

Appendix A. Key Regulatory Provisions

Regulatory Provision	Citation Reference
Step 1: Filing a Job Order with the State Workforce Agency	
Establishing an offered wage rate for the work	20 CFR 655.120
Filing an agricultural job order (ETA Form 790)	20 CFR 655.121
Required content of an agricultural job order - Job qualifications and requirements - Provision of housing - Workers' compensation insurance coverage - Provision of tools, supplies, and equipment - Provision of meals or cooking facilities - Transportation and subsistence benefits - Guarantee to offer 3/4th of the total work days - Providing workers with hours/earnings statements - Rates of pay guarantees (hourly and/or piece rates) - Frequency of pay to workers - Workers abandonments or terminations for cause - Guarantees in the event of contract impossibility - Disclosure of all deductions from the worker's pay	20 CFR 655.122
Step 2: Filing an H-2A Application with the OFLC Chicago NPC	
H-2A application filing requirements (ETA Form 9142)	20 CFR 655.130
Special filing requirements for agricultural associations	20 CFR 655.131
Special filing requirements for H-2A labor contractors	20 CFR 655.132
Emergency filing situations and requirements	20 CFR 655.134
Employer obligations for participating in the H-2A Program	20 CFR 655.135
Chicago NPC processing of H-2A applications - Standard of reviewing applications - Issuance of a Notice of Deficiency or Acceptance - Placement of job order on H-2A Public Job Registry - Requirements for requesting amendment to applications	20 CFR 655.140 - 145

Regulatory Provision	Citation Reference
Step 3: Conducting Recruitment for U.S. Workers	
Newspaper advertisements and content requirements	20 CFR 655.151-152
Contact with former U.S. employees	20 CFR 655.153
Additional employer recruitment	20 CFR 655.154
Receiving U.S. worker referrals	20 CFR 655.155
Preparing the recruitment report	20 CFR 655.156
Step 4: Completing the Temporary Labor Certification Process	
Requirements for housing workers	20 CFR 655.122(d)
Requirements for workers' compensation insurance	20 CFR 655.122(e)
Receiving a temporary labor certification determination - Criteria for certification - Full certification - Partial certification - Certification fees - Denial - Right to appeal to DOL Administrative Law Judges	20 CFR 655.160-165 20 CFR 655.171
Important Post-Certification Provisions	
Requesting extensions	20 CFR 655.170
Withdrawals of job orders and applications	20 CFR 655.172
Document retention requirements.	20 CFR 655.167

Appendix B. Helpful Resources

How to Contact the OFLC Chicago NPC

E-mail: **TLC.Chicago@dol.gov** for all general questions and case status inquiries
(Please include "H-2A" and your case number in the subject line of the email)

Fax: (312) 886-1688

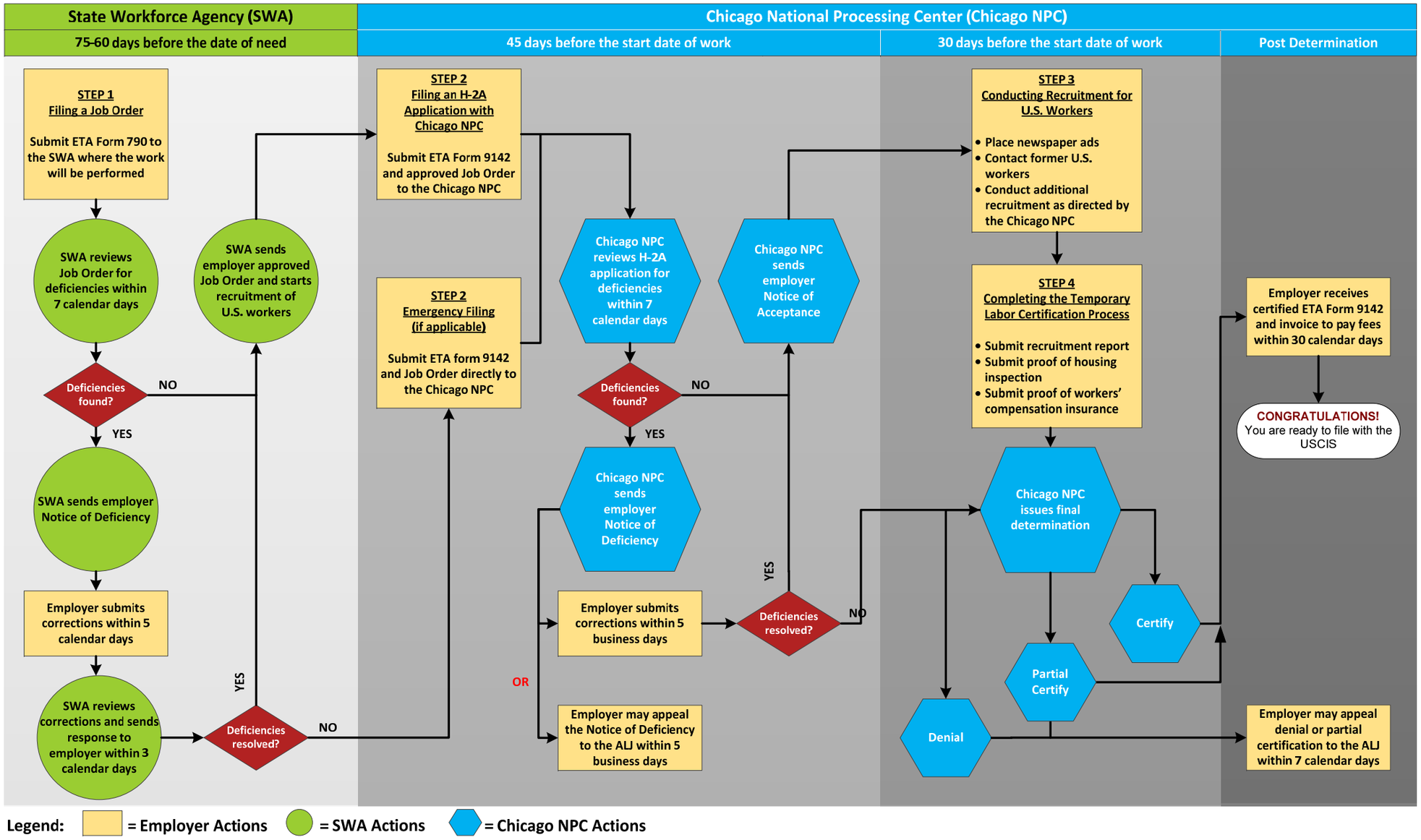
Mail: U.S. Department of Labor
Office of Foreign Labor Certification
Chicago National Processing Center
11 West Quincy Court
Chicago, IL 60604-2105
Attention: H-2A Program Unit

- **Requesting Amendments or Extensions**: If you need to request an amendment to your application or an extension (more than 2 weeks) to the certified period of employment, please send an e-mail directly to TLC.Chicago@dol.gov with the words "H-2A Amendment Request" or "H-2A Extension Request" in the subject line of the e-mail.

- **Worker Abandonment/Termination Notifications**: Employers must provide the Chicago NPC with written notification when any worker voluntarily abandons or is terminated for cause from the job before the end of the certified work period. Employers must submit the written notification within two (2) working days of the abandonment or termination from the job. To notify us, please send an e-mail directly to TLC.Chicago@dol.gov with the words "H-2A Abandonment/Termination Notice" in the subject line of the e-mail.

General H-2A Program Information

- To obtain information about the H-2A Program, including current application forms, filing tips, frequently asked questions, factsheets, and other technical assistance materials, please visit the OFLC website at http://www.foreignlaborcert.doleta.gov/h-2a.cfm

- Additional compliance assistance for employers, including explanatory brochures, factsheets, and regulatory and interpretative materials, is available on the Wage Hour Division website at http://www.dol.gov/whd

Appendix C. H-2A Application Process Flow Chart