

101 TAA PETITIONS INSTITUTED BETWEEN 10/23/17 AND 11/30/17—Continued

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
93322	Unified Grocers (State/One-Stop)	Commerce, CA	11/22/17	11/20/17
93323	Payless (State/One-Stop)	Topeka, KS	11/24/17	11/22/17
93324	Dresser-Rand (State/One-Stop)	Painted Post, NY	11/27/17	11/24/17
93325	Eli Lilly (Company)	Bridgewater, NJ	11/27/17	11/24/17
93326	Oticon, Inc. (State/One-Stop)	Somerset, NJ	11/27/17	11/24/17
93327	AG Manufacturing, Inc.—Alabama (Company)	Wetumpka, AL	11/28/17	11/27/17
93328	Altice USA (State/One-Stop)	Woodbury, NY	11/28/17	11/27/17
93329	Kyklos Bearing International, LLC (State/One-Stop)	Sandusky, OH	11/28/17	11/27/17
93330	CDI (State/One-Stop)	Indianapolis, IN	11/29/17	11/28/17
93331	Securitas USA (at Kellogg Seelyville Bakery) (State/One-Stop).	Terre Haute, IN	11/29/17	11/28/17
93332	Murray's Iron Works, Inc. (State/One-Stop)	Commerce, CA	11/29/17	11/28/17
93333	Julius Koch USA, Inc. (Company)	New Bedford, MA	11/29/17	11/20/17
93334	Flowserve U.S. Inc., Parts Manufacturing Center (Company).	Clarks Summit, PA	11/30/17	11/27/17
93335	Pacific Gas & Electric Co. (State/One-Stop)	San Francisco, CA	11/30/17	11/29/17
93336	Suniva, Inc. (State/One-Stop)	Norcross, GA	11/30/17	11/29/17

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: 2018 Adverse Effect Wage Rates for Non-Range Occupations**

**AGENCY:** Employment and Training Administration, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration (ETA) of the Department of Labor (Department) is issuing this notice to announce the 2018 Adverse Effect Wage Rates (AEWRs) for the employment of temporary or seasonal nonimmigrant foreign workers (H-2A workers) to perform agricultural labor or services other than the herding or production of livestock on the range.

AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment for a particular occupation and area so that the wages and working conditions of similarly employed U.S. workers will not be adversely affected. In this notice, the Department announces the annual update of the AEWRs.

**DATE:** This notice is applicable January 4, 2018.

**FOR FURTHER INFORMATION CONTACT:** William W. Thompson, II, Administrator, Office of Foreign Labor Certification, Box #12-200, Employment & Training Administration, U.S.

Department of Labor, Office of Foreign Labor Certification, 200 Constitution Avenue NW, Washington, DC 20210. Telephone: 202-513-7350 (this is not a toll-free number).

Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1-877-889-5627.

**SUPPLEMENTARY INFORMATION:** As a condition precedent to receiving an H-2A visa, employers must first obtain a labor certification from the Department of Labor. The labor certification provides that: (1) There are not sufficient U.S. workers who are able, willing, and qualified and who will be available at the time and place needed to perform the labor or services involved in the petition; and (2) the employment of the foreign worker(s) in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c)(1), and 1188(a); 8 CFR 214.2(h)(5); 20 CFR 655.100.

**Adverse Effect Wage Rates for 2018**

The Department's H-2A regulations at 20 CFR 655.122(l) provide that employers must pay their H-2A workers and workers in corresponding employment at least the highest of: (i) The AEWR; (ii) the prevailing hourly wage rate; (iii) the prevailing piece rate; (iv) the agreed-upon collective bargaining wage rate, if applicable; or (v) the Federal or State minimum wage rate, in effect at the time the work is performed.

Except as otherwise provided in 20 CFR part 655, subpart B, the region-wide AEWR for all agricultural employment (except for the herding or

production of livestock on the range, which is covered by 20 CFR 655.200-235) for which temporary H-2A certification is being sought is equal to the annual weighted average hourly wage rate for field and livestock workers (combined) in the State or region as published annually by the United States Department of Agriculture (USDA). 20 CFR 655.120(c) requires that the Administrator of the Office of Foreign Labor Certification publish the USDA field and livestock worker (combined) wage data as AEWRs in a **Federal Register** notice. Accordingly, the 2018 AEWRs to be paid for agricultural work performed by H-2A and U.S. workers on or after the applicable date of this notice are set forth in the table below:

**TABLE—2018 ADVERSE EFFECT WAGE RATES**

State	2018 AEWRs
Alabama	\$10.95
Arizona	10.46
Arkansas	10.73
California	13.18
Colorado	10.69
Connecticut	12.83
Delaware	12.05
Florida	11.29
Georgia	10.95
Hawaii	14.37
Idaho	11.63
Illinois	12.93
Indiana	12.93
Iowa	13.42
Kansas	13.64
Kentucky	11.19
Louisiana	10.73
Maine	12.83
Maryland	12.05
Massachusetts	12.83
Michigan	13.06
Minnesota	13.06
Mississippi	10.73

TABLE—2018 ADVERSE EFFECT WAGE RATES—Continued

State	2018 AEWRs
Missouri .....	13.42
Montana .....	11.63
Nebraska .....	13.64
Nevada .....	10.69
New Hampshire .....	12.83
New Jersey .....	12.05
New Mexico .....	10.46
New York .....	12.83
North Carolina .....	11.46
North Dakota .....	13.64
Ohio .....	12.93
Oklahoma .....	11.87
Oregon .....	14.12
Pennsylvania .....	12.05
Rhode Island .....	12.83
South Carolina .....	10.95
South Dakota .....	13.64
Tennessee .....	11.19
Texas .....	11.87
Utah .....	10.69
Vermont .....	12.83
Virginia .....	11.46
Washington .....	14.12
West Virginia .....	11.19
Wisconsin .....	13.06
Wyoming .....	11.63

Pursuant to the H-2A regulations at 20 CFR 655.173, the Department will publish a separate **Federal Register** notice in early 2018 to announce (1) the allowable charges for 2018 that employers seeking H-2A workers may charge their workers for providing them three meals a day; and (2) the maximum travel subsistence reimbursement which a worker with receipts may claim in 2018. Also in a separate **Federal Register** notice, the Department will publish the monthly AEWR for workers engaged to perform herding or production of livestock on the range for 2018.

**Rosemary Lahasky,**

*Deputy Assistant Secretary, Employment and Training Administration.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Comment Request for Information Collection for Form ETA-9142-B-CAA, Revision of Currently Approved Collection

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL or Department), as part of its effort to streamline information collection,

clarify statutory and regulatory requirements, and provide greater transparency and oversight in the H-2B nonimmigrant visa application processes, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps provide that all requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, ETA is soliciting comments concerning the proposed revisions to Office of Management and Budget (OMB) Control Number 1205-0530, containing Form ETA-9142-B-CAA—*Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers Under Section 543 of the Consolidated Appropriations Act*, which it is currently set to expire on January 31, 2018. A copy of the proposed revised information collection can be obtained by contacting the office listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before February 20, 2018.

**ADDRESSES:** Submit written comments to William W. Thompson II, Administrator, Office of Foreign Labor Certification, Box #12-200, Employment & Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. Telephone number: 202-513-7350 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1-877-889-5627 (TTY/TDD). Fax: 202-513-7395. Email: [ETA.OFLC.Forms@dol.gov](mailto:ETA.OFLC.Forms@dol.gov) subject line: ETA-9142-B-CAA. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The H-2B visa program enables employers to bring nonimmigrant foreign workers to the U.S. to perform nonagricultural work of a temporary or seasonal nature as defined in 8 U.S.C. 1101(a)(15)(H)(ii)(b). For purposes of the H-2B program, the INA and governing federal regulations require the Secretary of Labor to certify, among other things,

that any foreign worker seeking to enter the United States on a temporary basis for the purpose of performing non-agricultural services or labor will not, by doing so, adversely affect wages and working conditions of U.S. workers who are similarly employed. In addition, the Secretary must certify that qualified U.S. workers are not available to perform such temporary labor or services.

Section 543 of the Consolidated Appropriations Act, 2017, Public Law 115-31 (May 5, 2017) (2017 Act), authorized the Secretary of the Department Homeland Security (DHS), in consultation with the Secretary of Labor, to increase the number of H-2B visas available to U.S. employers in Fiscal Year (FY) 2017, notwithstanding the otherwise established statutory numerical limitation. In consultation with the Secretary of Labor, the Secretary of Homeland Security increased the H-2B cap for FY 2017 by up to 15,000 additional visas for American businesses that were likely to suffer irreparable harm (that is, permanent and severe financial loss) without the ability to employ all of the H-2B workers requested on their petition before the end of FY 2017. As set forth in the Temporary Rule: Exercise of Time-Limited Authority to Increase the Fiscal Year 2017 Numerical Limitation for the H-2B Temporary Nonagricultural Worker Program, 82 FR 32987 (July 19, 2017), which implemented the 2017 Act, employers seeking authorization to employ workers under this time-limited authority were required to complete and submit Form ETA-9142-B-CAA.

The authority to issue any new visas under the 2017 Act has expired, and employers are no longer permitted to submit Form ETA-9142-B-CAA. However, employers continue to be required to retain the form and required supporting documentation for 3 years from the date of the certification. The retention requirement expires on October 1, 2020. As a result, the Department now seeks public comment to revise the information collection as a result of continued record retention requirements following the expiration of Form ETA-9142-B-CAA, and elimination of the burden associated with the preparation and submission of the form, which is no longer required or accepted in connection with petitions for H-2B workers.

##### II. Review Focus

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary