

H-2B Job Order Checklist

The Department of Labor (DOL) regulations published in the Federal Register on February 21, 2012 and codified at 20 Code of Federal Regulations, part 655, subpart A require that each non-agricultural job order placed in connection with an *Application for Temporary Employment Certification* (H-2B application) complies with specific content requirements in order to assure that U.S. workers who apply for the job opportunity through the State Workforce Agency (SWA) are fully apprised of the material terms and conditions of employment.

The following checklist is intended to assist employers in posting their H-2B job orders.

Material Term/Condition	Regulatory Citation(s)	Job Order Standard
Employer Information	20 CFR 655.18(b)(1) 655.19(e)(2)	✓ State the employer's name and contact information Important Reminder: <i>Job orders filed by (or on behalf of) joint employers or job contractors, must clearly identify both employer names and contact information.</i>
	655.18(b)(2)	✓ State the job opportunity is <u>"temporary and full-time"</u>
	655.18(b)(2)	✓ State the total number of job openings
	655.18(b)(3)	✓ Provide a description of the job opportunity, including duties to be performed, minimum education and experience requirements, work hours and days, and the anticipated start and end dates of employment
Job Opportunity Information	655.18(b)(7)	✓ If applicable, state <u>"on-the-job training will be provided"</u>
	655.18(b)(4) 655.19(e)(2)	✓ Indicate the geographic area of employment sufficiently to apprise applicants of any travel requirements to the job and where applicants will likely have to reside to perform the services or labor Important Reminder: <i>If the applicant is filing as a joint employer or job contractor, the job order must clearly identify all worksite location(s) where workers will perform labor or services for both employers.</i>
		655.18(b)(5)
	655.18(b)(6)	✓ State whether overtime will be available and, if so, state the actual wage that will be provided to workers working any overtime hours
Wage Information	655.18(b)(8)	✓ State <u>"a single workweek will be used to compute wages due"</u>
	655.18(b)(9)	✓ State the frequency with which workers will be paid Important Reminder(s): <i>For frequency of pay, workers must be paid at least every 2 weeks or according to the prevailing practice in the area of employment, whichever is more frequent.</i>

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	655.18(b)(11)	<ul style="list-style-type: none"> ✓ State “all deductions from the worker’s paycheck required by law will be made” ✓ The job order includes information disclosing any elective deductions ✓ Disclose all other deductions not required by law the employer intends to make <p>Important Reminder: Elective deductions related to the provision of board, lodging or facilities must be reasonable and based on the fair value of such benefits.</p>
Employer Provided Items	655.18(b)(16)	<ul style="list-style-type: none"> ✓ State “the employer will provide workers at no charge all tools, supplies, and equipment required to perform the job.”
Three-fourths Guarantee	655.18(b)(17)	<p>The job order includes information disclosing the three-fourths guarantee and includes at least the following language:</p> <ul style="list-style-type: none"> ✓ If the employer’s anticipated period of employment will last 120 days or more, state the following: “The employer guarantees to offer work for hours equal to at least three-fourths of the workdays in each 12-week period of the total employment period.” <li style="text-align: center;">OR ✓ If the employer’s anticipated period of employment will last less than 120 days, state the following: “The employer guarantees to offer work for hours equal to at least three-fourths of the workdays in each 6-week period of the total employment period.”
First Workweek Guarantee	655.18(b)(15)	<ul style="list-style-type: none"> ✓ The job order includes information regarding the first week reimbursement of certain fees and includes at least the following language: “H-2B workers will be reimbursed in the first workweek for all visa, visa processing, border crossing, and other related fees, including those mandated by the government (excluding passport fees).”
Transportation and Subsistence Benefits	655.18(b)(12) 655.18(b)(13)	<ul style="list-style-type: none"> ✓ The job order includes information disclosing the transportation/subsistence reimbursement guarantee and includes at least the following language: “Transportation (including meals and, to the extent necessary, lodging) to the place of employment will be provided, or its cost to workers reimbursed, if the worker completes half the employment period.” “Return transportation will be provided if the worker completes the employment period or is dismissed early by the employer.”
Board or Lodging or Fringe benefits (Optional)	655.18(b)(10)	<ul style="list-style-type: none"> ✓ If applicable, the job order discloses the provision and cost of any board, lodging, or other facilities, including fringe benefits or assistance to be provided to the workers in securing such benefits
Daily Transportation (Optional)	655.18(b)(14)	<ul style="list-style-type: none"> ✓ If applicable, the job order discloses that daily transportation to and from the worksite(s) will be provided to the workers (e.g. centralized designated daily pick-up places will need to be disclosed, if the employer offers such)

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SWA Contact Information	655.18(b)(18)	<ul style="list-style-type: none"> ✓ The job order informs the applicants that they should apply for the job at the nearest office of the SWA ✓ The job order includes the SWA contact information and, if applicable, the job order number - by stating "Applicants can call 860-263-6020 and reference Job Order Number"