

JO Policy Changes for FLC

B7. Foreign Labor Certification

One method for an employer to fill a vacancy when they are unable to find qualified applicants locally is to obtain a Permanent Foreign Labor Certification from the Department of Labor (DOL). DOL must certify there are no qualified U.S. workers available and willing to accept the job. As part of this recruitment process, the employer must advertise the job at least 30 days, but not more than 180 days before the application for permanent labor certification is filed. This means they must place a job listing with a State Employment Security Agency.

There are other requirements of the program that are not the concern of job order writing staff. ***The foreign labor certification process is the responsibility of the employer***, not the employee, or Job Center staff.

Permanent Foreign Labor Certification job orders should be indistinguishable from any other job order. Staff will handle these job orders in the same manner as any other job order. In the past FLC job orders were exclusively handled by the state FLC Coordinator. Effective immediately ***permanent*** FLC job orders will be handled by local staff.

Job orders may be placed by the company directly, or by a company representative (an immigration attorney or immigration agent). Applications or resumes may be submitted to the company or to the company representative. Company representative entering job orders online should register on WJOS under the workplace company name.

Temporary FLC job orders will continue to be entered, serviced, and closed by the state Foreign Labor Certification Coordinator in the DWD central office. The employer names in these orders are suppressed to ensure that all resumes are sent through the central office for review and not directly to the employer. Temporary FLC job orders will be recognizable because the FLC office in Madison will be listed as the employer and the point of application. ***Temporary FLC job orders are not to be updated, closed or otherwise modified by local field staff.***

References:

http://www.dwd.state.wi.us/dws/programs/refugees/Labor/alienlabcert_intro.htm
<http://www.workforcesecurity.doleta.gov/foreign/about.asp>