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GUAM DEPARTMENT OF LABOR

(Revised 1/15/73)

ADMINISTRATIVE POLICY FOR ALIEN EMPLOYMENT CERTIFICATION

FOR TEMPORARY ALIEN WORKERS

AND

DEPARTMENT OF DEFENSE DIRECT HIRES AND DEFENSE CONTRACTORS

I. PURPOSE

Establishment of policy and procedures to control the importation and extension of temporary stay in the United States of non-immigrant workers including aliens admitted under Section 101 (a) (15) (h) (ii) of the Immigration and Nationality Act of 1952, as amended, Department of Defense direct hires and aliens paroled to work for Department of Defense Contractors.

II. JOB OPPORTUNITIES FOR U. S. RESIDENTS OF GUAM

It is the intent of this policy to assure maximum recruitment and utilization of U. S. resident workers who are available for employment. Each employer will continue to recruit U. S. resident workers to replace non-immigrant alien temporary workers and parolees in all job categories in which such persons are employed.

III. BASIC PROVISIONS

Employers seeking to utilize non-immigrant alien temporary workers or parolees in Guam for temporary employment are required to obtain a labor certification from the Guam Employment Service, stating that the employment of such persons will not adversely affect the wages or working conditions of U. S. resident workers and that there are no U. S. resident workers available for the requested employment.

IV. DEFINITIONS

For the purpose of this administrative policy, the following terms are defined:

A. Non-Immigrant Alien Temporary Worker. This is often referred to as an "alien contract worker." The non-immigrant alien temporary worker is defined in Section 101 (a) (15) (H) (ii) of the Immigration and Nationality Act of 1952, as amended, as an alien having a residence in a foreign country which he has no intention of abandoning, who is coming temporarily to the United States to

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perform temporary services or labor in a skilled position if unemployed person capable of performing such services or labor cannot be found in this country. As applied in those procedures, pursuant to 29 CFR Part 621, such person shall be determined eligible for employment only where qualified persons in the United States are (1) not available and (2) the employment of a non-immigrant alien temporary worker will not adversely affect the wages and working conditions of a worker in the United States similarly employed. See 29 CFR Section 60.6 and Paragraph XIV, infra, for matters to be considered in determining "adverse effect."

B. United States. The term "United States" as used herein is that defined in the Immigration and Nationality Act of 1952, as amended, Section 101 (a), Public Law 414, as follows: "The term United States...when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam and the Virgin Islands of the United States."

C. United States Resident Worker. The term United States resident worker refers to a citizen of the United States, or a national of the United States or a permanent resident alien.

D. Part-Time Employment. Part-time employment does not qualify for a temporary labor certification. Part-time employment refers to hours or days of work less than those normal or prevailing for the occupation in the employment area. (i.e., less than 8 hours a day or 40 hours a week).

E. Temporary Employment. This term refers to the job and job duties to be performed in a position which is to be filled for a period of one (1) year or less. It does not refer to the individual who will perform the duties, or to a job that is permanent in nature. Nevertheless, for purposes of these policies and until further notice, jobs in construction and other industries will be considered to be temporary where the projects are of a limited duration. (e.g. entertainers, boxers, trainers, etc.).

F. Job Order. This term is used to describe Form ES 514 which is required by the Guam Employment Service. The Job Order must be filled by a prospective importer OR EXTENDER of alien temporary workers or parolees before a determination can be made (1) whether qualified workers are available in the United States and (2) whether the employment of such alien workers will have an adverse effect on the wages and working conditions of workers in the United States similarly employed.

V. REPORTING

NOT LATER THAN THE 26TH DAY OF EACH MONTH, each employer employing non-immigrant alien temporary workers or parolees will report to the Guam Employment Service the following:

- A. THE NAME, ADDRESS, AND OCCUPATION OF EACH NON-IMMIGRANT ALIEN TEMPORARY WORKER OR PAROLEE WHO IS PRESENTLY ON GUAM.
- B. THE NUMBER OF NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND PAROLEES TERMINATED DURING THE 30 DAY PERIOD.
- C. THE NAME, ADDRESS, AND OCCUPATION OF EACH UNITED STATES RESIDENT WORKER CURRENTLY EMPLOYED OR TERMINATED DURING THE 30 DAY PERIOD.

VI. RESTRICTION OF ALIEN TO ONE OCCUPATION

Non-immigrant alien temporary workers or parolees cannot be employed in any position other than the specific position for which they have been certified by the Guam Employment Service.

VII. TEMPORARY LABOR CERTIFICATION

Definition - A temporary labor certification is a certification issued by the Guam Employment Service to an employer for non-immigrant alien temporary workers or parolees for a period of one (1) year or less, for a specific temporary position, for which U. S. resident workers are not available and whose issuance will not adversely affect the wages and working conditions of U. S. resident workers who are similarly employed.

Validity - A temporary labor certification issued pursuant to this policy shall be issued for a specific period of time setting forth the starting and ending dates of the temporary employment. As a policy matter, no temporary certification will be issued for a period longer than (1) year. Extensions of labor certifications will be treated the same as a new application by the Guam Department of Labor.

VIII. FORM MA 7-50B (JOB OFFER FOR ALIEN EMPLOYMENT)

The MA 7-50B provides for a description of the job duties to be performed and the minimum requirements necessary to adequately perform the job. It is to be completed by the employer when requesting certification for non-immigrant alien temporary workers or parolees. THIS FORM MAY BE USED FOR ALL OCCUPATIONS. PLEASE SEE SAMPLE MA 7-50B FORM FOR THE NEW ABBREVIATED WAY OF FILLING OUT THIS FORM PLUS THE ACCOMPANYING ATTACHMENT.

THE GUAM EMPLOYMENT SERVICE WILL DETERMINE AND ENTER THEREON THE VALIDITY PERIOD OF THE CERTIFICATION. AN EMPLOYER MAY REQUEST THAT THE CERTIFICATION PERIOD BEGIN UP TO 30 DAYS AFTER SUBMISSION OF HIS PETITION.

IX. FILING PROCEDURE

- A. AN ORIGINAL AND THREE (3) COPIES, PLUS ATTACHMENT, MUST BE FILED LISTING THE TOTAL NUMBER OF ALIENS REQUESTED IN ALL OF THE OCCUPATIONAL CATEGORIES WITH A BREAKDOWN OF THE REQUIRED INFORMATION PER OCCUPATION ON THE ATTACHMENT.

- B. A signed copy of an employer's original project contract must be filed with Guam Employment Service. The copy of the original project contract must be certified by an officer or responsible person of the firm that it is a true and accurate copy of the original project contract.
- C. The Guam Employment Services, a division of the Department of Labor, will process certification requests in an expeditious manner. Incomplete forms, insufficient information, etc., may lead to substantial delays in processing time. All persons having questions concerning the filling out of forms, and processing requirements are encouraged to seek the advice of the Guam Employment Service.

X. TRANSFER OF WORKERS TO OTHER PROJECTS

A FIRM MAY TRANSFER A WORKER TO ANOTHER PROJECT (OF HIS OWN) TO WHICH HE HAS NOT BEEN PREVIOUSLY CERTIFIED ONLY AFTER RECEIVING A NEW GUAM DEPARTMENT OF LABOR CERTIFICATION AND AFTER RECEIVING WRITTEN AUTHORIZATION OF THE IMMIGRATION AND NATURALIZATION SERVICE SUBSEQUENT TO THE FILING OF A NEW VISA APPLICATION.

XI. OTHER LAWS AND REGULATIONS

FOR THE PURPOSE OF THIS POLICY, ALL EMPLOYEES ARE SUBJECT TO THE RULES AND REGULATIONS NOW IN EFFECT WITH ALL GOVERNMENT OF GUAM AGENCIES. OF SPECIAL SIGNIFICANCE TO EMPLOYERS OF NON-IMMIGRANT ALIEN WORKERS ARE THE FOLLOWING AGENCIES:

1. APPRENTICESHIP AND TRAINING.
2. WAGE AND HOUR SECTION.
3. OCCUPATIONAL SAFETY AND HEALTH SECTION.
4. WORKMEN'S COMPENSATION SECTION.
5. RESEARCH AND STATISTICS.
6. EMPLOYMENT SERVICE.

ALL EMPLOYERS MUST AGREE TO COMPLY WITH ALL FEDERAL AND LOCAL LAWS AND REGULATIONS RELATING TO RATES OF PAY, HOURS OF WORK, SAFETY AND HEALTH CONDITIONS, AND ALL OTHER CONDITIONS AFFECTING THE WORK PLACE AND THEIR EMPLOYEES. EMPLOYERS CHARGING WORKERS FOR ROOM AND BOARD MUST BE PREPARED TO DEMONSTRATE THAT THE WORKERS ARE RECEIVING GOODS AND SERVICES OF A VALUE EQUAL TO THE BOARD AND ROOM CHARGED. CHARGES IN EXCESS OF ACTUAL COST MAY BE VIEWED AS A VIOLATION OF THESE PROCEDURES.

XII. EMPLOYER STATEMENT

Prior to the issuance of a Labor Certification, a statement by the employer as set forth infra, must be executed by an authorized officer or responsible person of the firm and submitted to the Guam Employment Service.

XIII. PREVAILING RATE EFFECTIVE DATES

The current "prevailing wage rates" apply to all requests for certifications except for the construction industry. In the latter case, the "prevailing wage rates" (i.e., minimum non-adverse effect wage rates) will apply to all contracts signed subsequent to July 1, 1972. Construction contracts signed prior to July 1, 1972 will not be subject to the new "prevailing wage rates". However, subsequent monetary amendments of construction contracts signed prior to July 1, 1972 will make the additional work under such contracts subject to the new "prevailing wage rate" with respect to requests for certification processed subsequent to the contract amendment. Construction adverse effect wage rates will increase each six months up thru and including July 1, 1974 as set forth in a wage schedule available at the offices of the Guam Employment Service.

XIV. ADVERSE EFFECT

All requests for employment of non-immigrant alien temporary workers and parolees must provide for payment of the applicable prevailing wage rate to each alien. Any requests for certification that does not provide for payment of the applicable prevailing wage rate will be rejected on the grounds of adverse effect. See 29 CFR, Section 60.6 and Paragraph IV (A), supra.

XV. AVAILABILITY

The procedures now followed concerning availability of resident workers will continue in effect. Where U. S. resident workers are available at the prevailing wage, certification requests will be denied on the basis of availability.

XVI. TEN PERCENT REQUIREMENT

As previously announced, beginning August 4, 1972, no certification request will be processed unless the applicant firm can show that at least 10% of its employees on Guam are U. S. resident workers. This requirement is based on the adverse effect that employment of aliens have on job opportunities for U. S. resident workers.

THE 10% REQUIREMENT WILL BE BASED UPON THE APPLICANT EMPLOYER'S TOTAL WORK FORCE ON GUAM INCLUDING NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND PAROLEES CERTIFIED AND CURRENTLY PRESENT ON GUAM.

XVII. CERTIFICATIONS ONLY FOR JOURNEYMEN LEVEL POSITIONS

Effective immediately only journeyman level non-immigrant alien temporary workers and parolees will be considered for certification except that firms engaged in construction will be permitted to request temporary alien workers for helper or laborer positions in an amount not to exceed twelve and one-half percent of the employer's work force on Guam.

XVIII. INVALIDITY OF CERTIFICATIONS

- (a) A temporary labor certification will become invalid if there are material changes in the circumstances stated on the application for alien employment certification. (INCLUDING SUPPORTIVE ATTACHMENTS OR DOCUMENTS REQUIRED), or if the representation upon which the certification is based is materially incorrect. Materially incorrect means that if the correct facts had been known a certification would not have been issued.
- (b) Certification requests will be deemed to adversely affect the wages or working conditions of U. S. resident workers where it appears that employment is with an employer who has within two (2) years prior to the offer obtained a certification on the basis of material misrepresentations of Form MA 7-50B or any supplement thereto OR EMPLOYERS STATEMENT required by the Guam Department of Labor as part of the certification process. Examples of material misrepresentations would be situations where an alien is required by one means or another not authorized by the Department of Labor to return any portions of his wages to the employer, OR WHERE AN EMPLOYEE IS NOT PAID ANY PORTION OF WAGES EARNED ACCORDING TO EXISTING FEDERAL OR TERRITORIAL LAWS.

XIX. SANCTIONS

Where a pattern of violations occurs; i.e., repetitious violations of a certain section or sections of Guam's labor law, administrative policy or other regulations, the employer will be denied future alien labor certification as follows:

1st offense No alien labor certification for a subsequent twelve month period.

2nd offense No alien labor certification for a subsequent two year period.

In both cases the Guam Department of Labor will first hold an informal hearing giving the employer an opportunity to refute charges against him.

XX. CERTAINTY OF WAGE PAYMENT

In any instance where the Guam Employment Service has any uncertainty regarding the employer's financial ability to pay workers their wages when due, the labor certification will not be issued until the employer produces a Wage Bond from a reputable company guaranteeing one month's wages FOR EACH ALIEN EMPLOYEE or assigns to the Guam Department of Labor sufficient net assets equal to one month's wages FOR EACH ALIEN EMPLOYEE. Net assets would include marketable land and equipment minus liens against same.

XXI. INTERVIEWS

- (a) Upon request, employers employing non-immigrant alien temporary workers, or parolee will promptly make their employees available for private interviews with representatives of the Guam Department of Labor. To the extent practicable, the Department of Labor will not interfere with employer's work in progress.
- (b) Where a non-immigrant alien temporary worker or parolee is terminated by an employer prior to the termination of his contract or expiration of his visa, the Guam Employment Service must be advised in writing by the employer a minimum of ten calendar days prior to the employee's departure from Guam. The written notice should state the name and address of the employee, dates of employment, hourly and weekly earnings and reason(s) for termination stated in detail. The employer's right to terminate for cause is recognized and in those cases where the Guam Department of Labor can discharge its responsibilities in less than ten days, the Guam Department of Labor will agree to prompt deportation.

XXII. PAROLEES SUBJECT TO THESE POLICIES

Certification requests for non-immigrant alien workers paroled into Guam to work for Department of Defense contractors will be processed and reviewed in accordance with the policies and procedures set forth in this announcement.

XXIII. APPEALS

There is hereby created a Board of Appeals within the Department of Labor consisting of a representative from each of the following departments:

- 1. OFFICE OF THE ATTORNEY GENERAL.
- 2. DEPARTMENT OF COMMERCE.
- 3. COMMUNITY ACTION AGENCY.

Jurisdiction: The board shall have the power to re-examine the facts leading to any adverse decision rendered by the Guam Employment Service or the Director of the Department of Labor relative to alien labor certification and then shall render a final decision on the matter. The appeal to the Board shall constitute the final administrative remedy available on Guam.

REPEAL OF POLICY

This amended policy supersedes previous issuance.

SIGNED THIS 15th DAY OF January 1973.

Robert M. Jones
Administrator, Employment Service

APPROVED:

J. M. Johnson
Director of Labor

RATIFIED:

For the Governor of Guam
By:

J. M. Johnson
Staff Officer for Manpower

January 15, 1973
Date

1. Place on attachment
2. " (if extension, indicate on MA 7-50B)
3. Leave blank (if extension, indicate on MA 7-50B)
4. Indicate on MA 7-50B
5. "
6. "
7. " (place on attachment if space is inadequate)
8. Indicate on MA 7-50B
9. "
10. "
11. "
12. "
13. "
14. "
15. "
16. "
17. "
18. "
19. "
20. "
21. Leave Blank
22. "
23. "
24. "
25. Place on attachment
26. Indicate on MA 7-50B
27. "
28. Place on attachment
29. "
30. "
31. "
32. "
33. Indicate on MA 7-50B, if necessary, place on attachment
34. "
35. "
36. Indicate on MA 7-50B
37. "

JOB OFFER FOR ALIEN EMPLOYMENT

READ THIS NOTICE BEFORE COMPLETING FORMS

To knowingly furnish any false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a felony punishable by \$10,000 fine or five years in the penitentiary, or both (18 U.S.C. 1001). Any alien, prospective employer or any person acting on behalf of such alien or employer, who knowingly makes any misrepresentation concerning the alien, or his prospective employment including such matters as wages, hours, or the occupation in which an alien will be employed, or any person who falsely represents, in the execution of this form that he is offering the alien employment as the prospective employer of such alien, will be prosecuted to the fullest extent of the law.

IMPORTANT: READ ATTACHED INSTRUCTIONS BEFORE COMPLETING THIS FORM

Print legibly in ink or use a typewriter. If you need more space to answer fully any questions on this form, use a separate sheet. Identify each answer with the number of the corresponding question. Sign and date each sheet.

IN SUPPORT OF THE APPLICATION FOR ADMISSION OF

1. NAME OF ALIEN <i>If for temporary employment of more than one alien in same occupation, attach list of names and present addresses.</i>			
<i>Family name in capital letters</i>	<i>First name</i>	<i>Middle name</i>	<i>Maiden name</i>
2. PRESENT ADDRESS OF ALIEN <i>Number and street</i>	<i>City and town</i>	<i>State & ZIP Code or Province</i>	3. TYPE OF VISA <i>(If in U.S.)</i>
Philippines			

NOTE: Do not employ a nonimmigrant alien who cannot show authorization to work stamped or endorsed on his form I-94, Arrival and Departure Record. Contact Immigration and Naturalization Service if in doubt. An alien who works without authorization is subject to deportation and his employer is subject to denial of certification.

THE FOLLOWING INFORMATION IS SUBMITTED AS EVIDENCE OF AN OFFER OF EMPLOYMENT

4. NAME OF EMPLOYER <i>(Full name of organization)</i>		5. TELEPHONE <i>(Area code and number)</i>	
"X" BUILDERS		749-9100	
6. ADDRESS <i>Number and street</i>	<i>City or town</i>	<i>State</i>	<i>ZIP Code</i>
P. O. Box 2000	Agana	Guam	96910

7. ADDRESS WHERE ALIEN WILL WORK <i>(If different from item 6)</i>		8. SIZE OF ORGANIZATION	
Place On Attachment		ANNUAL SALES OR INCOME	TOTAL NO. OF EMPLOYEES
		\$New Company	5
9. BRIEF NONTECHNICAL DESCRIPTION OF THE NATURE OF EMPLOYER'S BUSINESS OR ACTIVITY		10. NO. OF EMPLOYEES WHO PERFORM SAME WORK AS ALIEN	11. NO. OF EMPLOYEES AT PLACE WHERE ALIEN WILL WORK
General Contractor		2	5

12. IF SEASONAL JOB, ENTER MONTHS THAT JOB STARTS & ENDS		13. EXACT DATES YOU EXPECT TO EMPLOY ALIEN(S)		14. NO. OF OPENINGS TO BE FILLED BY ALIENS UNDER THIS JOB OFFER
FROM	TO	FROM	TO	
N/A		January 25, 1973	January 25, 1974	22

15. WOULD YOU HIRE A QUALIFIED U.S. WORKER IF AVAILABLE?	16. DESCRIBE EFFORTS YOU HAVE MADE TO FILL THE JOB
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Newspaper want ads, personal contact with possible sources, and thru Guam Employment Service.

17. DESCRIBE HOW YOU LEARNED THAT ALIEN NAMED ABOVE WAS AVAILABLE
Through personal representative or agent

18. ALIEN NAMED ABOVE EMPLOYED BY ME		PREVIOUS CERTIFICATIONS RECEIVED <i>(Permanent job offers only)</i>		20. NO. ALIENS HIRED		NO. STILL ON JOB	
<input type="checkbox"/> CURRENTLY	DATE STARTED	19. NO. CERTIFICATIONS RECEIVED	DATE OF MOST RECENT	20	2		
<input type="checkbox"/> PREVIOUSLY	DATE LEFT <i>(If any)</i>					2	January 1972

ENDORSEMENTS		21. DATE FORMS ARE RECEIVED AS ACCEPTABLE FOR PROCESSING	
		L.O.	S.O.
		R.O.	N.O.

Make no entry in this section for government agency use only

For Local ES Office Use Only
L.O. ADDRESS

22. IND. CODE	23. OCC. TITLE	24. OCC. CODE

IS THERE EITHER A LABOR DISPUTE EXISTING OR A LABOR CONTRACT BEING NEGOTIATED? YES NO

SEE ATTACHMENT

27. IF THE JOB IS UNIONIZED <input checked="" type="checkbox"/>	NUMBER OF LOCAL N/A	NAME N/A	CITY AND STATE N/A
28. TOTAL HOURS PER WEEK		29. RATE OF PAY (Per hour, week, etc.)	
BASIC	OVERTIME	BASIC	OVERTIME
SEE ATTACHMENT		SEE ATTACHMENT	

30. DESCRIBE FULLY THE JOB TO BE PERFORMED (If alien is required to live at work, form MA 7-50C must also be submitted.)
DUTIES

SEE ATTACHMENT

EQUIPMENT OPERATED

WORKING CONDITIONS

31. STATE IN DETAIL THE MINIMUM REQUIREMENTS FOR WORKER TO PERFORM SATISFACTORILY THE JOB DUTIES DESCRIBED ABOVE.

EDUCATION (Enter number of years)			SPECIFY COLLEGE DEGREE REQUIRED	MAJOR FIELD OF STUDY
GRADE SCHOOL	HIGH SCHOOL	COLLEGE		
SEE ATTACHMENT				
TRAINING <input checked="" type="checkbox"/>	NUMBER OF YEARS OR MONTHS		TYPE OF TRAINING (Specify vocational preparation, such as apprenticeship, trade school or other training required)	
EXPERIENCE <input checked="" type="checkbox"/>	NUMBER OF YEARS OR MONTHS IN JOB BEING OFFERED,		NUMBER OF YEARS OR MONTHS IN RELATED OCCUPATION	RELATED OCCUPATION (Specify)
	OR			

32. SPECIFY ANY OTHER SPECIAL REQUIREMENTS

SEE ATTACHMENT

33. OCCUPATIONAL TITLE OF PERSON WHO WILL BE ALIEN'S IMMEDIATE SUPERVISOR General Manager	34. TYPE AND DEGREE OF SUPERVISION ALIEN WILL RECEIVE Normal Supervision	35. NUMBER OF OTHER EMPLOYEES ALIEN WILL SUPERVISE None
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36. HAVE YOU FULLY INFORMED ALIEN OF JOB DUTIES, RATE OF PAY, AND TERMS OF YOUR JOB OFFER? YES NO

37. DECLARATIONS

DECLARATION OF EMPLOYER: Under penalties of perjury, I declare that I have examined this application, supplements thereto, and all accompanying documents, and to the best of my knowledge and belief the information presented thereon is true, correct and complete.

SIGNATURE	DATE SIGNED 8/4/72
NAME (Type or print) Juan D. Kahkaah	TITLE (Owner) President

DECLARATION OF AGENT OF EMPLOYER (If prepared by, or if assistance in preparation is provided by person other than employer): I declare that the contents of this application, supplements thereto, and all accompanying documents are based on all information of which I have any knowledge.

SIGNATURE	DATE SIGNED
NAME (Type or print)	

ADDRESS (Number and Street, City, State and ZIP Code)

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NO. OF ALIENS REQUESTED RATE OF PAY JOB-DESCRIPTION MINIMUM REQUIREMENTS FOR JOB & SPECIAL REQUIREMENTS ADDRESS WHERE ALIEN(S) WILL WORK

JOB CATEGORY	NO. OF ALIENS REQUESTED	RATE OF PAY a) basic	JOB-DESCRIPTION	MINIMUM REQUIREMENTS FOR JOB & SPECIAL REQUIREMENTS	ADDRESS WHERE ALIEN(S) WILL WORK
Draftsman	2	\$2.97 p/h	Plans and designs architectural and structural features for the construction.	High school graduate plus two (2) years of experience.	Dededo, Sinajana, Agana
Plumber	2	\$2.34 p/h	Lays out plumbing rough-in according to approved plans and specifications.	High school graduate plus one (1) year of experience.	Dededo, Sinajana, Agana
Construction Foreman	2	\$2.97 p/h	Assigns and supervises work in the construction, alteration, maintenance, and repair of building and structures.	High school graduate plus six (6) months to one (1) year of experience.	Dededo, Sinajana, Agana
Mason	6	\$2.26 p/h	Cuts and sets in place reinforcement bars according to plans and specifications.	High school graduate plus six (6) months to one (1) year of experience.	Dededo, Sinajana, Agana
Carpenter	9	\$2.26 p/h	Constructs, alters, maintains and erects wooden structures and buildings.	High school graduate plus six (6) months to one (1) year of experience.	Dededo, Sinajana, Agana
Electrician	1	\$2.35 p/h	Lays out electrical rough-in according to approved plans and specifications.	High school graduate plus one (1) year of experience.	Dededo, Sinajana, Agana

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EMPLOYER'S STATEMENT

APPLICATION FOR NON-IMMIGRANT ALIEN TEMPORARY WORKERS OR PAROLEES

In connection with my Immigration and Naturalization Service petition:

- (1) I confirm the fact that an actual bona fide job opening exists and that no U. S. resident workers will be displaced as a result of alien workers utilization;
- (2) I have placed an appropriate job order reflecting minimum requirements with the local office of the Guam Employment Service;
- (3) I WILL EMPLOY QUALIFIED U. S. RESIDENT WORKERS REFERRED TO ME BY THE GUAM EMPLOYMENT SERVICE;
- (4) I, IN THE ABSENCE OF QUALIFIED WORKERS REFERRED TO ME BY GUAM EMPLOYMENT SERVICE, WILL PARTICIPATE IN AND CARRY OUT ALL THE OBLIGATIONS OF THE EMPLOYER IN THE APPROVED APPRENTICESHIP PROGRAM. ADDITIONAL OCCUPATIONS FOR TRAINING MAY ALSO BE INCLUDED IN THE APPRENTICESHIP PROGRAM. FOR MORE DETAILED INFORMATION ABOUT THE APPRENTICESHIP PROGRAM, I WILL OBTAIN A COPY OF THE APPRENTICESHIP STANDARDS AT THE APPRENTICESHIP DIVISION, DEPARTMENT OF LABOR.
- (5) I will provide a brief outline of my firm's occupational training program to the Guam Employment Service.
- (6) I will comply with Guam Employment Service requirements concerning advertising in connection with recruitment of qualified skilled and semi-skilled workers;
- (7) I WILL PROVIDE FOR MY EMPLOYEES ADEQUATE HOUSING WHICH SHALL MEET WITH ALL FEDERAL AND LOCAL LAWS AND REGULATIONS. IN RESPECT TO THE FOREGOING, I HEREBY AGREE TO ALLOW THE DEPARTMENT OF LABOR TO INSPECT MY HOUSING FACILITY(S) AND TO ACCOMMODATE ANY SUCH INSPECTIONS AS MAY BE NECESSARY TO ASSURE COMPLIANCE THEREWITH.
- (8) I will pay my non-immigrant alien temporary workers and parolees not less than the Guam Prevailing Wage as established by the Guam Department of Labor;
- (9) I will not utilize an alien to work in an occupation other than the one for which he has been certified and I will not transfer him to another employer unless authorized to do so by the Immigration and Naturalization Service and the Guam Department of Labor;

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- (10) I will charge my workers no more than my actual costs of room and board, not to exceed a maximum charge of twenty-four (\$24.00) per week. I understand that the maximum amount is subject to periodic revision by the Department of Labor. I will maintain and produce upon request of the Guam Department of Labor adequate records to document my expenses.
- (11) I will employ a minimum of ten (10) percent U. S. resident workers as a percentage of my total work force ON GUAM, WHICH INCLUDES NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND PAROLEES CERTIFIED AND CURRENTLY PRESENT ON GUAM;
- (12) I WILL SUBMIT REPORTS ON MY LABOR FORCE COMPOSITION BY THE 26TH DAY OF EACH MONTH AS REQUIRED BY THE GUAM DEPARTMENT OF LABOR IN ITS ADMINISTRATIVE POLICY.
- (13) I shall provide the Guam Employment Service a signed copy of the employer-employee contract, INCLUDING RENEWALS, UPON REQUEST BY THE DEPARTMENT OF LABOR;
- (14) I WILL NOT KNOWINGLY EMPLOY ALIENS ILLEGALLY RESIDING ON GUAM IN VIOLATION OF THE IMMIGRATION AND NATURALIZATION ACT.
- (15) I will permit Guam Department of Labor officials and my employees to have private interviews upon the request of either party;
- (16) I WILL GIVE THE GUAM EMPLOYMENT SERVICE A MINIMUM OF TEN DAYS WRITTEN NOTICE WHEN TERMINATING AN EMPLOYEE PRIOR TO THE TERMINATION DATE OF HIS CONTRACT. HOWEVER, IN EMERGENCY CASES, I WILL NOTIFY THE GUAM EMPLOYMENT SERVICE AND WRITTEN NOTICE WILL FOLLOW WITHIN TEN DAYS; I AGREE THAT I WILL NOT DEPORT ANY ALIEN WORKER INVOLVED IN A PENDING WAGE-HOUR INVESTIGATION WITHOUT WRITTEN APPROVAL OF THE DIRECTOR OF LABOR, OR HIS AUTHORIZED REPRESENTATIVE AND THE IMMIGRATION DEPARTMENT.
- (17) I will permit an employee being terminated for any reason, after working on Guam for twenty working days, the opportunity to transfer to another employer if the Guam Employment Service and the United States Immigration and Naturalization Service concur in such transfer;
- (18) MY EMPLOYEES' HOURS OF WORK AND WORKING CONDITIONS WILL BE GOVERNED BY EXISTING CONTRACTS AND APPLICABLE LOCAL LABOR LAWS.

- (19) I will pay all the costs of transportation from point of hire to Guam and return, all costs of travel documents, all costs of necessary injections and inoculations and all costs of pre-engagement, physical examinations for my employees and I will not deduct the costs of same from the wages of my employees nor will I in any other way, recover such costs from my employees;
- (20) I will pay all NECESSARY costs of hospitalization and medical expenses resulting from illness or injury of my non-immigrant alien workers on Guam NOT COVERED BY INSURANCE ON EMPLOYMENT CONTRACTS.
- (21) To my knowledge, my employees are not required to pay a brokerage fee in exchange for the opportunity to work on Guam.

False or misleading statements are punishable by law. (P. L. 9-238 is also applicable.)

NAME OF COMPANY

DATE

SIGNATURE OF AUTHORIZING REPRESENTATIVES

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