

U.S. Department of Labor

Office of Inspector General—Office of Audit

**REPORT TO THE EMPLOYMENT
AND TRAINING ADMINISTRATION**



**ETA'S LACK OF KEY CONTROLS OVER
THE H-2B APPLICATION PROCESS
JEOPARDIZED BUSINESSES THAT
DEPEND ON H-2B WORKERS**

**DATE ISSUED: SEPTEMBER 28, 2018
REPORT NUMBER: 06-18-002-03-321**



BRIEFLY...

ETA'S LACK OF KEY CONTROLS OVER THE H-2B APPLICATIONS PROCESS JEOPARDIZED BUSINESSES THAT DEPEND ON H-2B WORKERS

September 28, 2018

WHY OIG CONDUCTED THE AUDIT

Members of Congress expressed concerns over reported delays in the Department of Labor's (DOL) H-2B application process. The H-2B visa program allows U.S. employers to temporarily hire non-immigrant workers for non-agricultural labor and services. H-2B application processing delays could prevent employers from obtaining foreign workers by their date of need.

To hire H-2B workers, an employer must first obtain a prevailing wage determination from DOL's Employment and Training Administration (ETA). Having obtained the prevailing wage determination, the employer can then submit its temporary labor application to ETA. The temporary labor application must be filed at least 75 days, but not more than 90 days, before the employer's date of need for formal approval. After ETA approves an application, the employer must then obtain approvals from both the Department of Homeland Security and the Department of State before foreign workers may enter the United States to work.

WHAT OIG DID

We conducted an audit to answer the following question:

Could ETA demonstrate that it processed H-2B applications so that employers could obtain foreign workers by their date of need?

For the period October 2015 through June 2016, we reviewed ETA's application process, a judgmental sample of applications for timeliness, and Fiscal Year (FY) 2016-2017 performance statistics.

WHAT OIG FOUND

ETA could not demonstrate that it processed H-2B applications so that employers could obtain foreign workers by their date of need. ETA did not evaluate the impact of its overall H-2B process on two other agencies that are part of the overall process, hold staff accountable for meeting internal application processing goals, or manage resources appropriately.

Our review found ETA's mean time to process applications at prevailing wage was 5 days more than the internal goal, and at the processing center it was 41 days over the internal goal. These delays, particularly in seasonal industries, would have serious adverse effects on business owners and local economies.

WHAT OIG RECOMMENDED

We recommended the Deputy Assistant Secretary for ETA develop policy to ensure H-2B applications are processed timely, develop a method for tracking and reporting on processing timeliness for H-2B applications, and develop a staffing plan to address peak seasons for receipt of H-2B applications.

The Principal Deputy Assistant Secretary for Employment and Training stated the agency has taken actions to address our recommendations. ETA disagreed with some of our conclusions; however, nothing in their response changed our report.

READ THE FULL REPORT

<http://www.oig.dol.gov/public/reports/oa/2018/06-18-002-03-321.pdf>

TABLE OF CONTENTS

INSPECTOR GENERAL’S REPORT 1

RESULTS 4

 ETA did not develop documented performance goals for its H-2B
 application processing..... 4

OIG’S RECOMMENDATIONS 11

 Summary of ETA’s Response 11

APPENDIX A: SCOPE, METHODOLOGY, & CRITERIA..... 13

APPENDIX B: AGENCY’S RESPONSE TO THE REPORT 15

APPENDIX C: ACKNOWLEDGEMENTS 29



INSPECTOR GENERAL'S REPORT

Molly E. Conway
Principal Deputy Assistant Secretary
for Employment and Training
U.S. Department of Labor
200 Constitution Ave, NW
Washington, DC 20210

Several members of Congress expressed concerns that reported delays in the Department of Labor's (DOL) H-2B application process were preventing employers from obtaining temporary foreign workers when needed.

The H-2B visa program allows U.S. employers who meet specific regulatory requirements to temporarily hire non-immigrant workers for non-agricultural labor and services. When employers apply for these workers, DOL's Employment and Training Administration (ETA) is responsible both for completing a prevailing wage determination and for approving the H-2B temporary labor application. This involves determining if there are sufficient U.S. workers who are qualified and available to do the work, and if employing H-2B workers would adversely affect the wages of similarly employed U.S. workers.

After ETA approves an H-2B application, the employer must obtain further approvals from the Department of Homeland Security and the Department of State before foreign workers can enter the United States to work. Given these circumstances, we conducted an audit to answer the following question:

Could ETA demonstrate that it processed H-2B applications so that employers could obtain foreign workers by their date of need?

Based on our audit work, we determined ETA could not demonstrate its processing of applications provided enough time for employers to complete the remaining steps in the process with Homeland Security and State to allow those agencies to meet their requirements and enable employers to hire H-2B workers by their dates of need.

Our audit work included analyzing ETA's reported H-2B performance statistics for Fiscal Years (FY) 2016 and 2017 and reviewing a judgmental sample of H-2B applications for timeliness for the period October 2015 through June 2016.

BACKGROUND: THE H-2B APPLICATION PROCESS

The H-2B non-agricultural program allows U.S. employers who meet specific requirements to hire foreign workers to fill temporary, non-agricultural jobs in numerous industries, including landscaping, housekeeping, and construction. Before requesting to hire an H-2B employee, the employer must apply for and receive a temporary certification for H-2B workers from ETA's Office of Foreign Labor Certification. Employers must certify there are not enough U.S. workers who are willing, able, qualified, or available to perform the temporary work; that U.S. worker wages will not be affected; and the work is temporary in nature, not lasting more than 10 months.

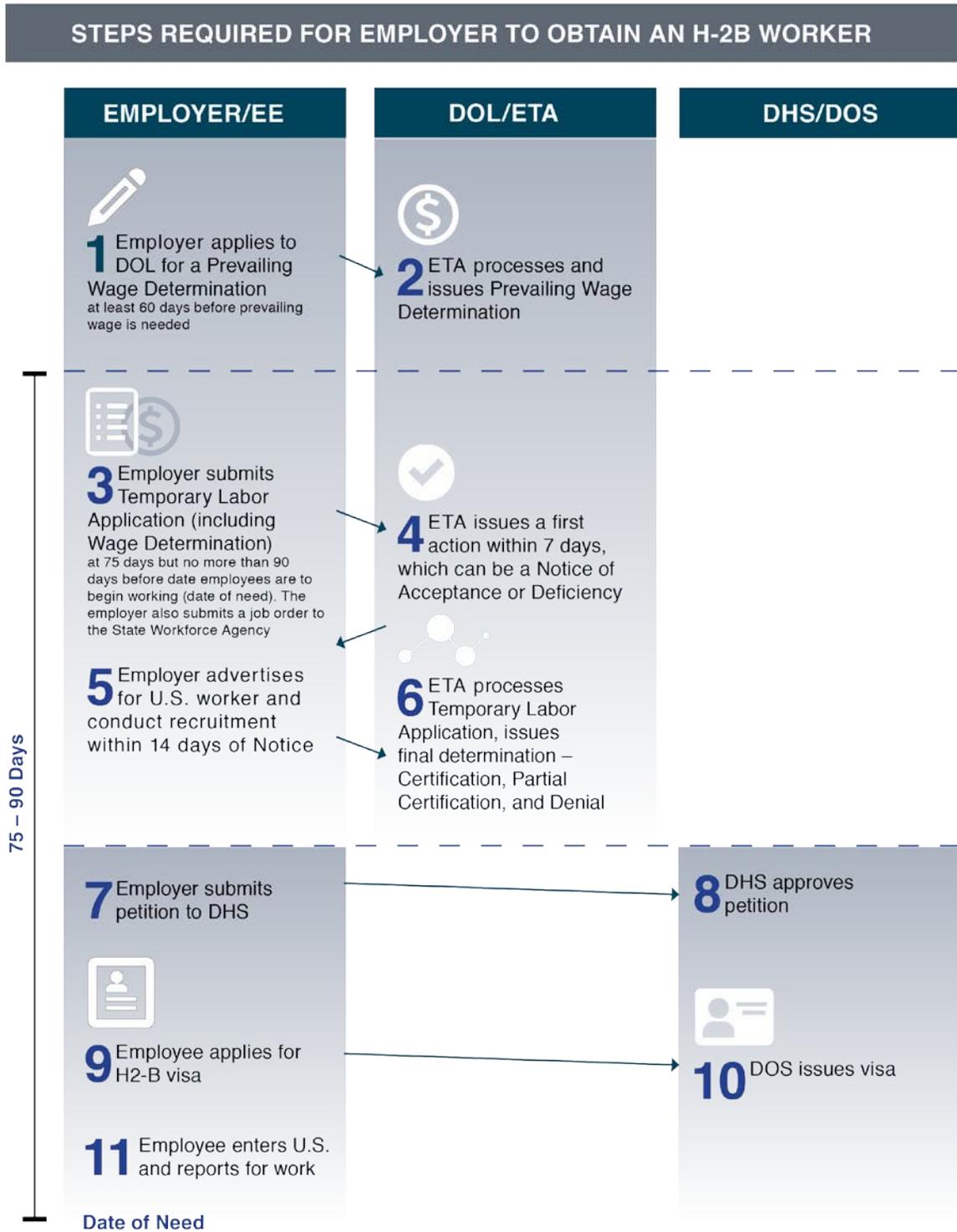
Before submitting an H-2B temporary labor application, the employer must first obtain a prevailing wage determination from ETA's Prevailing Wage Center. The prevailing wage is needed so that employers can advertise the position locally to U.S. workers. The employer prepares an ETA 9141 form and identifies the location of the job, duties, etc. so that the Prevailing Wage Center can determine the rate the employer would pay a U.S. worker.

After the Prevailing Wage Center's review is completed and a wage is provided, the employer can decide if they would still like to obtain the foreign worker and continue with the process. If they decide to continue, the employer must advertise the position in the newspaper to ensure there are not any U.S. workers available. The job must be open with the prevailing wage advertised or a higher wage for a minimum of 10 days.

After advertising the job, the employer submits the entire temporary labor application, including the prevailing wage determination and job advertisement, to ETA's National Chicago Processing Center (Processing Center). The Processing Center then reviews the application for any errors that would prevent the applications from being compliant with current laws and criteria, such as the job advertisement and the employer's U.S. worker recruitment. Based on this review, the Certifying Officer certifies, denies, or requests more information. Once the application is certified, ETA will notify the employer, and the employer will then finish the H-2B process with the Departments of Homeland Security and State.

Figure 1 illustrates the H-2B process, including the timeframes for employers to apply for foreign workers.

Figure 1.



RESULTS

ETA could not demonstrate that it processed H-2B applications so that employers could obtain foreign workers by their date of need. Specifically, ETA could not demonstrate its processing of applications provided enough time for DHS and State to perform their functions and enable employers to hire H-2B workers by their dates of need. ETA did not identify the impact of its H-2B process on other agencies, hold staff accountable for processing goals, or manage resources appropriately, potentially impacting jobs in numerous industries including shrimp and crab, landscaping, housekeeping, and construction. Therefore, employers would not have been able to obtain foreign workers by the time of their need or obtain U.S. workers to fill those positions.

The law requires an employer, seeking to hire a foreign worker under the H-2B program, to file a temporary labor application within 75 to 90 days before its date of need. The employer must obtain a prevailing wage from ETA and advertise for U.S. workers before submitting a temporary labor application to ETA's Processing Center. ETA established verbal targets for timely processing prevailing wage determinations and temporary labor applications; however, ETA did not meet its own internal goals.

As a result, ETA could not demonstrate whether it ensured that employers' needs for temporary foreign labor were being met. ETA did not process applications with enough time to ensure employers could hire foreign workers by their date of need. Our review identified ETA's mean time to process application at prevailing wage was 5 days over the internal goal and at the processing center it was 41 days over the internal goal. These delays, particularly in seasonal industries, would have serious adverse effects on business owners and local economies.

ETA DID NOT DEVELOP DOCUMENTED PERFORMANCE GOALS FOR ITS H-2B APPLICATION PROCESSING

ETA did not clearly develop performance goals for its H-2B application processing and therefore cannot know if other agencies have enough time to perform their reviews. ETA told us it established informal internal verbal goals requiring applications to be processed within 30 days of receipt at the Prevailing Wage Center and then processed within 30 days of receipt at the Processing Center; however, ETA could not document these criteria. We identified applications were not processed within 30 days of being received at either location. ETA also identified it measured timely processing by subtracting the

Processing Center's decision date from the employer's date of need. If that number was 30 days or more, then ETA counted the review as timely. However, we determined that ETA did not process 73 percent of applications within 30 or more days from the employer's date of need. Additionally, ETA did not assess whether missing their performance goals had an impact with other agencies' abilities to process H-2B applications, hold staff accountable for meeting informal application processing goals, or manage resources appropriately.

According to 20 CFR 655, employers have to submit their application for foreign labor 75 to 90 days prior to their date of need. This requires the employer to submit their application to the Processing Center for review before it goes to the Departments of Homeland Security and State, where those Departments issue the visas that allow the employer to bring in the workers. Prior to the Consolidated Appropriations Act of 2016, the Prevailing Wage Center was required to process all requests within 30 days. When the Act passed in 2016, it removed the 30-day requirement but ETA did not establish documented criteria for timeliness to replace the old criteria.

Instead, ETA established an informal internal goal¹ of 30 days for processing a Prevailing Wage Determination. The goal was based on prior laws before the 2015 Consolidated Appropriations Act, which removed the 30-day requirement from law. ETA established the same 30-day goal at the Processing Center for reviewing applications. However, ETA did not verify if these goals would assist other agencies and provide enough time for the Departments of Homeland Security and State to conduct their processes by the employer's date of need. These informal goals left employers 30 days to process their visa requests through the other two agencies once they obtained a Prevailing Wage and before sending their request through the Processing Center.

During our review, the average time to process an application at the Prevailing Wage Center was 35 days and the average time for an application at the Processing Center was 71 days. Table 1 shows the number of applications that took more than 30 days at the Prevailing Wage and more than 30 days at the Processing Center.

¹ Management communicated the goal verbally and did not document it.

**Table 1: Prevailing Wage and Processing Center Timeframes
October 1, 2015 – June 30, 2016**

	Total Applications	Not Processed Within 30 Days	Percent Not Processed Within 30 Days	Mean Days to Process
Prevailing Wage	6,599	4,074	62%	35
Processing Center	5,695	4,190	74%	71

* Based on cases we reviewed during our audit period.

The prevailing wage delays and occasional backlogs already existed in October 2015 and ETA management was aware of these issues. Based on a prevailing wage internal document dated October 28, 2015, ETA management identified approximately 1,600 H-2B applications beyond the 30-day processing time period, but did not introduce any controls to reduce the timeframes. The average processing time identified in the internal document for the prevailing wage determination was 52 days for the prevailing wage determination. We did not validate this number because it was outside our scope period and relied on the information provided by ETA.

ETA's internal goals were established to complete their process in 60 days, 30 days through the Prevailing Wage Process and 30 days through the Processing Center Process. Our review identified ETA's mean time to process application at prevailing wage was 5 days over the internal goal and at the processing center it was 41 days over the internal goal.

ETA identified that the law states that employers need to submit their applications at the Processing Center 75-90 days before their date of need and the internal goals were a guideline for staff. ETA officials defined timely processing of applications by using the Processing Center's Decision Date and subtracting it from the employer's date of need. If the date is equal to or more than 30 days from the employer's date of need, then ETA considered the application timely.

Based on this definition, we re-analyzed the data pulled from October 1, 2015, through June 30, 2016, and determined that ETA processed only 23 percent (1,432 out of 6,335) of applications within 30 days of the employer's date of need.

Further, we analyzed Fiscal Year 2016² applications and determined that the Processing Center did not process 73 percent (5,209 out of 7,149) of applications within 30 days of the employer's date of need.

ETA did not process applications timely for Fiscal Year 2016 as identified by their goal of within 30 or more days of the employer's date of need, which potentially resulted in employers missing opportunities to hire foreign workers when needed.

Moreover, even though ETA's Fiscal Year 2017 statistical reports indicate that ETA's processing timeliness improved; ETA still did not process 36 percent of applications timely, which would affect multiple industries and employers.

ETA management stated there was an additional event that led to the H-2B application processing issues in late 2015 and early 2016. ETA management stated delays and occasional backlogs occurred because of the introduction of a new method requiring reliance on independent surveys³ to determine wages. The 2016 Omnibus of December 18, 2015, was passed just before peak filing season, which required immediate implementation of major changes to the operation of the program, specifically the third party surveys. According to ETA management, the surveys were resource intensive and required additional time to validate. Because the surveys were a new requirement, ETA stopped processing prevailing wage requests for 17 days to update Form 9165 to reflect survey changes.

However, our review of applications from December 2015 through June 2016 concluded that private surveys accounted for less than 1 percent (120 out of 12,712 wage request) of the total workload. It is difficult to understand ETA management's decision to cease prevailing wage processing for 17 days for such minimum amount of survey applications. For example, while updating the Form 9165 in reflecting the changes in the survey requirements, management could continue the normal Form 9141 (non-survey application) review since they are the majority (99 percent) of prevailing wage applications and has no relation to Form 9165 (survey application) updates.

² Due to data availability, our review of Fiscal Year 2016 contained applications processed from October 1, 2015 through September 20, 2016.

³ ETA is required to accept third party surveys to determine prevailing wages. Third party surveys are conducted and issued by a state, state agency, state college, or university using a local area to determine the wages in a particular field and geographic area.

ETA DID NOT IDENTIFY THEIR IMPACT ON THE OVERALL H-2B PROCESS

We could find no evidence that ETA communicated with the Departments of Homeland Security or State to ensure ETA's processing targets would allow other agencies to meet their requirements and enable employers to obtain foreign workers by the date of need. ETA established undocumented processing goals without implementing a plan to ensure those targets allowed enough time for the Department of Homeland Security's U.S. Citizenship and Immigration Services to approve their petitions to bring foreign workers into the country and the Department of State to issue the appropriate visas.

ETA's verbal targets, based on prior policy, were to complete H-2B processing within 30 days at the Prevailing Wage Center and 30 days at the Processing Center to assist employers with obtaining required workers by their date of need. ETA stated they provided quarterly statistical data to the other agencies that showed the number of applications processed within 30 days of the employer's date of need. However, ETA did not confirm with the other agencies that their targets would allow sufficient time for the Departments of Homeland Security and State to meet their H-2B requirements.

During our review we identified 5,209 out of 7,149 (about 73 percent) applications were not processed by ETA within 30 days of the employers date of need, leaving the other agencies with less than 30 days to meet their requirements.

GAO Standards for Internal Control in the Federal Government, Section 1.08, state, "Management establishes processes to evaluate performance against the entity's expected standards of conduct and address any deviations in a timely manner."

MANAGEMENT DID NOT HOLD STAFF ACCOUNTABLE TO FOLLOW PROCESSING GOALS AND TIMEFRAMES

H-2B application delays also occurred because ETA management did not hold staff accountable to meet the 30-day internal goals at the Prevailing Wage and Processing Center. ETA stated that their data analysis team monitored reports to ensure H-2B prevailing wage determinations and application processing were timely; however, the data team did not effectively convey the information to management to show where delays were occurring. We requested the data analysis team provide us data on processing timeframes and copies of

applications; however, ETA's data analysis team could not provide us with the information and had to request meetings with the contractors running their system. This reliance can contribute to breakdowns in communication on the timeliness of processing applications. Because management did not have these results, they could not track if employees were meeting required timeframes.

Further, management did not enforce the processing goals because there were no consequences for missing deadlines. Management did not provide disciplinary actions for missing targets, discuss with staff to ensure targets were enforced, and did not monitor the processing timelines. Without any consequences, employees did not feel any pressure to make sure they processed applications timely.

GAO Standards for Internal Control in the Federal Government, Section 14.03 states:

Management communicates quality information down and across reporting lines to enable personnel to perform key roles in achieving objectives, addressing risks, and supporting the internal control system. In these communications, management assigns the internal control responsibilities for key roles.

MANAGEMENT DID NOT MANAGE RESOURCES APPROPRIATELY

ETA management was aware of their peak seasons and the increases in H-2B prevailing wage determinations and applications; however, they did not manage H-2B program resources properly during this period. ETA reassigned H-2B staff to work on other visa programs, allowed the system to be shut down for 17 days without a contingency plan, and did not provide cross-training to staff for H-2B application peak season. Management allowed cases to age rather than train and assign staff to work on H-2B temporary labor applications during the peak season.

We identified that H-2B staffing was limited during peaks in applications because management assigned H-2B staff to other foreign labor programs. H-2B staffing was at 92 percent and there were only four vacancies not filled out of 50 positions. Management stated they knew other programs had stricter processing requirements and felt those programs had priority over H-2B since the Consolidation Appropriation Act of 2016 removed processing timeframes for prevailing wage.

The Consolidation Appropriation Act required updates to the H-2B applications processing software system. ETA did not know all the updates and patches the Office of Chief Information Officer (OCIO) implemented because ETA did not continually communicate with the OCIO. This resulted in delays when ETA staff tried to access the system. The updates did not shut down the system, but caused the system to have long load times that would automatically log out the user. Delays in processing occurred without sufficient communication to employers applying for H-2B workers. Since our audit, ETA and OCIO has established a joint team to ensure instant communication and protocols for timely triage of system issues to avoid or minimize system degradation during peak season.

In addition, ETA management did not take time to cross-train existing staff to assign to H-2B application processing in peak seasons. ETA requires the H-2B staff to be cross-trained in other foreign labor programs; however, ETA did not require other staff to be cross-trained in H-2B application review. Since our audit, ETA stated it has expanded cross-training of staff across its three national processing centers, and continues to temporarily deploy cross-trained staff to support peak season case processing workload, and to reduce the impact such deployments cause. Also, ETA has pre-authorized the use of overtime and expanded its contract staffing services during the peak season to support application processing.

GAO Standards for Internal Control in the Federal Government, Section OV2.19 states:

Operations objectives relate to program operations that achieve an entity's mission. An entity's mission may be defined in a strategic plan. Such plans set the goals and objectives for an entity along with the effective and efficient operations necessary to fulfill those objectives. Effective operations produce the intended results from operational processes, while efficient operations do so in a manner that minimizes the waste of resources.

As a result, ETA cannot demonstrate whether it is doing its part to ensure that employers' needs for temporary workers are being met. ETA did not validate timeframes they established as goals were sufficient, did not hold staff accountable in meeting those goals, and did not utilize resources appropriately. The processing delays impacted multiple industries that included landscaping, housekeeping, construction workers, amusement park workers, forest workers, and meat and poultry workers. These positions are seasonal in nature and having delays can impact not only the industry performance but local economies as well.

The delays potentially impacted up to 148,000 positions and could have had adverse effects on business owners who rely on this labor, whether a foreign laborer or U.S. worker would fill the position. For Fiscal Year 2016, we identified about 100,000 positions potentially impacted that were not processed timely. In addition, when looking at Fiscal Year 2017 statistics, we found that about 48,000 positions were impacted because ETA did not timely review 36 percent of the applications (133,985 positions total certified).

OIG'S RECOMMENDATIONS

We recommended the Deputy Assistant Secretary for Employment and Training:

1. Develop a comprehensive policy to ensure H-2B applications are processed at the Prevailing Wage and Processing Centers to provide enough time for other agencies to meet their requirements. When developing the policy, contact key personnel at the Departments of Homeland Security and State to identify the amount of time needed to fulfill their requirements and create a plan of action to implement the policy.
2. Develop a method for tracking and reporting on the processing of H-2B applications within ETA and include strategies for monitoring and communication of performance results throughout ETA.
3. Develop a staffing plan to address peak seasons for intake of H-2B applications, and include implementing a cross-training program for analysts.

SUMMARY OF ETA'S RESPONSE

The Principal Deputy Assistant Secretary for Employment and Training stated the agency has taken actions that address our recommendations. Specifically, the Deputy Assistant Secretary stated ETA has begun communicating with other agencies, such as Department of Homeland Security, improved Prevailing Wage Center processing times, and implemented procedures for monitoring and communicating performance results. The Deputy Assistant Secretary also stated ETA has made improvements to mitigate processing backlogs.

ETA disagreed with some of our conclusions related to continued delays, the number of potential positions affected, and the economic impact of the delays.

ETA stated there was no adverse economic impact caused by processing delays once the semi-annual caps on H-2B foreign workers is reached, because Homeland Security ceases accepting applications. However, employers can still be affected and need to be timely notified to make informed business decisions. ETA remains responsible for processing applications timely, allowing business owners to be notified by Homeland Security. Any delays in processing may impact an employer's efforts to find the workers they need and can affect daily operations, staffing, and pay.

ETA also stated that the OIG's conclusions appeared to be based on the assumption that the 75 - 90 day filing period for the temporary labor certification includes processing time for prevailing wage determinations. Our review of processing timeframes was based on ETA's 30 day internal goals at the Prevailing Wage Center and Processing Center, and based on their definition of timely, which was 30 days before the date of need.

Finally, ETA stated that the OIG appeared to use the 2008 H-2B regulations in conducting our analysis. We did not use the 2008 H-2B regulations as criteria for our audit period.

We appreciate the cooperation and courtesies ETA extended us during this audit. OIG personnel who made major contributions to this report are listed in Appendix C.



Elliot P. Lewis
Assistant Inspector General for Audit

APPENDIX A: SCOPE, METHODOLOGY, & CRITERIA

SCOPE

The report reflects the work that we conducted at ETA headquarters, the National Prevailing Wage Center, and the Chicago National Processing Center. Our audit focused on employer applications and processing time and procedures during October 1, 2015, through June 30, 2016. We also reviewed performance statistics during FY 2016-17 at the Chicago National Processing Center; however, our audit team did not validate those numbers during our audit due to time constraints. We did disclose this throughout the report.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

METHODOLOGY

To accomplish answering our objective, we interviewed ETA management and staff; reviewed applicable laws, regulations, and policies; considered internal control elements; evaluated the risk of the program along with control activities; reviewed information and communication throughout ETA and stakeholders; and monitored performance during our scope period.

SAMPLING PLAN

We obtained data from ETA for H-2B Visa applications. We reviewed the data and conducted a judgmental sample within our scope period of October 1, 2015, through June 30, 2016 to validate that processing timeframes and data provided by ETA was accurate. Based on that analysis, we sampled 28 of 6,602⁴ prevailing wage requests and identified if they were timely processed and complete. We also reviewed 20 of 5,695 applications at the Processing Center to determine if they were processed timely and complete.

⁴ The data contained 3 prevailing wage requests that were in the Held status and did not have a determination

DATA RELIABILITY

We performed multiple analytical tests and completeness checks on the data and validated the data was complete for testing. We traced the sampled information back to source documents and did not reveal any unsupported information. We determined the data was sufficiently reliable for the purpose of this report.

INTERNAL CONTROLS

In planning and performing our audit, we considered internal controls relevant to our audit objective. We obtained an understanding of those controls and assessed control risk as necessary to achieve our objective. The objective of our audit was not to provide assurance of the internal controls. Therefore, we did not express an opinion on the H-2B program's internal controls. Our consideration of internal controls for administering the accountability of the program would not necessarily disclose all matters that might be significant deficiencies. Because of the inherent limitations on internal controls, or misstatements, noncompliance may occur and not be detected.

CRITERIA

We used the following criteria to perform this audit

- 2016 Department of Labor Appropriations Act (Public Law 114-113)
- Code of Federal Regulations, Title 20, Part 655
- GAO Standards for Internal Control in the Federal Government
- Training and Employment Guidance Letter No. 27-06
- Training and Employment Guidance Letter No. 31-05

APPENDIX B: AGENCY'S RESPONSE TO THE REPORT

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



SEP 26 2018

MEMORANDUM FOR: ELLIOT P. LEWIS
Assistant Inspector General for Audit

FROM: MOLLY E. CONWAY 
Principal Deputy Assistant Secretary

SUBJECT: Response to the Office of Inspector General (OIG) Draft Audit Report No. 06-18-002-03-321, *ETA's Lack of Key Controls Over the H-2B Application Process Jeopardized Businesses that Depend on H-2B Workers*

The Employment and Training Administration (ETA) appreciates the opportunity to respond to the OIG's draft audit report on the Office of Foreign Labor Certification's (OFLC) H-2B program to ensure U.S. businesses depending on H-2B workers receive needed temporary foreign labor.

ETA thanks the OIG for its conclusion that it has improved processing in Fiscal Year (FY) 2017 and notes that FY 2018 processing has improved even further despite substantially increased volume. ETA also notes that OFLC has improved its internal controls and that management monitors individual and overall performance daily to ensure any problems are corrected rapidly. These substantial improvements are a testament to the excellent work of the staff and supervisors who quickly adjusted to substantial statutory changes while implementing numerous improvements to the system to allow business access to the H-2B program while also protecting American workers.

OFLC, however, disagrees with the OIG's conclusions regarding continued delays and the alleged economic impact of the delays in the processing of some H-2B applications during FY 2017, which do not take into account the actual circumstances. The OIG's statistics appear to be premised upon the assumption that all employers who applied for temporary labor certifications could have received visas for all the worker positions being sought. Congress imposed semi-annual caps on visas in the H-2B program precisely to limit the program to no more than 33,000 temporary H-2B workers every six months. As a result of OFLC processing during FY 2017 and FY 2018, U.S. employers were able to timely apply to U.S. Citizenship and Immigration Services (USCIS) for more than 33,000 workers every six months. Thus, OFLC fulfilled its responsibility and enabled employers to meet the economic goals of the H-2B program.

The OIG asserts, for instance, that "[t]he delays potentially impacted up to 148,000 positions and could have had adverse effects on business owners who rely on this labor." The OIG also breaks that statistic into 100,000 positions in FY 2016 and 48,000 positions in FY 2017. The actual

impact of the FY 2016 processing backlog was a delay of approximately six weeks in the ability of some employers to obtain approximately 26,438 temporary H-2B workers, not 100,000 workers. Though any delay in an employer's ability to obtain workers prior to its date of need is unacceptable, the Department managed the external interferences to the best of its ability and learned from the delays. For instance, in FY 2017, OFLC took major steps to address the issues identified in FY 2016. In January and February of 2017, OFLC timely certified H-2B applications associated with 39,650 worker positions 30 days or more prior to the employers' date of need for the April 1st semi-annual cap; this exceeds the number of possible positions available for which employers could have received visas. Thus, the OIG's assertion that 48,000 worker positions were impacted in FY 2017 is not accurate.¹ There was no adverse economic impact caused by delays to employers who were eligible to receive the 33,000 available H-2B visas. Once the cap was reached at USCIS, whether or not the remaining applicants received a certification 30 or more days prior to their date of need had no practical consequence, as USCIS had ceased accepting applications.

OFLC's improvements in processing efficiencies continue. In FY 2018, OFLC certified applications associated with 73,948 worker positions 30 days or more prior to the employers' date of need for the April 1st semi-annual cap. OFLC's ability to issue 100 percent of the certifications to meet the semi-annual cap 30 days before the employer's date of need for both FY 2017 and FY 2018 is a major accomplishment and resolves the challenges of FY 2016. The OIG's conclusion about the economic impact on U.S. employers also does not take into consideration the events resulting from the FY 2017 and FY 2018 Consolidated Appropriations Acts. In July 2017 and May 2018, the Department of Homeland Security (DHS) and DOL published temporary rules, each allowing a one-time increase in the H-2B visa cap of up to 15,000 additional visas in FY 2017 and FY 2018. The decision to increase the cap was made after considering the needs of American businesses and other factors, including the impact on U.S. workers and the integrity of the H-2B program. Furthermore, in FY 2017, USCIS did not issue the full allotment of additional visas. In FY 2018, USCIS had to conduct a lottery, because in the first five business days of opening the cap, it received petitions for more H-2B workers than the additional 15,000 visas. In both years, employers were able to apply for additional visas by utilizing temporary labor certifications already issued by OFLC earlier in those respective fiscal years.

The OIG's conclusions also appear to be based on the assumption that the 75 – 90 day filing period for the temporary labor certification includes processing time for prevailing wage determinations (PWD). Employers obtain a PWD in a separate application process well in advance of filing the H-2B temporary labor certification application. For example, an employer can obtain a PWD in July for an H-2B application filed the following January. Therefore, the time for processing PWDs does not normally take place within 90 days of the employer's date of need. Consequently, the OIG added together the PWD and temporary labor certification processing times to obtain a "total" processing time. The OIG's Report applied that "total" to the 75 – 90 day processing time, even though that regulatory requirement is only relevant to the temporary labor certification application process.

¹The OIG's number of potentially impacted certified positions assumes that each application was for the same number of positions. The number of potentially impacted positions requires a calculation of the number of positions actually certified on the untimely applications.

Finally, the OIG appears to have conducted its program implementation analysis based on the H-2B 2008 regulations. The 2008 regulations were not in effect at any time covered by the OIG audit. The 2015 Interim Final Rule (IFR) substantially strengthened the H-2B program by implementing an evidence-based certification model, as opposed to the 2008 attestation-based program model. This model increased protections for U.S. and foreign workers and improved the compliance measures regarding recruitment of U.S. workers by adopting a post-filing recruitment model, payment of wages, and other terms and conditions of the program. OFLC vigorously applied the new IFR requirements that were not amended by the FY 2016 Omnibus during the FY 2016, FY 2017, and FY 2018 filing seasons. We are disappointed that both the title and the substance of the OIG draft audit report do not address fundamental worker protection requirements of the current H-2B regulatory framework and the considerable efforts the Department has undertaken in order to make sure those protections are enforced.

OIG Recommendation 1: Develop a comprehensive policy to ensure H-2B applications are processed at the Prevailing Wage and Processing Center to provide enough time for other agencies to meet their requirements. When developing the policy, contact key personnel at the Departments of Homeland Security and State to identify the amount of time needed to fulfill their requirements and create a plan of action to implement the policy.

ETA Response: The National Prevailing Wage Center (NPWC) has implemented the following strategies to ensure timely processing of H-2B PWD requests:

- Assigned an additional FTE to the Federal H-2B Team;
- Trained six additional Federal staff analysts to process private wage surveys;
- Trained three additional staff to process Non-H-2B surveys, which enables the Federal H-2B Team to prioritize H-2B workload during peak filing periods; and
- Conducted stakeholder outreach, completing a total of four webinars on H-2B case processing as of May 2018.
 - Topics included: Review of private wage survey requirements, presentation of effective description of job duties, and review of most common reasons for a Request for Information and how to avoid them. These topics help facilitate receipt of clean and concise PWD requests, which can be reviewed more quickly and efficiently.
 - During these scheduled webinars and other stakeholder meetings, OFLC has consistently encouraged employers to submit their PWD requests at least 60 days before the date the H-2B determination is needed. The NPWC also conducted several stakeholder webinars to improve the quality of PWD requests.

As a result of these processing efficiencies, the NPWC has shown steady improvements in average processing times of H-2B PWD requests.

NPWC H-2B Average Processing Times		
	Average processing time (days) to resolve H-2B employer requests for prevailing wage determination	Percent of H-2B employer requests for prevailing wage determinations resolved within 30 days
FY 2016	36	45.1%
FY 2017	26	94%
Q3 FY 2018	26	94.6%

The Chicago National Processing Center (CNPC) has implemented major improvements in processing efficiency and ensuring final determinations are issued as quickly as possible, which include:

- Assigning additional staff to the H-2B production line during peak filing season;
- Streamlining the State Workforce Agency (SWA) communication process;
- Creating a Recruitment Report Team;
- Making the review process require fewer steps;
- Improving and updating the review criteria matrix; and
- Communicating overall program production goals to all staff.

These, and other efforts in FY 2017 and FY 2018, resulted in the following:

- In FY 2017, OFLC certified 39,650 worker positions for April 1st start dates within 30 days of the date of need.
- In FY 2018, OFLC certified 73,948 worker positions for April 1st start dates within 30 days of the date of need.

With respect to collaborating with DHS on information sharing, we agree with this recommendation; such collaboration continues to be an ongoing aspect of the OFLC operation. The 2015 IFR was jointly issued with DHS and the filing time requirement in the IFR was developed jointly with DHS. While ETA strives to process cases in a timeframe that allows DHS and the Department of State (DOS) to perform their duties so that employers are able to receive their workers by their start date of need, there are many variables that impact all three agencies in accomplishing this goal. That is why on January 14, 2016, OFLC implemented a protocol to regularly share the OFLC case production report with points-of-contact at USCIS and DOS. Since January 2016, this information sharing protocol has provided both agencies regular updates regarding OFLC cases received and processed. These reports were submitted on a weekly basis throughout the high filing seasons in FY 2016 (January – April), FY 2017, and FY 2018. Examples of these weekly reports and related e-mail correspondence are attached. Therefore, ETA believes these reports address the OIG’s concerns, and requests that the OIG consider this recommendation implemented and appropriate for closure.

OIG Recommendation 2: Develop a method for tracking and reporting on the processing of H-2B applications within ETA and include strategies for monitoring and communication of performance results throughout ETA.

ETA Response: OFLC provided the OIG with information and data regarding the tracking and reporting system that the agency utilizes. OFLC has an extensive data architecture for monitoring and reporting on the status of performance results in the H-2B program. OFLC regularly produces and distributes to appropriate officials numerous H-2B processing reports, for both internal and external use, which are augmented by various ad hoc reports that are also compiled regarding the program’s operation. A list of standard periodic reports is below. Therefore, OFLC respectfully requests that the OIG close this recommendation.

Report Name	Frequency	Audience	Context
H-2B iCert Processing Times	3x Week/Weekly	General Public	Provides the public information on current progress on First Action and Final Determination decisions in conjunction with the submission dates.
H-2B First Case Actions	Daily	CNPC Management	Provides details on the progress of any case pending a First Action decision.
H-2B Notice of Deficiency Response Report	Daily	CNPC Management	Provides details on any case that has received a response to a Notice of Deficiency with no further action taken.
H-2B Public Disclosure Data	Quarterly	General Public	Provides a data extract to external stakeholders of cases where OFLC has issued a Final Determination decision.
H-2B Recruitment	Daily	CNPC Management	Provides details on cases in Accepted status and primarily identifies when a Recruitment Report has been received without a Final Determination being made.
H-2B Selected Statistics	Quarterly	General Public	Provides external stakeholders with a snapshot of OFLC Final Determination decisions.
H-2B Snapshot Report	Daily/Weekly	OFLC Management	Highlights daily progress made on First Action and Final Determination goals.
Monday Management Slides	Weekly	ETA/OFLC Management	Contains detailed progress on processing goals for H-2B PWD and Processing with comparisons from previous fiscal years.
Ops Plan Data Call	Quarterly	ETA/DOL	Informs ETA/DOL leadership of OFLC’s progress toward meeting its operating plan goals.
Ops Plan Status Summary	Quarterly	ETA/DOL	Informs ETA/DOL leadership of OFLC’s progress toward meeting its operating plan goals.
Processing Center Totals	Weekly	OFLC Management	Provides an overview of production, comparing current performance to previous year’s performance.
Annual Report	Annual	General Public	An external report that summarizes annual activity for all OFLC programs.

OIG Recommendation 3: Develop a staffing plan to address peak seasons for intake of H-2B applications, and include implementing a cross-training program for analysts.

ETA Response: OFLC has made significant improvements to mitigate processing backlogs despite the recent large increase in the number of H-2B applications filed each January.

First, OFLC expanded cross-training of staff across its three national processing centers and continues to temporarily deploy cross-trained staff to support peak season case processing workload and to reduce the impact such deployments cause.

Second, OFLC enhanced its capacity to process surges in application volume by pre-authorizing the use of overtime and expanding its contract staffing services during the high filing season to support application processing.

Third, OFLC substantially enhanced its core information technology (IT) functionality and reliability by establishing a joint ETA-Office of Chief Information Officer “tiger team” of dedicated staff who are immediately available to ensure instant communication and protocols for timely triage of system issues to avoid or minimize system degradation during peak season. In addition, OFLC acquired new IT hardware to increase system storage space and enhance system performance. In October 2017, OFLC migrated its data systems to the Silver Spring data center, further improving the efficiency and security of its IT systems.

Fourth, OFLC continues to deepen and expand stakeholder outreach by providing intensified technical assistance to employers, their agents, and key Congressional partners to enhance stakeholders’ ability to submit timely and quality applications.

Fifth, OFLC continues to revise its standard operating procedures across all national processing centers to address legislative changes, such as the elimination of the appropriations rider that prohibited the use of funds to perform H-2B audits and OFLC-ordered assisted recruitment, as part of the Congressional Appropriations Act, 2017.

Sixth, OFLC is fully engaged in a major project to develop and implement a new case processing platform for its H-2 programs, designed to increase efficiency and quality.

OFLC previously implemented a reorganization that placed all three production Centers under the Division of Operations. This allowed OFLC to develop and implement an interoperability plan designed to train Federal and contract staff to process cases across OFLC production lines. OFLC continues to expand and revise the interoperability plan annually to improve OFLC’s ability to respond quickly to H-2B filing spikes.

- In FY 2017, OFLC redirected seven Atlanta National Processing Center (ANPC) Immigration Program Analysts (IPAs) and three CNPC IPAs to review H-2B recruitment reports and recommend final certification decisions;
- In FY 2018, OFLC redirected 14 ANPC IPAs and three CNPC IPAs to review H-2B first action decisions and recruitment reports;

- In FY 2018, OFLC implemented an alternate SWA notification method, which allowed the H-2B first actions team to focus on case review;
- In the Congressional Appropriations Act, 2017, OFLC received a one-time appropriation of \$20 million to reduce delays in the H-2 programs;
- OFLC significantly increased the seasonal contractor plus-up to process the H-2B cases during the high filing season of January through April; and
- OFLC is in the midst of an IT modernization intended to allow staff to process cases more efficiently and eliminate manual workarounds.

Therefore, ETA requests that the OIG consider this recommendation for closure. OFLC continues and will continue to focus on making process improvements by adapting our procedures in response to changes in employer filing patterns, updating policies to maintain consistent quality assurance standards, and reflecting performance management plans that focus on quality, timeliness, and efficient production.

ETA does request that the OIG consider the importance of a fee-based funding structure for foreign labor certification and prevailing wage determination applications. Annual OFLC application volumes have increased consistently for a number of years. In FY 2010, OFLC had an appropriated budget authority for Federal Administration of \$53.3 million. In FY 2018, OFLC's appropriation for Federal Administration was \$48.0 million. However, OFLC received 85 percent more applications in FY 2018 than in FY 2010, with a 97 percent increase in the H-2B program alone. This is a workload trend that is expected to continue in future years. Without fee authority or an increase in OFLC's budget authority, the Department will be ill-equipped to manage the additional workload in future fiscal years, which will likely result in reductions in performance efficiency of case processing. A funding structure based on application fees would link available OFLC resources to the demand for labor certifications and diminish the risk of delays if application volumes increase. This proposal would also align the Department with the funding structures used by DHS and DOS to finance their activities related to immigration and temporary labor programs.

Thank you for the opportunity to comment on this report, and for the OIG's dedication to assisting the Department in improving its programs. If you have any questions, please contact William W. Thompson, II, Administrator, Office of Foreign Labor Certification, at 202-513-7370.

Attachments

- Examples of weekly dashboard reports communicated to DHS and DOS

From: Patterson, Nelson - ETA
To: Joel Nantais; Lauren Boquin; Dolce, Michael R; George Sabga; KCC; Kyle Michaelis; Michael Fortes; Michael Violett; Michelle Westra; Nicole Nicklaw; Stephanie Douman
Cc: Pasternak, Brian - ETA; Steis, Tatyana - ETA; Woods, Alexander T - ETA
Subject: OFLC Weekly Dashboards: DHS & DOS 4.20.18
Date: Friday, April 20, 2018 11:13:00 AM
Attachments: TEMP_dashboards_WK14.DHS-DOS.xlsx

Hello everyone,

If you no longer wish to receive these weekly updates, please notify me.

Please find attached an electronic copy of our weekly visa program workload dashboards for FY 2018, week ending 4/14/2018. The attached excel file contains three separate spreadsheets; each one covering the H-1B, H-2B, and H-2A visa programs. Each visa program spreadsheet contains basic data related to incoming filing volume, total pending workload, and total determinations issued – for the past 4-week period and cumulated for the most recent FY Quarter and Year. Prior week-to-week data for FY 2018 are available on each spreadsheet, by “unhiding” the columns.

Thank you,
-Nelson

Nelson M. Patterson
Immigration Program Analyst
Office of Foreign Labor Certification
Employment and Training Administration
U.S. Department of Labor
"We help U.S. employers fill jobs while protecting U.S. and foreign workers"

ETA Office of Foreign Labor Certification
 FY 2018 Operating Plan Performance Dashboard Report - H-1B Temporary Specialty Occupations Labor Condition Program

Operating Plan Component	Cumulative Performance Results												Rolling 4-week Performance Trend			
	FY2018 Oct 1 - Sept 30		Quarter 1 Oct 1 - Dec 31		Quarter 2 Jan 1 - Mar 31		Quarter 3 Apr 1 - June 30		Week 25 03/16-03/24	Week 26 03/25-03/31	Week 27 04/01-04/07	Week 28 04/08-04/14				
Workload or Output Measure(s)	Goals	Actuals	Goals	Actuals	Goals	Actuals	Goals	Actuals								
Number of active H-1B applications remaining	6,566	423,460	4,453	85,431	13,241	317,793	8,566	20,246	37,804	13,241	7,431	8,566				
Applications Submitted for Processing	436,539	94,582	94,582	316,020	25,937	60,678	44,840	15,530	10,866	10,407	10,407	10,866				
Applications Processed	401,485	82,244	82,244	295,245	23,996	57,698	43,268	14,622	9,374	9,374	9,374	9,374				
Certifications	5,866	1,660	1,660	3,828	468	786	552	330	738	738	738	738				
Denials	29,198	10,778	10,778	16,947	1,473	2,244	1,020	578	895	895	895	895				
Withdrawn	899,879	253,063	253,063	607,088	39,728	86,702	64,752	24,053	15,665	15,665	15,665	15,665				
Worker Positions Requested	889,090	244,470	244,470	598,253	38,337	83,112	62,799	23,241	15,096	15,096	15,096	15,096				
Worker Positions Certified	12,182	4,271	4,271	7,210	701	1,047	900	495	206	206	206	206				
Worker Positions Denied	18,637	4,322	4,322	13,625	690	2,543	1,053	327	363	363	363	363				
Worker Positions Withdrawn																

ETA Office of Foreign Labor Certification
 FY 2018 Operating Plan Performance Dashboard Report - H-2A Temporary Agricultural Labor Certification Program

Operating Plan Component	Cumulative Performance Results									Rolling 4-Week Performance Trend			
	FY2018 Oct 1 - Sept 30		Quarter 1 Oct 1 - Dec 31		Quarter 2 Jan 1 - March 31		Quarter 3 Apr 1 - June 30		Week 25 03/18-03/24	Week 26 03/25-03/31	Week 27 04/01-04/07	Week 28 04/08-04/14	
Workload or Output Measure(s)	Goals	Actuals	Goals	Actuals	Goals	Actuals	Goals	Actuals					
Number of active H-2A applications remaining		910		1,348		1,147		910	1,212	1,147	1,012	910	
Applications Submitted for Processing		7,884		2,756		4,727		401	231	234	188	213	
Applications Processed		7,313		1,731		4,940		642	285	303	326	316	
Certifications		7,098		1,626		4,853		619	272	295	315	304	
Denials		80		39		35		6	5	4	2	4	
Withdrawn		735		66		52		17	8	4	9	8	
Worker Positions Requested		132,309		33,609		81,522		17,178	6,391	5,711	8,360	8,876	
Worker Positions Certified		128,545		31,866		80,338		16,341	6,288	5,603	7,988	8,411	
Worker Positions Denied		2,247		1,090		658		499	53	94	303	196	
Worker Positions Withdrawn		1,517		653		526		338	50	14	69	269	

ETA Office of Foreign Labor Certification
 FY 2018 Operating Plan Performance Dashboard Report - H-2B Temporary Non-Agricultural Labor Certification Program

Operating Plan Component	Cumulative Performance Results						Rolling 4-Week Performance Trend					
	FY2018		Quarter 1		Quarter 2		Quarter 3		Week 25	Week 26	Week 27	Week 28
Workload or Output Measure(s)	Goals	Actuals	Goals	Actuals	Goals	Actuals	Goals	Actuals	03/16-03/24	03/25-03/31	04/01-04/07	04/08-04/14
Number of active H-2B applications remaining	535	7,891	423	1,858	1,031	535	1,191	1,031	773	535		
Applications Submitted for Processing	7,891	7,671	1,748	1,748	5,361	581	129	186	49	20		
Applications Processed	6,286	6,286	1,218	1,218	4,656	384	73	117	303	283		
Certifications	899	899	218	218	262	115	15	43	57	63		
Denials	745	745	279	279	408	58	29	24	28	30		
Withdrawn	75	75	36	36	35	4	12	2	1	3		
Rejected	150,688	150,688	45,787	45,787	97,326	7,575	2,667	3,161	4,277	3,390		
Worker Positions Requested	122,975	122,975	33,504	33,504	84,482	4,989	1,801	1,974	2,966	2,023		
Worker Positions Certified	14,732	14,732	6,899	6,899	5,995	1,838	311	644	975	955		
Worker Positions Denied	12,981	12,981	5,384	5,384	6,849	748	495	633	386	412		
Worker Positions Withdrawn												

ETA Office of Foreign Labor Certification
 FY 2018 Operating Plan Performance Dashboard Report - H-1B Temporary Specialty Occupations Labor Condition Program

H-1B

Operating Plan Component	Cumulative Performance Results				Rolling 4-week Performance Trend					
	FY2018 Oct 1 - Sept 30		Quarter 1 Oct 1 - Dec 31		Quarter 2 Jan 1 - Mar 31		Week 11 12/10-12/16	Week 12 12/17-12/23	Week 13 12/24-12/30	Week 14 12/31-01/06
Workload or Output Measure(s)	Goals	Actuals	Goals	Actuals	Goals	Actuals				
Number of active H-1B applications remaining		6,149		4,453		6,149	5,815	5,727	4,453	6,149
Average number of days to resolve H-1B applications		5		5		6	5	5	6	6
Percent of H-1B applications pending for 5 or more business days		0.00%		0.00%		0.00%	0.0%	0.0%	0.0%	0.0%
Applications Submitted for Processing		91,962		85,431		6,531	7,365	7,260	5,082	6,542
Applications Processed		99,817		94,596		5,221	7,780	7,805	6,572	5,289
Certifications		86,346		82,258		4,088	6,917	7,066	5,712	4,088
Denials		1,618		1,560		58	118	110	287	58
Withdrawn		11,853		10,778		1,075	745	639	573	1,143
Worker Positions Requested		263,313		253,077		10,236	26,588	36,904	18,610	10,299
Worker Positions Certified		253,860		244,484		9,376	25,515	36,392	17,537	9,376
Worker Positions Denied		4,337		4,271		66	637	269	865	66
Worker Positions Withdrawn		5,116		4,322		794	416	243	388	857

ETA Office of Foreign Labor Certification
 FY 2018 Operating Plan Performance Dashboard Report - H-2A Temporary Agricultural Labor Certification Program

H-2A

Operating Plan Component	Cumulative Performance Results				Rolling 4-Week Performance Trend					
	FY2018 Oct 1 - Sept 30 Goals	FY2018 Actuals	Quarter 1 Oct 1 - Dec 31 Goals	Quarter 1 Actuals	Quarter 2 Jan 1 - March 31 Goals	Quarter 2 Actuals	Week 11 12/10-12/16	Week 12 12/17-12/23	Week 13 12/24-12/30	Week 14 12/31-01/06
Workload or Output Measure(s)										
Number of active H-2A applications remaining		1,545		1,348		1,545	897	1,130	1,348	1,545
Applications Submitted for Processing		3,133		2,756		377	302	433	382	387
Applications Processed		1,923		1,732		191	163	202	164	191
Certifications		1,817		1,627		190	156	199	163	190
Denials		39		39		0	0	2	1	0
Withdrawn		67		66		1	7	1	0	1
Worker Positions Requested		37,469		33,829		3,640	2,096	2,773	2,536	3,640
Worker Positions Certified		35,720		32,083		3,637	2,058	2,765	2,624	3,637
Worker Positions Denied		1,094		1,093		1	0	6	12	1
Worker Positions Withdrawn		655		653		2	38	2	0	2

ETA Office of Foreign Labor Certification
 FY 2018 Operating Plan Performance Dashboard Report - H-2B Temporary Non-Agricultural Labor Certification Program

H-2B

Operating Plan Component	Cumulative Performance Results				Rolling 4-Week Performance Trend					
	FY2018		Quarter 1		Quarter 2		Week 11	Week 12	Week 13	Week 14
Workload or Output Measure(s)	Goals	Actuals	Goals	Actuals	Goals	Actuals	12/10-12/16	12/17-12/23	12/24-12/30	12/31-01/06
	Number of active H-2B applications remaining	5,259	423	5,259	772	530	423	5,259		
Applications Submitted for Processing	6,954	1,858	4,996	32	63	112	5,012			
Applications Processed	1,910	1,734	176	352	269	185	246			
Certifications	1,236	1,216	20	312	219	37	20			
Denials	224	203	21	24	28	43	21			
Withdrawn	412	279	133	15	21	102	203			
Rejected	38	36	2	1	1	3	2			
Worker Positions Requested	49,704	45,300	4,404	7,923	6,021	4,226	6,210			
Worker Positions Certified	34,947	33,504	1,443	7,201	5,098	721	1,443			
Worker Positions Denied	6,924	6,412	412	559	657	1,499	412			
Worker Positions Withdrawn	7,933	5,384	2,549	763	266	2,006	4,385			

APPENDIX C: ACKNOWLEDGEMENTS

Key contributors to this report were:

Douglas Case, Audit Manager
Steve Chiang, Auditor
Donald Evans, Auditor
Elizabeth Garcia, Auditor
Michael Kostrzewa, Audit Director
Barry Winnicki, Auditor

**REPORT FRAUD, WASTE, OR ABUSE
TO THE DEPARTMENT OF LABOR**

Online

<http://www.oig.dol.gov/hotline.htm>

Email

hotline@oig.dol.gov

Telephone

(800) 347-3756 or (202) 693-6999

Fax

(202) 693-7020

Address

Office of Inspector General
U.S. Department of Labor
200 Constitution Avenue, NW
Room S-5506
Washington, DC 20210