

STATE	PY 1994 ALLOCATION	PY 1995 ALLOCATION	CHANGE
ALABAMA	\$957,273	\$965,342	\$8,069
ALASKA	\$0	\$0	\$0
ARIZONA	\$1,837,144	\$1,852,629	\$15,485
ARKANSAS	\$1,411,316	\$1,423,212	\$11,896
CALIFORNIA	\$17,639,663	\$17,788,348	\$148,685
COLORADO	\$973,821	\$982,029	\$8,208
CONNECTICUT	\$249,069	\$251,168	\$2,099
DELAWARE	\$143,057	\$144,263	\$1,206
DISTRICT OF COLUMBIA	\$0	\$0	\$0
FLORIDA	\$5,599,056	\$5,646,251	\$47,195
GEORGIA	\$2,069,222	\$2,086,664	\$17,442
HAWAII	\$304,175	\$306,739	\$2,564
IDAHO	\$1,060,763	\$1,069,704	\$8,941
ILLINOIS	\$1,723,703	\$1,738,232	\$14,529
INDIANA	\$944,918	\$952,883	\$7,965
IOWA	\$1,589,010	\$1,602,404	\$13,394
KANSAS	\$843,640	\$850,751	\$7,111
KENTUCKY	\$1,635,215	\$1,648,998	\$13,783
LOUISIANA	\$962,347	\$970,459	\$8,112
MAINE	\$395,800	\$399,136	\$3,336
MARYLAND	\$370,285	\$373,406	\$3,121
MASSACHUSETTS	\$424,367	\$427,944	\$3,577
MICHIGAN	\$1,062,216	\$1,071,169	\$8,953
MINNESOTA	\$1,541,114	\$1,554,104	\$12,990
MISSISSIPPI	\$1,751,792	\$1,766,558	\$14,766
MISSOURI	\$1,323,202	\$1,334,355	\$11,153
MONTANA	\$806,585	\$813,384	\$6,799
NEBRASKA	\$936,781	\$944,677	\$7,896
NEVADA	\$242,747	\$244,793	\$2,046
NEW HAMPSHIRE	\$136,126	\$137,273	\$1,147
NEW JERSEY	\$483,619	\$487,695	\$4,076
NEW MEXICO	\$723,811	\$729,912	\$6,101
NEW YORK	\$2,237,327	\$2,256,186	\$18,859
NORTH CAROLINA	\$3,634,047	\$3,664,679	\$30,632
NORTH DAKOTA	\$566,216	\$570,989	\$4,773
OHIO	\$1,094,023	\$1,103,245	\$9,222
OKLAHOMA	\$735,205	\$741,402	\$6,197
OREGON	\$1,314,950	\$1,326,034	\$11,084
PENNSYLVANIA	\$1,476,636	\$1,489,083	\$12,447
PUERTO RICO	\$3,552,835	\$3,582,782	\$29,947
RHODE ISLAND	\$0	\$0	\$0
SOUTH CAROLINA	\$1,305,773	\$1,316,779	\$11,006
SOUTH DAKOTA	\$837,630	\$844,690	\$7,060
TENNESSEE	\$1,157,912	\$1,167,672	\$9,760
TEXAS	\$7,229,159	\$7,290,094	\$60,935
UTAH	\$296,615	\$299,115	\$2,500
VERMONT	\$257,664	\$259,836	\$2,172
VIRGINIA	\$1,252,986	\$1,263,547	\$10,561
WASHINGTON	\$2,061,922	\$2,079,302	\$17,380
W. VIRGINIA	\$265,148	\$267,383	\$2,235
WISCONSIN	\$1,486,018	\$1,498,544	\$12,526
WYOMING	\$244,097	\$246,155	\$2,058
FORMULA TOTAL	\$81,148,000	\$81,832,000	\$684,000
HOUSING/TA	\$4,428,000	\$3,878,000	(\$550,000)
APPROPRIATION TOTAL	\$85,576,000	\$85,710,000	\$134,000

Reengineering of Permanent Labor Certification Program; Solicitation of Comments

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice; request for comments.

SUMMARY: The Employment and Training Administration (ETA) is in the process of reengineering the permanent alien labor certification process. ETA's goals are to make fundamental changes and refinements that will: (1) streamline the process; (2) save resources; (3) improve effectiveness; and (4) better serve customers. The reengineering effort is a collaborative effort of federal and State staff who are involved in the administration of alien certification programs. The reengineering effort also involves consultation throughout the process with sponsors, stakeholders, State partners, and outside interest groups to solicit ideas and suggestions for change.

As part of the collaborative effort required for effective reengineering, ETA is publishing a questionnaire in the **Federal Register** to aid in the solicitation of comments on important issues that are fundamental to the reengineering process. In addition, ETA welcomes comments on any other matter pertaining to the reengineering of the permanent alien certification program. Any interested party is invited and encouraged to participate in this collaborative process and provide input to the Department through written comments.

DATES: Responses to and comments on the attached questionnaire should be submitted to ETA no later than August 22, 1995.

ADDRESSES: Submit comments to: Flora T. Richardson, Chief, Division of Foreign Labor Certifications, Employment and Training Administration, Department of Labor, 200 Constitution Avenue., NW., Room N-4456. Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Denis M. Gruskin, Senior specialist (202) 219-4369 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Permanent Alien Employment Certification Process

Before the Department of State (DOS) and the Immigration and Naturalization Service (INS) may issue visas and admit certain nonimmigrant aliens to work permanently in the United States, the Secretary of Labor must first certify to the Secretary of State and to the Attorney General that:

(a) There are not sufficient United States workers, who are able, willing, qualified, and available at the time of the application for a visa and admission into the United States and at the place where the alien is to perform the work; and

(b) The employment of the alien will not adversely affect the wages and working conditions of similarly employed United States workers. 8 U.S.C. 1182(a)(5)(a).

If the Department of Labor (DOL) determines that there are no able, willing, qualified, and available U.S. workers, and that the employment of the alien will not adversely affect wages and working conditions of similarly employed U.S. workers, DOL so certifies to the DOS and INS by issuing a permanent alien labor certification.

Department of Labor Regulations

The Department has promulgated regulations at 20 CFR part 656, governing the labor certification process described above for the permanent employment of certain immigrant aliens in the United States. Part 656 was promulgated pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act. 8 U.S.C. 1182(a)(5)(A).

The regulations at 20 CFR part 656 set forth the factfinding process designed to develop information sufficient to support the granting or denial of a permanent labor certification. They describe the potential of the nationwide system of public employment service offices to assist employers in finding available U.S. workers and how the factfinding process is utilized by DOL as the primary basis of developing information for the certification determinations.

Part 656 sets forth the responsibility of employers who desire to employ

immigrant aliens permanently in the United States. Such employers are required to demonstrate that they have attempted to recruit U.S. workers through advertising, through the Federal/State Employment Service System, and by other specified means. The purpose is to assure an adequate test of the availability of qualified, willing, and able U.S. workers to perform the work, and to ensure that aliens are not employed under conditions affecting the wages and working conditions of similarly employed U.S. workers.

Why Reengineer?

The labor certification process described above has been criticized as being complicated and time consuming. It can take up to 2 years or more to complete the process; requires substantial government resources to administer; and is reportedly costly and burdensome to employers. ETA, therefore, is reexamining the effectiveness of the various regulatory requirements and the application processing procedure, with a view to achieving considerable savings in resources both for the Government and employers, without diminishing significant protections now afforded U.S. workers by the current regulatory and administrative requirements.

The questionnaire published below solicits comments on how best to achieve the goals of the reengineering process.

Interested parties are invited and encouraged to participate in this collaborative process and to provide input to the Department through answers to the questionnaire, and/or written comments on any issue they believe to be relevant to the reengineering process. Copies of the questionnaire also are being mailed to various employers, unions, associations, and other interest groups.

Signed at Washington, DC, this 12th day of July 1995.

John R. Beverly III,

Deputy Director, U.S. Employment Service.

BILLING CODE 4510-30-M

**PERMANENT ALIEN LABOR CERTIFICATION PROGRAM
REENGINEERING QUESTIONNAIRE****INSTRUCTIONS**

Thank you for taking the time to respond to this questionnaire. We would appreciate your responses to each of the questions in this questionnaire. The information you provide will be helpful to the Department of Labor (DOL) in assessing the effectiveness of the Permanent Labor Certification Program and will assist us in the ongoing reengineering of the permanent program.

Section I asks for information about you.

Section II asks you to rate the importance and satisfaction levels of various services and functions provided by State and Federal staff. In addition, this section elicits your comments on these services and functions. You may also provide any suggestions you may have for streamlining or improving the process in terms of effectiveness or reduced cost to the regulated community and the Government.

Section III asks for specific information regarding your experience with filing permanent labor certification applications. This section also requests your ideas on ways to improve the Permanent Alien Labor Certification Program to increase its efficiency and effectiveness.

Section IV asks you to comment on some preliminary ideas that are being considered as possibilities for reengineering the permanent labor certification process. This section also gives you the opportunity to present your ideas for consideration.

Please provide responses to questions and ideas in Section III and IV on a separate attachment.

SECTION I. TELL US ABOUT YOURSELF

Name of Respondent _____

Address of Respondent (Optional) _____

Telephone Number (Optional) _____

Which category below best describes you?

- A. Employer
- B. Attorney or Law Firm
- C. Trade Association
- D. Professional Association
- E. Union
- F. Member of the Public
- G. Government Agency
- H. Other _____

How many times have you used the permanent labor certification process in the past 2 years? _____

SECTION II. TELL US HOW WE ARE DOING

For each item, under the IMPORTANCE column, please circle a number based on the following scale:

	Not Applicable N/A
--	--------------------------

For each item, under the SATISFACTION column, please circle a number based on the following scale:

	Not Applicable N/A
--	--------------------------

If you do not have a basis to make a judgment about any of the services listed in Section II, you should check the "Not Applicable" box.

STATE EMPLOYMENT SECURITY AGENCY (SESA)

[REDACTED] N/A

Knowledge regarding ALC Regulations, policies, and procedures.

[REDACTED] N/A

Responsiveness, assistance and guidance to the public.

[REDACTED] N/A

Timeliness of review and direction.

[REDACTED] N/A

Accuracy of prevailing wage determinations.

[REDACTED] N/A

Consistency of prevailing wage determinations.

[REDACTED] N/A

Adequacy of prescreening of resumes.

[REDACTED] N/A

Quality of applicant referrals.

[REDACTED] N/A

Timeliness of applicant referrals.

[REDACTED] N/A

Comments:

US DOL REGIONAL OFFICE

Knowledge of ALC regulations, policies and procedures.

[REDACTED] N/A

Responsiveness, assistance and guidance to the public.

[REDACTED] N/A

Clarity of Notice of Findings.

[REDACTED] N/A

Accuracy of determinations.

[REDACTED] N/A

Timeliness of determinations.

[REDACTED] N/A

Comments:

SECTION III. TELL US ABOUT THE CURRENT PERMANENT LABOR CERTIFICATION PROCESS

1. What is your overall opinion of the permanent labor certification process as a protection for the jobs, wages, and working conditions of U.S. workers? As an effective screening tool for foreign workers needed in the economy?
2. What does the process cost you in fees, recruitment costs, and lost productivity or business? How has it helped you?
3. How effective are the major recruitment mechanisms required by the process -- the advertisement, the job order, and the notice? What would you suggest as alternatives?
4. How are the recruitment requirements of the permanent labor certification process contrary to the usual recruitment and hiring practices of employers?
5. What suggestions do you have for improving the permanent case processing in terms of timeliness? Efficiency? Procedural steps? Responsibilities of States and Regions? Simplified decisions?
6. Is DOL's "prevailing wage" concept the most effective way of determining that the employment of foreign workers in an occupation will not adversely affect the wages of U.S. workers in that occupation?
7. What are some of the specific outside sources of prevailing wage information that employers would prefer to use over the SESA? Please give the names of any published surveys you recommend.
8. What suggestions do you have for improving the accuracy, timeliness, and consistency of SESA wage surveys and the wage rate determinations issued to employers.

SECTION IV. TELL US WHAT YOU THINK ABOUT THESE IDEAS FOR REENGINEERING THE PROCESS AND GIVE US YOUR IDEAS

1. Streamline the current process by having an upfront recruitment process, withholding the filing date until an application is complete with required documentation and correction of deficiencies, eliminating the Notice of Findings, and setting processing time limits.
2. Establish schedules of precertified occupations by geographic areas and strictly limit individual labor certifications.
3. Cease referring U.S. workers to specific jobs and make determinations based on labor market information for the occupation and the geographic area.
4. Shift authority to the States to determine whether or not certification of foreign workers should be granted for a particular job in the State with Federal concurrence and oversight.
5. Permit employers to determine the prevailing wage against criteria established by DOL. SESAs would determine the prevailing wage rate only in enforcement actions or litigation.
6. Charge a fee for each type of application, including separate fees for wage determinations and appeals.
7. Consolidate permanent labor certification processing and prevailing wage activities into fewer regions and States, such as 3 or 4 regions instead of the current 10 and 5 to 10 States instead of the current 54 States and Territories.
8. Your ideas.....