



Foreign guest-worker programs

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Guest-worker programs are meant to fill worker shortages

U.S.-based workers protected from cheap foreign labor

Employers get lots of assistance

The federal government operates two guest-worker programs that allow U.S. employers to temporarily hire workers from other countries when there is a shortage of U.S. workers for those jobs. The H-2A program is for agricultural jobs, and the H-2B program is for non-agricultural jobs. A key requirement of both programs is that admitting foreign workers will not harm the wages and working conditions of U.S.-based workers employed in similar jobs. Each program has a certification process in which the Employment Security Department has a required role.

Foreign certification for agricultural jobs (H-2A)

Employment Security's primary responsibilities under the H-2A program include the following.

- 1) Help employers by informing them about requirements of the program and helping them complete the application forms.
- 2) Advertise for and recruit qualified, U.S.-based workers to meet employers' needs, if possible.
- 3) With assistance from the state departments of Health and Labor & Industries, coordinate the inspection of required housing for workers. The H-2A program requires that employers provide no-cost housing to foreign and U.S.-based workers who perform work under the H-2A contract.
- 4) Conduct prevailing-wage and -practice surveys on agricultural jobs, and disseminate the information to employers that use the H-2A program. H-2A employers are required to offer wages, terms and job conditions that are similar to those offered by non-H-2A employers; this is intended to protect jobs for U.S. workers and avoid abuse of foreign workers.

Foreign certification for non-agricultural jobs (H-2B)

Employment Security has two primary responsibilities under the H-2B program:

- 1) Inform employers (usually through their attorneys) about the prevailing wage/s for their community. Federal law requires that foreign guest-workers be paid no less than the prevailing wage for that type of job in the community where the job occurs. This is intended to protect jobs for U.S.-based workers by preventing employers from importing lower-cost foreign labor.
- 2) Process H-2B applications from employers. This involves helping employers recruit for U.S.-based workers to fill the identified job openings; screening résumés and forwarding them to the employers for follow-up.

Throughout the process for both programs, Employment Security staff are available to provide information and guidance to employers and their representatives about the federal programs.

Funding is decreasing, while workload is rising

Funding to run the program

Federal funding has been inadequate to support all of the Employment Security's responsibilities under the Foreign Labor Certification Program. Money has been provided to support a majority of the activities for H-2B and a lesser amount for H-2A activities, which require more oversight.

Federal funding decreased by more than 57 percent from federal fiscal year (FFY) 2003 to 2007, from \$289,000 to \$164,000. During the same time period, H-2A applications in FFY 2007 were more than 55 percent higher than FFY 2006 and are expected to increase another 50 percent in FFY 2008 over FFY 2007. A majority of the H-2A activities and wage surveys continue to be paid for by Wagner-Peyser and other federal and state funds.

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