

U. S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION Foreign Labor Certification
	CORRESPONDENCE SYMBOL OWS/DFLC
	DATE November 13, 2001

DIRECTIVE : GENERAL ADMINISTRATION LETTER NO. 2-02

TO : ALL STATE WORKFORCE AGENCIES

/s/

FROM : EMILY STOVER DeROCCO
Assistant Secretary

SUBJECT : Foreign Labor Certification: Reduction-in-Recruitment
Conversion "Q's & A's"

1. Purpose. To transmit to states a copy of the Final Rule that amended the Department of Labor's (Department's) regulations governing the permanent labor certification program (Attachment A); and Reduction-in-Recruitment (RIR) Conversion "Q's & A's" (Attachment B), which provide policy and procedural guidance clarifying the intent of the Final Rule.

2. References. 20 CFR part 656; Technical Assistance Guide (TAG) No. 656, Labor Certifications; and General Administration Letter (GAL) No. 1-97, Change 1, "Measures for Increasing Efficiency in the Permanent Labor Certification Process" (May 11, 1999).

3. Background. On August 3, 2001, the Department published in the Federal Register a Final Rule amending the regulations governing the permanent labor certification program. This Final Rule was crafted to help reduce the large backlog of permanent labor certification applications in State Workforce Agency (SWA) processing queues. Specifically, the rule permits employers to request, in certain circumstances, that any labor certification application for permanent employment in the United States that is filed on or before August 3, 2001, the publication date of the rule in the Federal Register, be subject to RIR processing. Pursuant to GAL 1-97, Change 1, requests for RIR processing are given expedited handling at both the state and federal levels. The RIR provision allows Regional Certifying Officers to reduce partially or completely the employer's recruitment efforts through the SWAs, for example, by decreasing the number of days that the job order and/or print advertisements must be run. The Employment and Training Administration (ETA) anticipates that the amendment will reduce the backlog of labor certification applications in SWAs. Moreover, it is hoped that this measure

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will result in a variety of other desirable benefits, such as a reduction in processing time for both new applications and those currently in the queue, and will facilitate the development and implementation of a new, more efficient, system for processing labor certification applications that ETA is currently developing.

4. Action Required. State administrators are requested to:

A. Provide this guidance to appropriate staff.

B. Instruct staff to follow these policies and procedures in handling employer requests to convert labor certification applications filed under the basic process to RIR processing.

C. Apply these procedures in handling employer requests for RIR conversions received on or after September 4, 2001, the effective date of the Final Rule.

5. Inquiries. Inquiries regarding this GAL should be addressed to your Regional Certifying Officer.

6. Attachments.

A. Final Rule published in the Federal Register on August 3, 2001, "Labor Certification Process for the Permanent Employment of Aliens in the United States; Refiling of Applications."

B. Reduction-in-Recruitment Conversion "Q's & A's."