ARIZONA@WORK™

Innovative Workforce Solutions

Workforce Innovation and Opportunity Act (WIOA)

# H-2B Foreign Labor SWA Job Order Form

Foreign Labor Certification Unit
318 N Florence Street, Suite C, Casa Grande, AZ 85122

Submit to Desirae Diaz at ddiaz@azdes.gov or fax to (520) 836-5876.
Call (520) 866-3608 for any questions.

**Did you receive a Prevailing Wage Determination for this H-2B job order?** ○ No ◉ Yes

**EMPLOYER INFORMATION:**

Employer/Business Name: Exo, LLC

If applicable. Doing Business As (DBA): Wall Blush

FEIN: _____ Type of Business: Vinyl Products

Business address: 6040 E Brown Rd. City: Mesa State: AZ ZIP Code: 85205

Mailing address, if different: _____ City: _____ State: _____ ZIP Code: _____

Contact Person: Nick Pulizzano Title: COO

E-Mail Address: nick@wallblush.com

Phone: (480) 261-0967 Fax: _____

**JOB ORDER INFORMATION:**

Worksite, if different from business address: _____

Daily travel to/from worksite provided: ◉ No ○ Yes *If yes, designated pickup location:* _____

Title of job opening: Printing Press Operator Number of openings: 1

Education required: None Experience required (in months): 36

Will you accept a trainee? ◉ No ○ Yes Will on-the-job training (OJT) be provided? ◉ No ○ Yes

Driver's License required: ◉ No ○ Yes Class _____ Drug Testing: ◉ No ○ Yes ○ Pre ○ Post

Job is: Full-time, temporary and (check one): ○ peak load ○ seasonal ◉ one-time occurrence ○ intermittent

Dates of Employment: *Start Date:* 10/25/2022 *End Date:* 10/25/2023

Work Hours: *Start time:* 9:00 am *End Time:* 5:00 pm Total hours per week: 40

Work days: ☐ Sun ■ Mon ■ Tues ■ Wed ■ Thurs ■ Fri ☐ Sat ☐ Varies

Salary: $ 18.80 to $ 18.80 per hour Overtime offered: ◉ No ○ Yes *If yes, at what rate:* _____

Pay Day: *What day of the week:* Friday Frequency of Pay: ○ Weekly ◉ Bi-Weekly

See page 3 for EOE/ADA/LEP/GINA disclosures

**Optional Services:** ◉ No ○ Yes

Housing provided: ◉ No ○ Yes

Utilities paid by employer: ○ No ◉ Yes

Housing description: None

Deduction for housing, if any (amount): $ 0

Other deductions (must comply with State and Federal Regulations): Federal and State Income Tax, FICA Taxes

Other benefits provided: _____

**JOB DESCRIPTION** *(Duties to be performed):*

Printing Press Operator will set up and operate a large format printing machine. Must be able to multitask and change directions of focus quickly as prints are being produced. Daily duties and tasks will also include: maintaining the machine to keep it running at peak performance, cleaning the machine and arranging toners for different designs.

Physical ability requirements (ex: lifting): _____

**RECRUITMENT INFORMATION:**

Applicants can apply (check all that apply) by contacting or sending resume to the employer directly via:

■ Mail ■ Email ☐ Fax ■ Telephone

Applicants may inquire directly through the local Arizona@Work office or at the nearest State Workforce Agency office which can be found online at Employment Service Office Locator[1], call (520) 866-3608 or fax resumes to (520) 836-5876 Attn: Desirae Diaz.

Local Arizona@Work Office Address: 1001 West Southern Avenue Suite 101. Mesa, Maricopa County, Arizona 85210

**ASSURANCES FOR JOB ORDER:**

- **Single Workweek for Pay –** State that a single workweek will be used in computing wages due.

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- **Deductions from the Worker's Paycheck** – State all deductions from the worker's paycheck required by law.
  * In addition and where applicable, specify any deductions not required by law the employer intends to make form the worker's paycheck (e.g.,cost of board, lodging, or other facilities). All deductions must be voluntary on the part of the employee and otherwise reasonable according to the Fair Labor Standards Act (FLSA) principles at 20 CFR Part 531.

  Federal income tax withholding. Social Security & Medicare taxes (FICA taxes). State income tax withholding.

- **Inbound/Outbound Transportation and Subsistence –** Detail how the worker will be provided with or reimbursed for inbound transportation/daily subsistence, if the worker completes 50 percent of the employment period. Also, state that the employer will provide or pay for return transportation/daily subsistence, if the worker completes the employment period or is dismissed for any reason before the employment period ends. Where a worker must travel to obtain a visa so that the worker may enter the U.S. to come to work for the employer, the employer must pay for the transportation and daily subsistence costs of that part of the travel as well. The Department has interpreted the regulation to require the employer to assume responsibility for the reasonable costs associated with the worker's travel, including transportation, food, and in those cases where it is necessary, lodging. If not provided by the employer, the amount an employer must pay for transportation and, where required, lodging must be no less than (and is not required to be more than) the most economical and reasonable costs.
  *The current minimum and maximum amounts for the meal component of subsistence expenses to be included in the job order are available on the OFLC Meal Charges and Travel Subsistence Website[2].

  The employer will fulfill its inbound travel obligation by advancing the reasonable cost of the transportation to the worker before the worker departs. Employer will advance the required transportation and subsistence costs to its worker. The employer will fulfill its outbound travel obligation by reimbursing the worker

1 https://eol.azdes.gov/EOLSearchResults.aspx?cat1=18

2 http://www.foreignlaborcert.doleta.gov/meal_travel_subsistence.cfm

- **First Work Week Reimbursement** – State that the employer will reimburse the worker in the first workweek for all visa, border, and related fees.

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- **Provision of Tools, Supplies, and Equipment** – State that the employer will provide all tools, supplies, and equipment at no cost to the worker.

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- **3/4th Guarantee** – 20 CFR 655.20(f) contains a requirement that the employer guarantee an offer of employment for total number of work hours equal to at least three-fourths of the workdays in each 12-week period (or each 6-week period if the period of employment is less than 120 days). However, section 113 of the 2016 DOL Appropriations Act prohibits the Department of Labor from expending Fiscal Year 2016 funds to enforce the three-fourths guarantee requirement. Therefore, the CNPC and SWA cannot require the employer to advertise and offer to workers the three-fourths guarantee. However, the 2016 DOL Appropriations Act did not vacate this regulatory provision, and it remains in effect, even though the Department will not use any Fiscal Year 2016 funds to enforce it. To help employers who want to offer and disclose the three-fourths guarantee, the following language may be included in the job order.

The employer guarantees to offer the worker employment for a total number of work hours equal to at least three-fourths of the workdays in each 12-week period. This obligation begins with the first workday after the arrival of the worker at the place of employment or the advertised first date of need, whichever is later.

**AGENT INFORMATION:**

Name: Morales Law P.C.

Address: 3111 N. Central Ave. # A201 City: Phoenix State: AZ ZIP Code: 85012

Contact Person: Emmanuel Elizondo Title: Attorney

E-Mail Address: emmanuel@moraleslawyer.com

Phone: 602-860-4400 Fax: N/A

Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. Auxiliary aids and services are available upon request to individuals with disabilities. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1. • Free language assistance for DES services is available upon request • Ayuda gratuita con traducciones relacionadas a los servicios de DES está disponible a solicitud del cliente.

## EMPLOYER OBLIGATIONS:

The employer's job order will offer to U.S. workers (this means anyone, including foreign-born residents, residing within the U.S. and/or its' territories) no less than the same benefits, wages, and working conditions the employer is offering, intends to offer, or will provide to H-2B workers. Job offers may not impose on U.S. workers any restrictions or obligations that will not be imposed on the H-2B workers. This does not relieve the employer from providing to H-2B workers at least the minimum benefits, wages, and working conditions which must be offered to U.S. workers consistent with H-2B regulations.

The employer must provide to an H-2B worker outside of the U.S. no later than the time at which the worker applies for the visa, or to a worker in corresponding employment no later than on the day work commences, a copy of the job order, in a language understood by the worker, including any subsequent approved modifications.

During the period of employment specified on the Application for Temporary Employment Certification, the employer must comply with all applicable Federal, State and local employment-related laws and regulations, including health and safety laws. This includes compliance with 18 U.S.C. 1592(a), with respect to prohibitions against employers, the employer's agents or their attorneys knowingly holding, destroying or confiscating workers' passports, visas, or other immigration documents.

## RECRUITMENT ACTIVITIES:

Employers must conduct recruitment of U.S. workers to ensure there are not qualified U.S. workers who will be available for the positions listed in the Application for Temporary Employment Certification. U.S. applicants can be rejected only for lawful job-related reasons. Unless otherwise instructed by the Certifying Officer (CO), the employer must conduct the recruitment described in 655.42 through 655.46 within 14 calendar days from the date the Notice of Acceptance is issued. All employer-conducted recruitment must be completed before the employer submits the recruitment report as required in 655.48. Employers must continue to accept referrals and applications of all U.S. applicants interested in the position until 21 days before the date of need.

Employers that wish to require interviews must conduct those interviews by phone or provide a procedure for the interviews to be conducted in the location where the worker is being recruited so that the worker incurs little or no cost. Employers cannot provide potential H-2B workers with more favorable treatment with respect to the requirement for, and conduct of, interviews. The employer must consider all U.S. applicants for the job opportunity. The employer must accept and hire any applicants who are qualified and who will be available.

For more information visit the H-2B Certification Website[1].

**TO BE COMPLETED BY THE SWA:** Job Order Number: _____

Employer Signature: _____ Date: Aug. 9, 2022

1 www.foreignlaborcert.doleta.gov/h-2b.cfm