



In order to prevent an NOD being issued due to no SWA job order being provided, we submit this document as supporting evidence. The State of North Carolina controls the submission of H-2B job orders and does not allow agents or employers access to the online job service posting system. North Carolina requires that we complete and submit their H-2B Job Order Request form. We provide the required form to North Carolina at the same time as it is provided to CNPC along with an email advising that it is in connection with a concurrent H-2B application.

The SWA must review the job order and ensure compliance and if the SWA determines that the job order does not comply with the applicable criteria, the SWA must inform the CO at the NPC of the noted deficiencies within 6 business days of receipt of the job order.

North Carolina will open/post the job order AFTER CNPC issues a Notice of Acceptance for the job opportunity.

§ 655.16 Filing of the job order at the SWA.

(a) Submission of the job order.

(1) The employer must submit the job order to the SWA serving the area of intended employment at the same time it submits the *Application for Temporary Employment Certification* and a copy of the job order to the NPC in accordance with § 655.15. If the job opportunity is located in more than one State within the same area of intended employment, the employer may submit the job order to any one of the SWAs having jurisdiction over the anticipated worksites, but must identify the receiving SWA on the copy of the job order submitted to the NPC with its *Application for Temporary Employment Certification*. The employer must inform the SWA that the job order is being placed in connection with a concurrently submitted *Application for Temporary Employment Certification* for H-2B workers.

(2) In addition to complying with State-specific requirements governing job orders, the job order submitted to the SWA must satisfy the requirements set forth in § 655.18.

(b) SWA review of the job order. The SWA must review the job order and ensure that it complies with criteria set forth in § 655.18. If the SWA determines that the job order does not comply with the applicable criteria, the SWA must inform the CO at the NPC of the noted deficiencies within 6 business days of receipt of the job order.

(c) Intrastate and interstate clearance. Upon receipt of the Notice of Acceptance, as described in § 655.33, the SWA must promptly place the job order in intrastate clearance and provide to other states as directed by the CO.



Foreign Labor Certification H-2B Job Order Submission

Email completed forms to:
h2b.joborders@commerce.nc.gov

MANDATORY EMPLOYER ASSURANCES: By submitting this Job Order, the employer assures:

- a. **Prohibition against preferential treatment** - The employer offers to U.S. workers no less than the same benefits, wages, and working conditions that 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 employer's 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.
- b. **Bona fide job requirements** - The job qualifications and requirements are bona fide and consistent with the normal and accepted qualifications and requirements imposed by non-H-2B employers in the same occupation and area of intended employment.

Tell us about this position... (Please complete ALL appropriate fields as we will not be able to post incomplete orders.)			
Employer (Company paying the wages): Showalter Construction Company, Inc.			
Job Title/Occupation: Construction Laborers		O*NET code: 47-2061	
Federal tax ID: <small>Required for all job orders.</small>	[REDACTED]	NC UI tax ID: <small>Required for all job orders.</small>	2360450
Main/Corporate Contact Information			
Contact Person: Kristine DiGiuseppi		Title: HR/Payroll	
Mailing Address: PO Box 220289			
City: Charlotte		State: NC	Zip: 28222
Phone: 704-376-6372		Alternate Phone:	
Fax: 704-376-6373		Email: kdigiuseppi@showalterconstruction.com	
Job Location/Worksite Information (if different from above)			
Job Location Contact Person: same		Title: same	
Physical Address: 620 W. 24th Street			
City: Charlotte		State: NC	Zip: 28206
Phone: same		Alternate Phone:	
Fax: same		Email: same	
Job Details			
Number of Positions: 20		Keep Job Order Open Until: 3/11/2023	
Expected start date of job: 04/01/2023		Expected end date of job: 12/15/2023	
Type of Job: <input checked="" type="checkbox"/> Full-Time (30+ hours) <input checked="" type="checkbox"/> Temporary <input checked="" type="checkbox"/> Seasonal <input type="checkbox"/> Part-Time (<30 hours)			
Minimum age of applicants to this position, if any? This minimum age is due to the following:			
<input type="checkbox"/> Alcohol	<input type="checkbox"/> Hazardous work/materials involved	<input type="checkbox"/> Hours of Work	<input type="checkbox"/> Bonding
<input type="checkbox"/> Insurance	<input type="checkbox"/> Other (Specified in Job Description)	<input type="checkbox"/> Special Program/Category	

Compensation	
Hiring range? Minimum Pay: 17.38 Maximum Pay: 17.38 (MIN AND MAX are required)	
Basis of salary/pay: <input checked="" type="checkbox"/> Hour <input type="checkbox"/> Day <input type="checkbox"/> Week <input type="checkbox"/> Month <input type="checkbox"/> Year <input type="checkbox"/> Quarter <input type="checkbox"/> Other - specify:	
How often will the worker(s) be paid? <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Every 2-weeks <input type="checkbox"/> Monthly <input type="checkbox"/> Other (Specified in Job Description)	
Bonus, if applicable:	
A single workweek will be used to compute wages due. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
All deductions from the worker's paycheck required by law will be made. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
List other deductions not required by law to be taken from paycheck (lodging, board or facilities):	
<p>Job Description</p> <p>Please provide a detailed Job Description as outlined in Title 20, Sec. 655.18 (Assurances).</p>	<p>This job order is placed in connection with a concurrent H-2B labor certification application.</p> <p>This job opportunity is a bona fide, F/T temporary position for 20 General laborers from 4/1/2023 to 12/15/2023 with Showalter Construction Company, Inc. 620 W. 24th Street, Charlotte, North Carolina 28206.</p> <p>Perform tasks involving physical labor at construction sites. May operate hand and power tools of all types: air hammers, earth tampers, cement mixers, small mechanical hoists, surveying and measuring equipment, and a variety of other equipment and instruments. May clean and prepare sites, dig trenches, set braces to support the sides of excavations, erect scaffolding, and clean up rubble, debris, and other waste materials. May assist other craft workers. Work requires supervision. All job duties associated with 47-2061 Construction Laborers.</p> <p>Lift/carry up to 50 pounds</p> <p>50 hours per week; 7:30 am - 5:30pm Mon-Fri; work extended daily hours and weekends when necessary.</p> <p>Pre-Employment, Post Accident, Upon Suspicion (Post Employment), Random (post-employment) employer paid drug testing required.</p> <p>Work is supervised. No experience/education required. 14 day(s) on the job training provided.</p> <p>\$17.38 per hour; overtime is not guaranteed but if worked rate is paid at time and a half (\$26.07) per hour above 40 hours per week. Raise/bonus at employer's discretion. Opportunity for higher pay based on experience/performance.</p> <p>A single workweek will be used in computing the wage due. Payday is Weekly on Friday.</p> <p>Shared housing available to only seasonal full-time employees, not offered to non-employees. Employees may make their own arrangements at their own expense. If they opt to live in employer provided housing rent (utilities not included) charged at \$ 410.00/week.</p> <p>See attached addendum.</p>
Job Application Method	
Check all the methods that individuals may use to apply for this job.	
Apply via NCWorks Online (which will require follow-up by Employer via NCWO):	
<input checked="" type="checkbox"/> Provide a NCWO Resume <input type="checkbox"/> Provide a NCWO (Generic) Application <input type="checkbox"/> At local NCWorks Career Center	
Apply directly to employer via:	
<input checked="" type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> In Person <input checked="" type="checkbox"/> Email Resume <input type="checkbox"/> Mail Resume	
<input type="checkbox"/> Via Company or application Website (include http:// or https://)	
Any specific application instructions or details to share with candidates?	
USDOL Assurances Compliance	
Employer Provided Items (required):	
<input checked="" type="checkbox"/> The employer will provide workers at no charge or deposit charge all tools, supplies, and equipment required to perform the duties assigned.	
Three-fourths Guarantee (check ONE): N/A DOES NOT APPLY - NOT PART OF THE H-2B JOB ORDER SUBMITTED TO DOL	
<input type="checkbox"/> The anticipated period of employment will last 120 days or more. The employer guarantees to offer work for a total number of hours equal to at least three-fourths of the workdays in each 12-week period of the total employment period.	
<input type="checkbox"/> The anticipated period of employment will last less than 120 days. The employer guarantees to offer work for a total number of hours equal to at least three-fourths of the workdays in each 6-week period of the total employment period.	

First Workweek Guarantee (required):

- H-2B workers will be reimbursed in the first workweek for all visa, visa processing, border crossing, and other related fees, including those mandated by the government (excluding passport fees). If not already paid in advance.

Transportation and Subsistence Benefits (required):

- Transportation for H-2B Visa workers and non-commuting United States Domestic Workers (citizens and holders of visas that allow work in the U.S.), including meals and lodging to the extent necessary, to the place of employment will be provided, or its cost to workers reimbursed, if the worker completes half the employment period. Return transportation will be provided if the worker completes the employment period or is dismissed early by the employer. Upon completion of the work contract or where the worker is dismissed earlier, the employer will provide or pay for worker's reasonable costs of transportation and subsistence back home or to the place the worker originally departed to work, except where the worker will not return due to subsequent employment with another employer or where the employer has appropriately reported a worker's voluntary abandonment of employment. The amount of transportation payment or reimbursement will be equal to the most economical and reasonable common carrier for the distances involved. Daily meals will be provided at a rate of at least \$14.00 per day during travel to a maximum of \$59.00 per day with receipts.

See attached addendum**

Board, Lodging or Fringe Benefits (check all that apply):

If applicable, the job order must disclose the provision and cost of any board, lodging, or other facilities, including fringe benefits or assistance to be provided to the H-2B or non-commuting U.S. Domestic Workers in securing such benefits.

- Employer does not provide workers daily board (food). Workers are responsible for obtaining and preparing their own food.
- Employer provides workers free daily board (food) at no charge to the workers. Additional details/specifics regarding Board, Lodging or Fringe Benefits:
- Employer provides workers daily board (food) and charges \$ _____ per day.
- Employer does not provide workers with lodging. Workers are responsible for finding and paying for their own lodging including utilities.
- Employer does not provide workers with lodging but will assist workers to find lodging. Workers are responsible for paying for their own lodging including utilities.
- Employer provides workers free lodging at no charge to the workers.
- Employer provides workers lodging and charges for rent and/or utilities.
\$ 410 per: day 2-week pay period month Week

Daily Transportation (check all that apply): N/A, does not apply, no additional worksites

- Daily transportation to and from the worksite(s) will not be provided; Workers will provide their own transportation.
- Daily transportation to and from the worksite(s) will be provided to the workers from a centralized designated daily pick-up place.
- Employer will provide transportation for free, at no charge to the workers.
- All employer-provided transportation complies with all applicable Federal, State, and local laws and regulations and must provide, at a minimum, the same vehicle safety standards, driver licensure requirements, and vehicle insurance as required under 49 CFR parts 390, 393, and 396.
- The employer will charge the workers \$ _____ per round trip.

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Perform tasks involving physical labor at construction sites. May operate hand and power tools of all types: air hammers, earth tampers, cement mixers, small mechanical hoists, surveying and measuring equipment, and a variety of other equipment and instruments. May clean and prepare sites, dig trenches, set braces to support the sides of excavations, erect scaffolding, and clean up rubble, debris, and other waste materials. May assist other craft workers. Work requires supervision. All job duties associated with 47-2061 Construction Laborers.

Lift/carry up to 50 pounds

50 hours per week; 7:30 am - 5:30pm Mon–Fri; work extended daily hours and weekends when necessary.

Pre-Employment, Post Accident, Upon Suspicion (Post Employment), Random (post-employment) employer paid drug testing required.

Work is supervised. No experience/education required. 14 day(s) on the job training provided.

\$17.38 per hour; overtime is not guaranteed but if worked rate is paid at time and a half (\$26.07) per hour above 40 hours per week. Raise/bonus at employer's discretion. Opportunity for higher pay based on experience/performance.

A single workweek will be used in computing the wage due. Payday is Weekly on Friday.

Shared housing available to only seasonal full-time employees, not offered to non-employees. Employees may make their own arrangements at their own expense. If they opt to live in employer provided housing rent (utilities not included) charged at \$ 410.00/week.

The employer will make the following deductions from the worker's wages: all deductions required by law, rent (where applicable), cash advances and repayment of loans, repayment of overpayment of wages to the worker, payment for articles which the worker has voluntarily purchased from the employer, long distance telephone charges, recovery of any loss to the employer due to the worker's damage (beyond normal wear and tear) or loss of equipment or housing items where it is shown that the worker is responsible, and any other reasonable deductions expressly authorized by the worker in writing. No deduction not required by law will be made that brings the workers hourly earnings below the FLSA Federal statutory minimum wage.

Employer provides transportation from central location to and from job sites. There is no itinerary involved as there are multiple locations in Mecklenburg, Gaston, Cabarrus, Iredell, Union

Return transportation and daily subsistence paid or provided if worker completes employment period or is dismissed early by employer. Outbound transportation is paid/provided at most economical and reasonable common carrier transportation rates for distances involved, where applicable.

Employer will reimburse the H-2B worker in the first workweek for visa, visa processing, border crossing, and other related fees, including those mandated by the government, incurred by the H-2B worker (but need not include passport expenses or other charges primarily for the benefit of the worker).

The employer provides at no charge all required tools, supplies and equipment required to perform the job.

Inquire or send applications/resumes, to nearest job service location or directly to the office at the NCWorks Career Center - Charlotte, 8601 McAlpine Park Drive, Ste. 110, Charlotte, NC 28211. Phone: 704-566-2870.

For eligible workers, the Employer will reimburse inbound travel costs not already paid in advance no later than the 50 percent of the work period (or with the first paycheck if applicable under FLSA). Inbound travel includes transportation costs from

worker's permanent residence or place of recruitment to the place of employment, a daily subsistence for meals, and reasonable lodging costs, if applicable. Transportation reimbursements based on worker's actual cost, not to exceed the most economical common commercial carrier transportation costs for distances involved. The employer reserves right to assist in coordinating transportation. Workers who do not avail themselves of such available transportation will be reimbursed only the per worker cost of arranged transportation or most economical and reasonable common commercial carrier transportation cost for distances involved, whichever is less. Workers are free to make own inbound transportation, assuming all liability and hold harmless employer for any damages, injuries, personal or property losses. Subsistence reimbursements based on rates specified in the Federal Register Daily (currently \$14 per day minimum, or \$59 per day maximum for workers with acceptable receipts).