

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Frequently Asked Questions
H-2B Program

JOB CONTRACTORS

Can a job contractor combine job opportunities with several of its joint employer employer-clients in a newspaper advertisement?

The Department has identified a newspaper advertisement containing a single job opportunity for a single pair of joint employers as the clearest method of apprising potential workers of the job opportunity available. However, the Department recognizes that placing separate ads may prove burdensome and, under certain circumstances, a job contractor may successfully apprise potential workers of the job opportunities it shares with various employer-clients without creating confusion. Accordingly, provided that all of the employer-clients' job opportunities are in the same occupation and area of intended employment and have the same requirements and terms and conditions of employment, including dates of employment, a job contractor may combine more than one of its joint employer employer-clients' job opportunities in a single newspaper advertisement.

Each advertisement must fully apprise potential workers of the job opportunity available with each employer-client and otherwise satisfy the advertising content requirements required for all H-2B-related advertisements, as identified in 20 CFR 655.17. Such a shared newspaper advertisement must clearly identify the job contractor by name, the joint employment relationship, and the number of workers sought for each job opportunity, identified by employer-client name and location (e.g. 5 openings with Employer-Client 1 (worksite location), 3 openings with Employer-Client 2 (worksite location)).

In addition, the newspaper advertisement must contain the following statement: "Applicants may apply for any of the jobs listed. When applying, please identify the job(s) (by company and work location) you are applying to for the entire period of employment specified." This statement is intended to inform potential workers of their choice to apply to any of the job opportunities listed. If an applicant fails to identify one or more specific work location(s), that applicant is presumed to have applied to all work locations listed in the advertisement.