

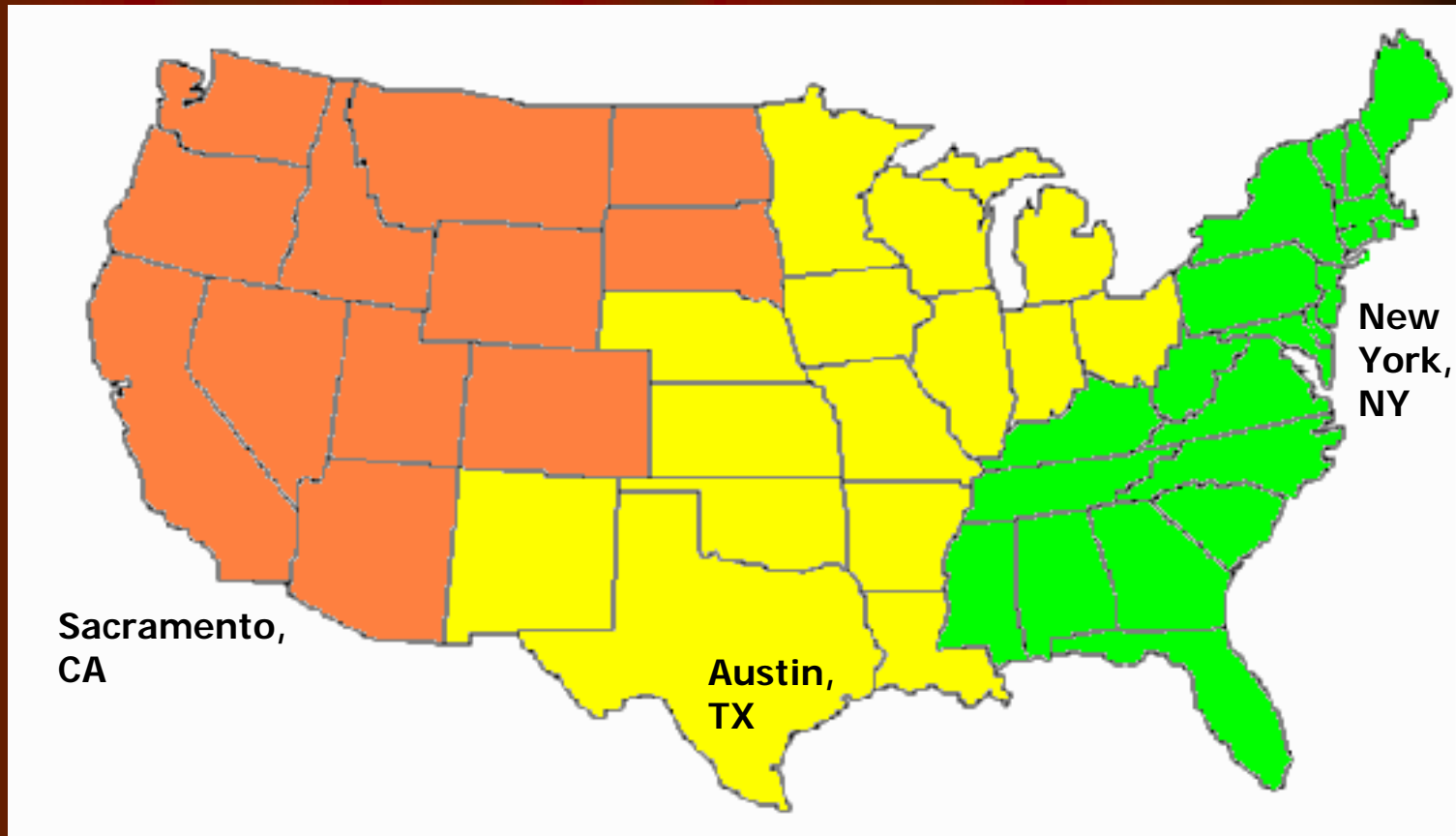
THAT'S ENTERTAINMENT!

Training & Employment Guidance
Letter 31-05



Where to File

The Country is Divided into 3 OSE Jurisdictions:
OFFICES SPECIALIZING IN ENTERTAINMENT



NEW YORK OSE SERVICE AREA

Start Dates in the Eastern United States

Alabama

Connecticut

D.C.

Delaware

Florida

Georgia

Kentucky

Maine

Maryland

24 States

Massachusetts

Mississippi

New Hampshire

New Jersey

New York

No. Carolina

Pennsylvania

Puerto Rico

Rhode Island

South Carolina

Tennessee

Vermont

Virgin Islands

Virginia

West Virginia

TEXAS OSE SERVICE AREA

Start Dates in the Central States

Arkansas

Illinois

Indiana

Iowa

Kansas

Louisiana

Michigan

15 States

Minnesota

Missouri

Nebraska

New Mexico

Ohio

Oklahoma

Texas

Wisconsin

CALIFORNIA OSE SERVICE AREA

Start Dates in Western States

15 States

Alaska

Arizona

California

Colorado

Guam

Hawaii

Idaho

Montana

Nevada

N. Dakota

Oregon

S. Dakota

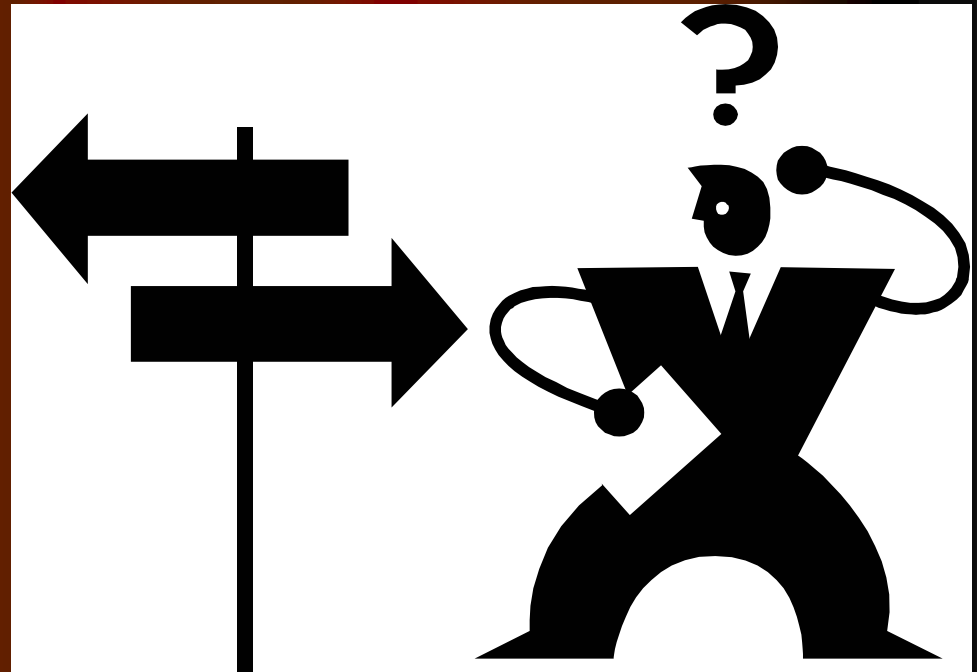
Utah

Washington

Wyoming

FEDERAL JURISDICTION

Determinations are
Issued
by
The Chicago
National
Processing Center



Determinations are based on:

- An assessment of requirements of the role or the act to be performed
- The need to keep the unity of a group or company and support personnel
- The role of labor unions in this highly unionized field and their impact on employment opportunities
- The willingness of available United States workers to fulfill the employer's prescribed itinerary

Special Information

- Canadian musicians performing within 50 miles of the Canadian border for 30 days or less ARE NOT SUBJECT to these procedures
- In the Virgin Islands, the period of the labor certification MAY NOT EXCEED 45 days

WHO QUALIFIES ????

Occupations shall include:

- Performers
- Technical and support personnel involved with a performance
- Traveling carnivals and concessionaires

Where to File ????

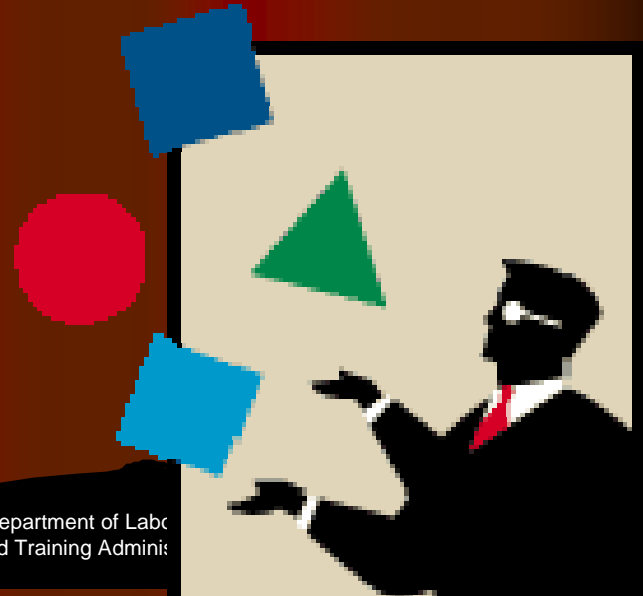
In the OSE serving the area of intended employment where the employment will begin

What to File????

- Completed Form ETA 750, Part A
- Itinerary and duration of work in each location (if more than one site)
- Explanation of temporary need
- Documentation of employer's effort, if any, to recruit U.S. workers.
- Copies of ads

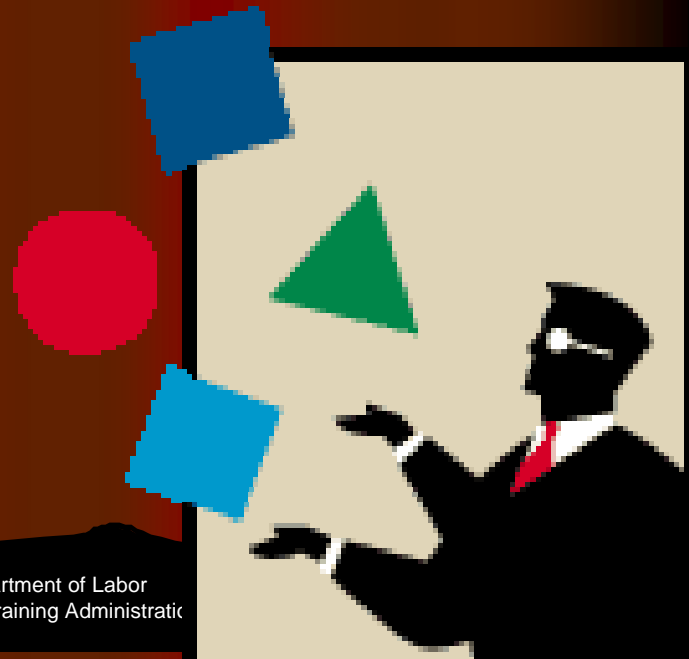
OSE Responsibilities

- Review the application for completeness and determine the prevailing wage (daily, hourly, weekly)
- Prepare job order



OSE Responsibilities

- Direct advertising



Advertising and Recruiting – Employer Ad

- 🕒 During the 10-day posting of the OSE job order, employer will run a newspaper ad for 3 consecutive calendar days
 - The OSE will provide instructions to advertise in a newspaper with the widest circulation in the local area
 - If the job is located in a rural area with no daily edition, employer shall use a daily edition published in the nearest urban area or other publication as determined by the OSE
 - OSEs will not accept advertisements run on Internet sites!

→ DON'T FORGET!

Employer **must** notify the OSE as to “WHEN” (i.e., calendar dates) the advertisements will run

Advertising and Recruiting – OSE Job Order

- OSE will prepare a job order, using information on the application, and place it into the job bank for 10 calendar days
- OSE will accept for referral to the employer all qualified applicants
- Employer should initiate contact with unions or other recruitment sources, appropriate to the occupation and customary to the industry, for qualified U.S. workers
- Employer **must** contact and evaluate all qualified applicants who are referred

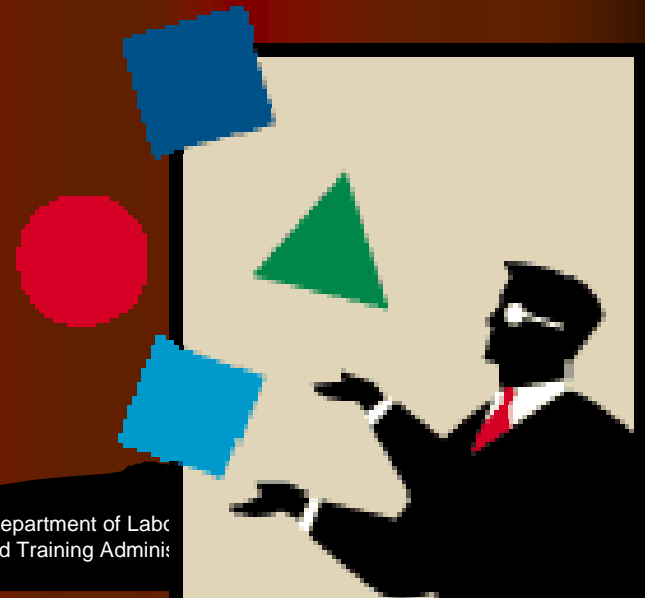
Advertising

Newspaper/journals advertisements must contain the following:

- Employer's name and location of work
- OSE contact information and job order number (directs U.S. workers to the OSE for referral to employer)
- Description of job opportunity with particularity
- Rate of pay including overtime, if applicable
- Prevailing working conditions such as housing, lifting, excessive heat, etc.
- Actual minimum job requirements (must match the application)
- Total job openings to be filled (must match the application)
- Indication the job is "temporary"

OSE Responsibilities

- Accept and review recruitment efforts

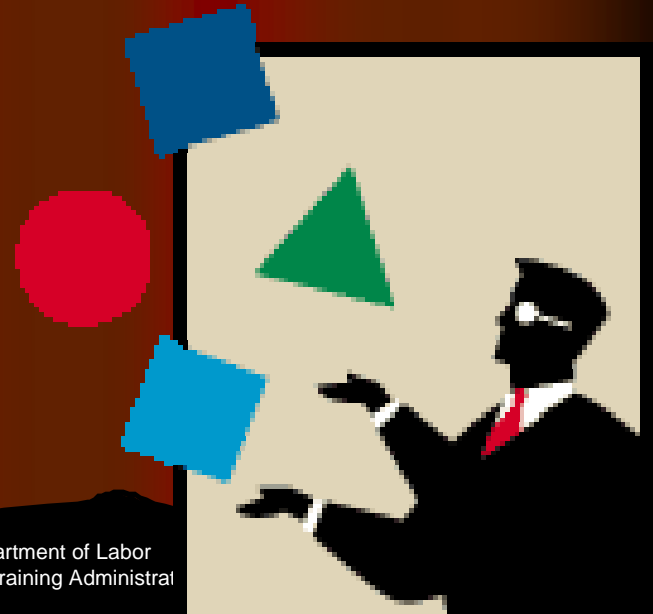


Written results of recruitment must:

- Identify each recruitment source by name
- State the name, address, and telephone number of each United States worker who applied for the job
- Explain the lawful job-related reason for not hiring each United States worker

OSE Responsibilities

- Union Contact, if applicable

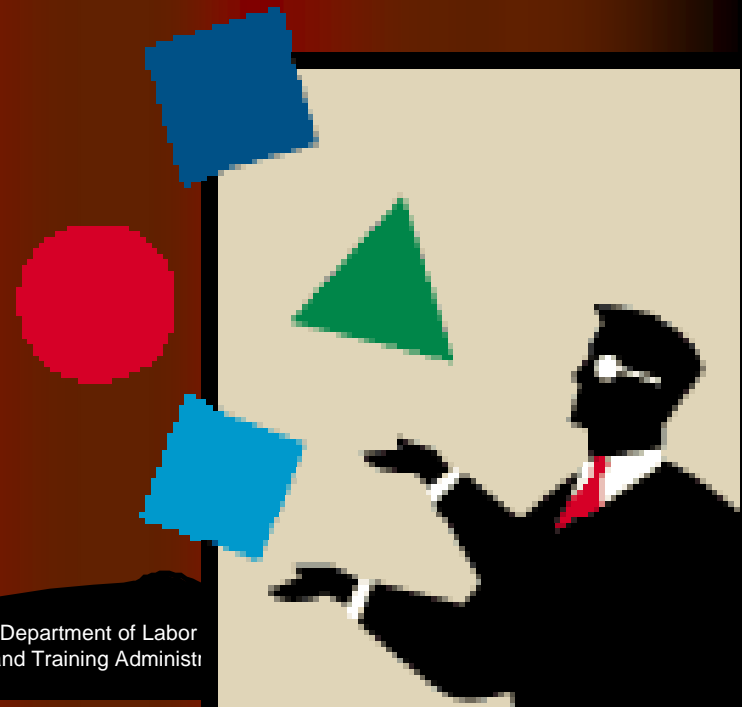


Procedures and Conditions for Union Contacts

- OSE mails letter to the appropriate national union
- OSE allows five days for response from union
- Union must provide OSE with the name, address, telephone number of US workers for referral to employer

OSE Responsibilities

- Submit completed application to Chicago NPC



Prevailing Wage!!

The employer has the option to:

- Pay the prevailing wage for each location
- OR
- Pay the highest of the prevailing wages for all the locations

Carnivals & Concessionaires



Carnivals & Concessionaires Responsibilities

- File with the appropriate OSE (NY, TX or CA).
- Itineraries of locations and duration of work are acceptable
- Must pay the prevailing wage for each location or the highest p/w for all locations listed on the itinerary for work performed.

Carnivals & Concessionaires Responsibilities

- Advertisements must be placed in a newspaper of general circulation, and not trade journals.
- Conduct advertising in the first location of the itinerary where the application is filed.
- The advertisement must set forth all work locations and applicable prevailing wages for each.

In your package, you will find:

- TEGL 31-05 Procedures for Temporary Labor Certification in the Entertainment Industry under the H-2B Visa Program
- Attachment 1 – Offices Specializing in Entertainment (OSE)
- Attachment 2 – THE MAP
- Unions frequently contacted in Arts & Entertainment

The End

