

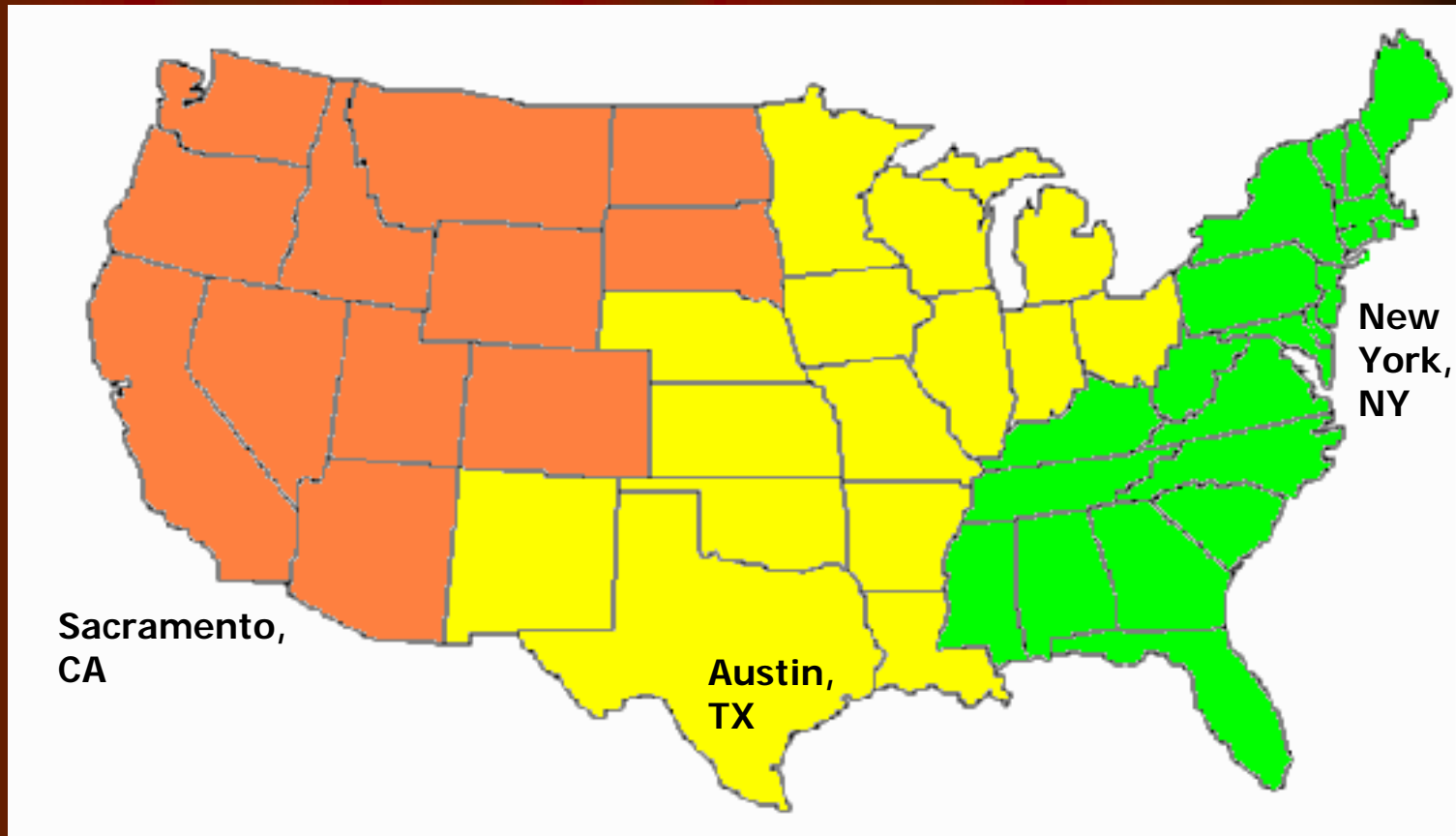
# THAT'S ENTERTAINMENT!

## 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

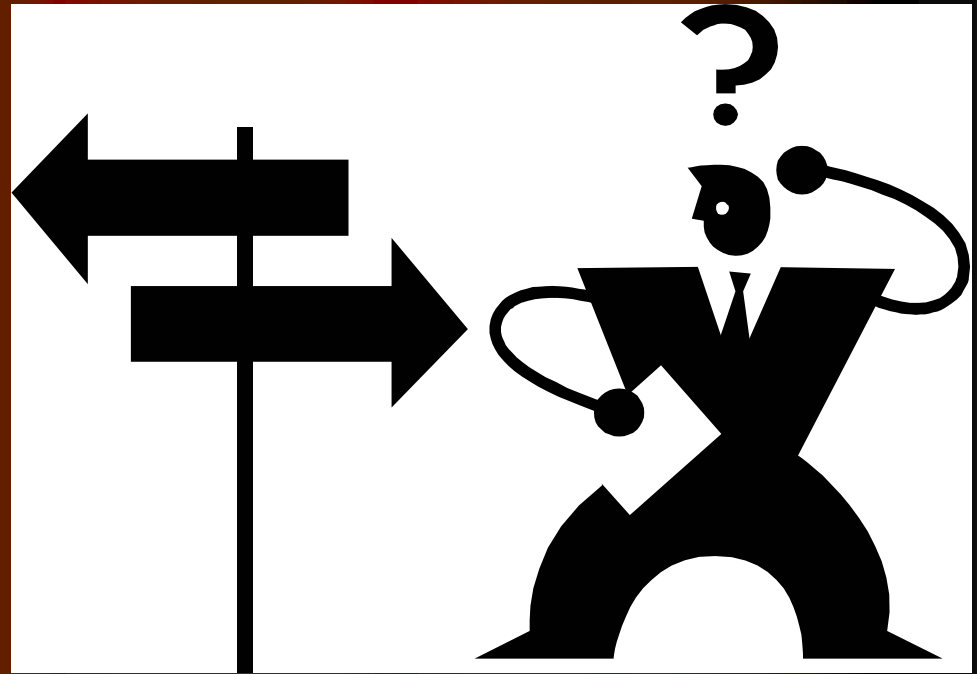
Utah

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 ????

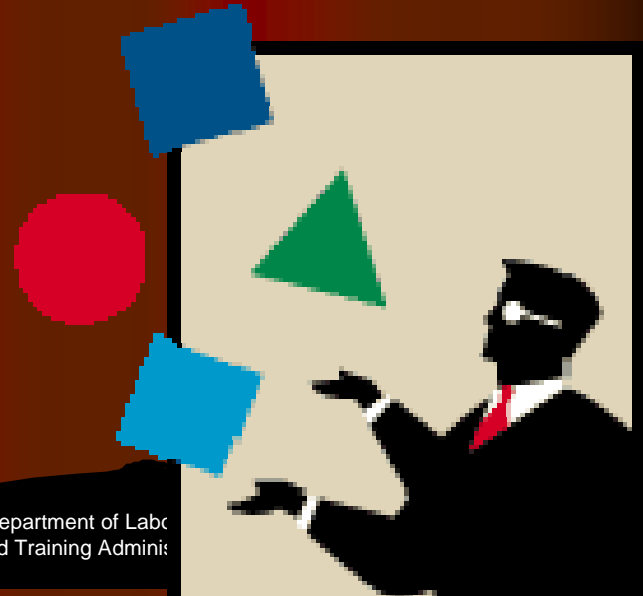
In the OSE serving the area of intended employment where the employment will begin

# 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

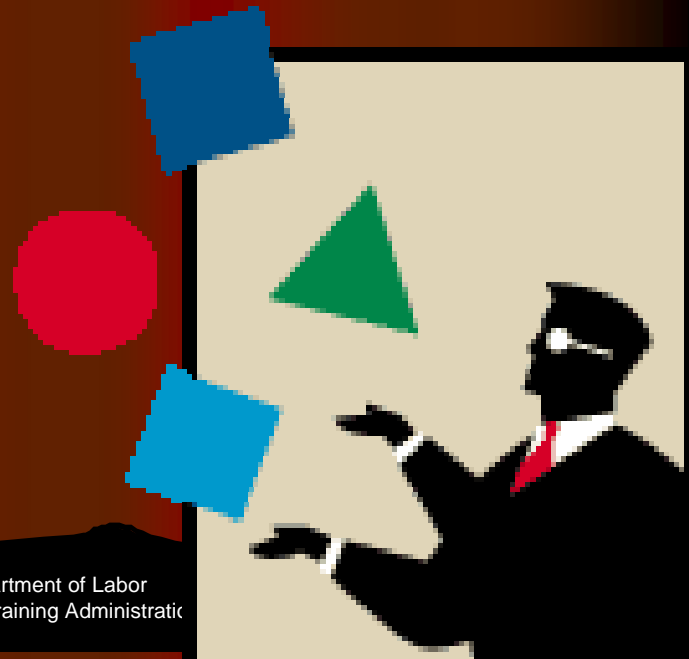
# OSE Responsibilities

- 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

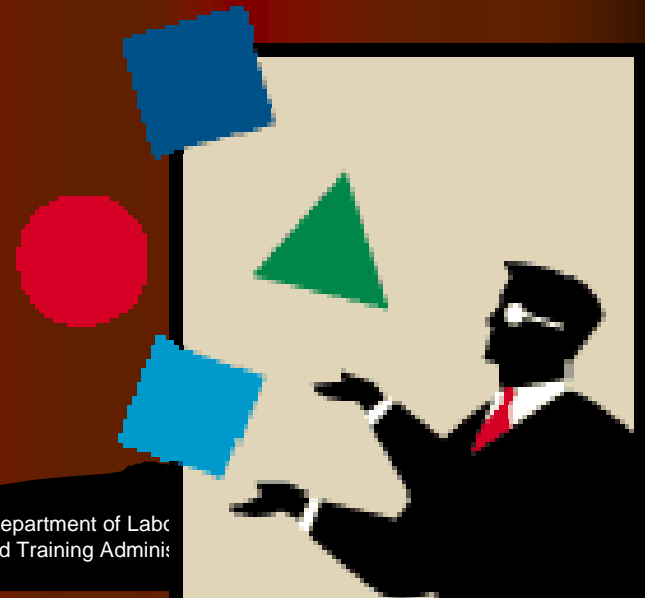
Newspaper/journals advertisements must contain the following:

- 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

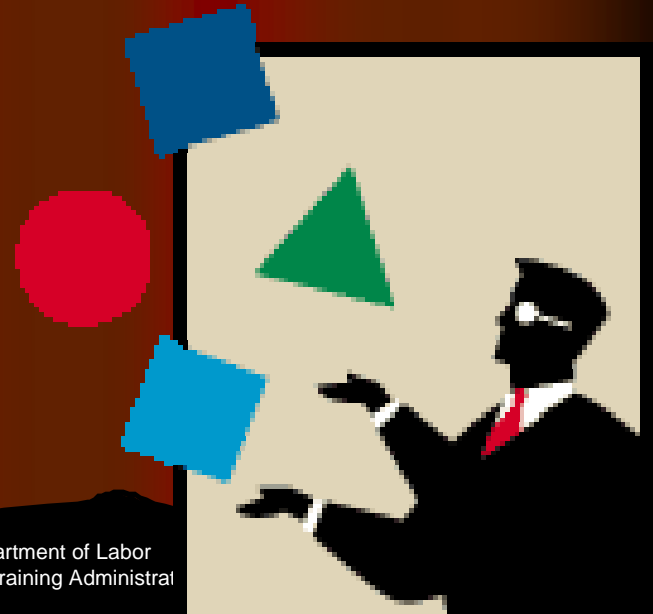


# Written results of recruitment must:

- 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

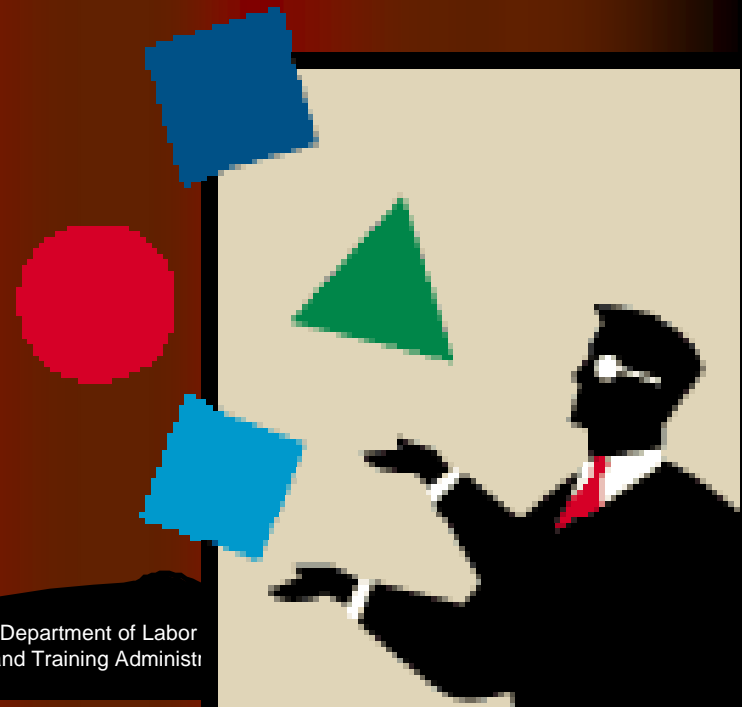


# Procedures and Conditions for Union Contacts

- 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

