

H-2B Application for Temporary Employment Certification  
Form ETA-9142B  
U.S. Department of Labor



Please read and review the filing instructions carefully before completing the Form ETA-9142B. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/>. In accordance with Federal Regulations, incomplete or obviously inaccurate applications will not be certified by the Department of Labor. If submitting this form non-electronically, ALL required fields/items containing an asterisk ( \* ) must be completed as well as any fields/items where a response is conditional as indicated by the section ( § ) symbol.

**A. Employment-Based Nonimmigrant Visa Information**

1. Indicate the type of visa classification supported by this application (Write classification symbol): *	H-2B
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**B. Temporary Need Information**

1. Job Title * Construction Laborer	
2. SOC (ONET/OES) code * 47-2061	3. SOC (ONET/OES) occupation title * Construction Laborers
4. Is this a full-time position? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Period of Intended Employment</b>
	5. Begin Date * 04/01/2017 (mm/dd/yyyy)
	6. End Date * 12/15/2017 (mm/dd/yyyy)
7. Worker positions needed/basis for the visa classification supported by this application	
<input type="text" value="25"/> <b>Total Worker Positions Being Requested for Certification *</b>	
Basis for the visa classification supported by this application (indicate the total workers in each applicable category based on the total workers identified above)	
<input type="text" value="25"/> a. New employment *	<input type="text" value="0"/> d. New concurrent employment *
<input type="text" value="0"/> b. Continuation of previously approved employment * without change with the same employer	<input type="text" value="0"/> e. Change in employer *
<input type="text" value="0"/> c. Change in previously approved employment *	<input type="text" value="0"/> f. Amended petition *
8. Nature of Temporary Need: (Choose only one of the standards) *	
<input checked="" type="checkbox"/> Seasonal <input type="checkbox"/> Peakload <input type="checkbox"/> One-Time Occurrence <input type="checkbox"/> Intermittent or Other Temporary Need	
9. Statement of Temporary Need *	
<p>Genuine Builders Inc. of Arlington, South Dakota is a concrete sub-contractor that has provided specialized concrete construction services for last sixteen (16) years. Its committed owners and employees take an unyielding approach to bringing their best to every project. Genuine Builders Inc.'s enthusiasm and innovative thinking results in the company's ability to provide competitive pricing, creative solutions, professional management, on-time delivery, and uncompromising dedication to quality construction and safety. Years of experience with large and small projects work has given Genuine Builders the tools, resources, and expertise to complete any concrete project, both on time and in-budget. Accordingly, Genuine Builders, Inc. has become a trusted name, with many loyal, long-time customers throughout Minnesota and the Midwest.</p> <p>Continued on attached letter</p>	

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**C. Employer Information**

**Important Note:** Enter the full name of the individual employer, partnership, or corporation and all other required information in this section. For joint employer or master applications filed on behalf of more than one employer under the H-2A program, identify the main or primary employer in the section below and then submit a separate attachment that identifies each employer, by name, mailing address, and total worker positions needed, under the application.

1. Legal business name *		
Genuine Builders Inc.		
2. Trade name/Doing Business As (DBA), if applicable		
N/A		
3. Address 1 *		
301 South Hwy 81		
4. Address 2		
N/A		
5. City *	6. State *	7. Postal code *
Arlington	SD	57212
8. Country *	9. Province	
UNITED STATES OF AMERICA	N/A	
10. Telephone number *	11. Extension	
605-983-4716	N/A	
12. Federal Employer Identification Number (FEIN from IRS) *	13. NAICS code (must be at least 4-digits) *	
██████████	238110	
14. Number of non-family full-time equivalent employees	15. Annual gross revenue	16. Year established
█	██████████	2003
17. Type of employer application (choose only one box below) *		
<input checked="" type="checkbox"/> Individual Employer <input type="checkbox"/> Association – Sole Employer (H-2A only)		
<input type="checkbox"/> H-2A Labor Contractor or Job Contractor <input type="checkbox"/> Association – Joint Employer (H-2A only)		
<input type="checkbox"/> Association – Filing as Agent (H-2A only)		

**D. Employer Point of Contact Information**

**Important Note:** The information contained in this Section must be that of an employee of the employer who is authorized to act on behalf of the employer in labor certification matters. The information in this Section must be different from the agent or attorney information listed in Section E, unless the attorney is an employee of the employer. For joint employer or master applications filed on behalf of more than one employer under the H-2A program, enter only the contact information for the main or primary employer (e.g., contact for an association filing as joint employer) under the application.

1. Contact's last (family) name *	2. First (given) name *	3. Middle name(s) *
Bunker	Jim	N/A
4. Contact's job title *		
Owner		
5. Address 1 *		
301 South Hwy 81		
6. Address 2		
N/A		
7. City *	8. State *	9. Postal code *
Arlington	SD	57212
10. Country *	11. Province	
UNITED STATES OF AMERICA	N/A	
12. Telephone number *	13. Extension	14. E-Mail address
605-983-4716	N/A	jim@gbconcrete.net

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 U.S. Department of Labor



**E. Attorney or Agent Information (If applicable)**

1. Is/are the employer(s) represented by an attorney or agent in the filing of this application (including associations acting as agent under the H-2A program)? If "Yes", complete Section E. *		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Attorney or Agent's last (family) name § BERNARD	3. First (given) name § AARON	4. Middle name(s) § DAVID	
5. Address 1 § 226 SOUTH 3RD STREET			
6. Address 2 N/A			
7. City § AMES	8. State § IA	9. Postal code § 50010	
10. Country § UNITED STATES OF AMERICA		11. Province N/A	
12. Telephone number § 515-232-4444	13. Extension N/A	14. E-Mail address attorney@bernardfirm.com	
15. Law firm/Business name § THE BERNARD FIRM P.L.C.		16. Law firm/Business FEIN § [REDACTED]	
17. State Bar number (only if attorney) § 0000811		18. State of highest court where attorney is in good standing (only if attorney) § IOWA	
19. Name of the highest court where attorney is in good standing (only if attorney) § Supreme Court			

**F. Job Offer Information**

**a. Job Description**

1. Job Title * Construction Laborer	
2. Number of hours of work per week Basic *: <u>40</u> Overtime: <u>10</u>	3. Hourly Work Schedule * A.M. (h:mm): <u>7</u> : <u>00</u> P.M. (h:mm): <u>6</u> : <u>00</u>
4. Does this position supervise the work of other employees? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4a. If yes, number of employees worker will supervise (if applicable) § <u>N/A</u>
5. Job duties – A description of the duties to be performed <b>MUST</b> begin in this space. If necessary, add attachment to <u>continue and complete</u> description. *  Perform lesser tasks involving manual labor at concrete construction sites including loading and unloading materials, preparing the site, digging, using basic hand tools, assisting concrete finishers and cleaning up waste materials.	

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**F. Job Offer Information (continued)**

**b. Minimum Job Requirements**

1. Education: minimum U.S. diploma/degree required *	
<input checked="" type="checkbox"/> None <input type="checkbox"/> High School/GED <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate (PhD) <input type="checkbox"/> Other degree (JD, MD, etc.)	
1a. If "Other degree" in question 1, specify the diploma/degree required § N/A	1b. Indicate the major(s) and/or field(s) of study required § (May list more than one related major and more than one field) N/A
2. Does the employer require a second U.S. diploma/degree? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2a. If "Yes" in question 2, indicate the second U.S. diploma/degree and the major(s) and/or field(s) of study required § N/A	
3. Is training for the job opportunity required? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3a. If "Yes" in question 3, specify the number of months of training required § N/A	3b. Indicate the field(s)/name(s) of training required § (May list more than one related field and more than one type) N/A
4. Is employment experience required? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4a. If "Yes" in question 4, specify the number of months of experience required § N/A	4b. Indicate the occupation required § N/A
5. Special Requirements - List specific skills, licenses/certifications, and requirements of the job opportunity. * N/A	

**c. Place of Employment Information**

1. Worksite address 1 * 11834 Duncan Ave	
2. Address 2 N/A	
3. City * Walnut Grove	4. County * Redwood
5. State/District/Territory * MN	6. Postal code * 56190
7. Will work be performed in multiple worksites within an area of intended employment or a location(s) other than the address listed above? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
7a. If Yes in question 7, identify the geographic place(s) of employment with as much specificity as possible. If necessary, submit an attachment to <u>continue and complete</u> a listing of all anticipated worksites. §	
1. State: Minnesota   Area Based On: BLS Areas   Area: Southeast Minnesota Nonmetropolitan Area Start Date of Work: N/A   End Date of Work: N/A Number of H-2B Workers Requested: N/A   Wage Rate: N/A   Unit of Pay: N/A Additional Worksite Information: N/A	

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**G. Rate of Pay**

1. Basic Rate of Pay Offered * From: \$ <u>18</u> . <u>66</u> To (Optional): \$ <u>N/A</u> . <u>N/A</u>	1a. Overtime Rate of Pay (if applicable) § From: \$ <u>27</u> . <u>99</u> To (Optional): \$ <u>N/A</u> . <u>N/A</u>
2. Per: (Choose only one) * <input checked="" type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input type="checkbox"/> Year <input type="checkbox"/> Piece Rate	
2a. If Piece Rate is indicated in question 2, specify the wage offer requirements: § <u>N/A</u>	
3. Additional Wage Information (e.g., multiple worksite applications, itinerant work, or other special procedures). If necessary, add attachment to <u>continue and complete</u> description. §  Overtime may be available but is not guaranteed. Applicants may be offered higher than the advertised wage rate due to experience or merit.	

**H. Recruitment Information**

1. Name of State Workforce Agency (SWA) serving the area of intended employment * <u>N/A</u>		
2. SWA job order identification number * <u>N/A</u>	2a. Start date of SWA job order * <u>N/A</u>	2b. End date of SWA job order * <small>(In H-2A this date is 50% of contract period)</small> <u>N/A</u>
3. Is there a Sunday edition of a newspaper (of general circulation) in the area of intended employment? *		<input type="checkbox"/> Yes <input type="checkbox"/> No
Name of Newspaper/Publication (in area of intended employment for H-2B only) *		Dates of Print Advertisement §
4. <u>N/A</u>	From: <u>N/A</u>	To: <u>N/A</u>
5. <u>N/A</u>	From: <u>N/A</u>	To: <u>N/A</u>
6. Additional Recruitment Activities for H-2B program. Use the space below to identify the type(s) or source(s) of recruitment, geographic location(s) of recruitment, <u>and</u> the date(s) on which recruitment was conducted. If necessary, add attachment to <u>continue and complete</u> description. *  <u>N/A</u>		

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**I. Declaration of Employer and Attorney/Agent**

In accordance with Federal regulations, the employer must attest that it will abide by certain terms, assurances and obligations as a condition for receiving a temporary labor certification from the U.S. Department of Labor. Applications that fail to attach Appendix A or Appendix B will be considered incomplete and not accepted for processing by the ETA application processing center.

1. For H-2A Applications ONLY, please confirm that you have read and agree to all the applicable terms, assurances and obligations contained in <b>Appendix A.</b> §	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2. For H-2B Applications ONLY, please confirm that you have read and agree to all the applicable terms, assurances and obligations contained in <b>Appendix B.</b> §	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**J. Preparer**

Complete this section if the preparer of this application is a person other than the one identified in either Section D (employer point of contact) or E (attorney or agent) of this application.

1. Last (family) name § N/A	2. First (given) name § N/A	3. Middle initial § N/A
4. Job Title § N/A		
5. Firm/Business name § N/A		
6. E-Mail address § N/A		

**K. U.S. Government Agency Use (ONLY)**

Pursuant to the provisions of Section 101 (a)(15)(h)(ii) of the Immigration and Nationality Act, as amended, I hereby certify that there are not sufficient U.S. workers available and the employment of the above will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. By virtue of the signature below, the Department of Labor hereby acknowledges the following:

This certification is valid from 04/01/2017 to 12/15/2017.

*Certifying Officer*

Department of Labor, Office of Foreign Labor Certification

02/08/2017

Determination Date (date signed)

H-400-16362-344324

Case number

Full Certification

Case Status

**L. Public Burden Statement (1205-0509)**

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 1 hour to complete the form, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this data collection is required to obtain/retain benefits (Immigration and Nationality Act, 8 U.S.C. 1101, et seq.). Please send comments regarding this burden estimate or any other aspect of this information collection to the Office of Foreign Labor Certification \* U.S. Department of Labor \* Room C4312 \* 200 Constitution Ave., NW, \* Washington, DC \* 20210. **Please do not send the completed application to this address.**



**PO BOX 360  
301 S. Hwy 81  
Arlington, SD 57212  
P: (605) 983-4716  
F: (605) 983-4751**

December 30, 2016

**VIA OVERNIGHT MAIL**

U.S. Department of Labor, Employment and Training Administration  
Office of Foreign Labor Certification  
Chicago National Processing Center  
11 West Quincy Court  
Chicago, IL 60604- 2105  
ATTN: H-2B Program Unit

**Re: Genuine Builders, Inc. Statement of Temporary Seasonal Need for Construction Laborers in Walnut Grove, Minnesota**

Your attention is requested to the following letter in support of Genuine Builders, Inc.'s request for twenty-five (25) temporary construction laborers to supply our seasonal temporary need in Minnesota. The concrete finishers will be placing concrete for a large cooperative structure in Minnesota.

**Business History, Activities, and Operations Throughout the Year**

Genuine Builders, Inc. of Arlington, South Dakota is a concrete sub-contractor that has provided specialized concrete construction services for last sixteen (16) years. Its committed owners and employees take an unyielding approach to bringing their best to every project. Genuine Builders, Inc.'s enthusiasm and innovative thinking results in the company's ability to provide competitive pricing, creative solutions, professional management, on-time delivery, and uncompromising dedication to quality construction and safety. Years of experience with large and small projects work has given Genuine Builders the tools, resources, and expertise to complete any concrete project, both on time and in-budget. Accordingly, Genuine Builders, Inc. has become a trusted name, with many loyal, long-time customers throughout Minnesota and the Midwest.

Its operations are further described below. For more information regarding the company and photographs of some of its work, *see Exhibit A.*



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### Temporary Seasonal Need

Genuine Builders, Inc.'s temporary seasonal need is tied to the warm weather months of the year. Genuine Builders performs work from April to December of each year. In the late spring and early summer, the company experiences an increased demand for its work as the weather warms to allow cement construction. During the winter months, from January through March, the weather is too cold for proper setting of concrete. Excavation of concrete footings is more difficult, if not impossible. Furthermore, it is also challenging for construction companies to find workers willing to brave the freezing temperatures. For more facts and information about the difficulties of concrete placement during the winter, *see Exhibit B*. Thus, there is always a rush to pour as much cement as possible in the warm-weather months because concrete can be placed and then cure properly. This naturally creates a seasonal need for concrete construction in the State of Minnesota from April through December and not year-round. In addition, because of the difficulty of concrete work during the winter, Genuine Builders has found that it does not need a large permanent workforce for cement work from January through early March. Therefore, the company does not keep a permanent construction laborer staff over the winter. Since its work in Minnesota is seasonal and is not peakload, there will be a recurring need for an increased number of employees that is tied to these warmer months.

Genuine Builders, Inc. is also providing detailed financial information regarding their seasonal need. Graphs of the company's gross wages by month along with payroll summaries from 2014 to 2016 and gross sales show substantially increased wages and sales during the warm-weather months of the year. *See Exhibit C*. The company is also providing detailed information about its current project in Walnut Grove, Minnesota and Southeast Minnesota non-metropolitan area. *See Exhibit D*. During the winter, Genuine Builders, Inc. will naturally reduce its workforce and seek to increase it again as spring comes the following year.

### Non-Agricultural

The type of work in which the construction laborers will engage is non-agricultural. Genuine Builders, Inc. is solely engaged in cement construction on commercial and cooperative structures, which includes laying out foundations, excavating footings, grading, placing rebar and positioning wall forms, and placing concrete.





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### Conclusion

According to the Bureau of Labor Statistics October 2016 Monthly Unemployment Rate Report, the state of Minnesota has a 4.0% unemployment rate, which is one of the lowest unemployment rate in the nation. With the current labor statistics it has become increasingly difficult to secure temporary help in Minnesota each year. We apply for multiple H-2B temporary labor certifications annually that encompass different area of intended employment where we have jobs lined up and do not expect to meet our labor needs domestically. This request is for a major contract lined up in Marshall, Minnesota. We do not anticipate that we will be able to recruit enough local workers to meet our labor needs and therefore are seeking certification once again under the H-2B program.

In summary, Genuine Builders Inc.'s seasonal shortage of construction laborers is severe and recruitment efforts in the United States have failed to meet our needs. It has been a challenge for Genuine Builders, Inc. to find sufficient concrete finishers who are willing to perform this work, especially when the work is of a temporary, seasonal nature. Therefore, we respectfully request that you approve our temporary labor certification application for twenty-five (25) H-2B temporary construction laborers to help fill this temporary, seasonal need. If you have any questions please do not hesitate to call Aaron Bernard at (515) 232-4444. Thank you for your favorable consideration in this matter.

Genuine Builders Inc.

Jim Bunker,  
Owner