

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 * HOUSEKEEPER	
2. SOC (ONET/OES) code * 37-2012	3. SOC (ONET/OES) occupation title * Maids and Housekeeping Cleaners
4. Is this a full-time position? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Period of Intended Employment
	5. Begin Date * 10/01/2017 (mm/dd/yyyy)
	6. End Date * 05/31/2018 (mm/dd/yyyy)
7. Worker positions needed/basis for the visa classification supported by this application	
<input type="text" value="15"/> Total Worker Positions Being Requested for Certification *	
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="0"/> 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="15"/> 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 type="checkbox"/> Seasonal <input checked="" type="checkbox"/> Peakload <input type="checkbox"/> One-Time Occurrence <input type="checkbox"/> Intermittent or Other Temporary Need	
9. Statement of Temporary Need *	
This statement is submitted in support of the enclosed Application for Temporary Employment Certification (H2B) filed by The Mar-a-Lago Club (hereafter also referred to as The Club).	
DESCRIPTION OF THE MAR-A-LAGO CLUB'S BUSINESS HISTORY AND ACTIVITIES	
In April of 1995, Mar-a-Lago became established as The Mar-a-Lago Club. It is the last remaining Palm Beach estate still containing its buildings and land in almost identical form as its original conception.	
FURTHER SEE ATTACHED NEED LETTER	

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



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 *		
THE MAR-A-LAGO CLUB		
2. Trade name/Doing Business As (DBA), if applicable		
N/A		
3. Address 1 *		
1100 S Ocean Blvd		
4. Address 2		
N/A		
5. City *	6. State *	7. Postal code *
Palm Beach	FL	33480
8. Country *	9. Province	
UNITED STATES OF AMERICA	N/A	
10. Telephone number *	11. Extension	
561-822-5055	N/A	
12. Federal Employer Identification Number (FEIN from IRS) *	13. NAICS code (must be at least 4-digits) *	
██████████	713910	
14. Number of non-family full-time equivalent employees	15. Annual gross revenue	16. Year established
████	████	N/A
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) *
GILL	JANINE	A
4. Contact's job title *		
Director of Human Resources		
5. Address 1 *		
1100 S Ocean Blvd		
6. Address 2		
N/A		
7. City *	8. State *	9. Postal code *
Palm Beach	FL	33480
10. Country *	11. Province	
UNITED STATES OF AMERICA	N/A	
12. Telephone number *	13. Extension	14. E-Mail address
561-822-5055	N/A	maralagoclub@yahoo.com

H-2B Application for Temporary Employment Certification
 Form ETA-9142B
 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 § PETRINA	3. First (given) name § PETER	4. Middle name(s) § N/A	
5. Address 1 § 21 SUN PATH ROAD			
6. Address 2 N/A			
7. City § ITHACA	8. State § NY	9. Postal code § 14850	
10. Country § UNITED STATES OF AMERICA		11. Province N/A	
12. Telephone number § 877-738-7462	13. Extension N/A	14. E-Mail address INFO@PETRINAGROUP.COM	
15. Law firm/Business name § PETRINA GROUP INTERNATIONAL, INC.		16. Law firm/Business FEIN § [REDACTED]	
17. State Bar number (only if attorney) § N/A		18. State of highest court where attorney is in good standing (only if attorney) § N/A	
19. Name of the highest court where attorney is in good standing (only if attorney) § N/A			

F. Job Offer Information

a. Job Description

1. Job Title * HOUSEKEEPER	
2. Number of hours of work per week Basic *: <u>35</u> Overtime: <u>N/A</u>	3. Hourly Work Schedule * A.M. (h:mm): <u>7</u> : <u>00</u> P.M. (h:mm): <u>11</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 MUST begin in this space. If necessary, add attachment to <u>continue and complete</u> description. *	
<p>Cleans and maintain the club's guest rooms, common areas, bathrooms and locker rooms including: Dust and wipe down furniture. Sweep, light mop, and vacuum floors. Scrub and disinfect bathrooms. Handle linens, make beds. Move furniture, hang drapes, roll carpets. Occasional trash removal. Replenish supplies, linens and towels.</p>	

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



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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4a. If "Yes" in question 4, specify the number of months of experience required § 3	4b. Indicate the occupation required § Housekeeper in luxury hospitality setting.
5. Special Requirements - List specific skills, licenses/certifications, and requirements of the job opportunity. * SEE ADDENDUM Experience must be recent and verifiable. Pre-hire drug testing and background check.	

c. Place of Employment Information

1. Worksite address 1 * 1100 S Ocean Blvd	
2. Address 2 N/A	
3. City * Palm Beach	4. County * Palm Beach
5. State/District/Territory * FL	6. Postal code * 33480
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 type="checkbox"/> Yes <input checked="" 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. § N/A	

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



G. Rate of Pay

1. Basic Rate of Pay Offered *		1a. Overtime Rate of Pay (if applicable) §	
From: \$ <u>10</u> . <u>33</u> To (Optional): \$ <u>N/A</u> . <u>N/A</u>		From: \$ <u>15</u> . <u>50</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: § N/A			
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. § \$10.33/hr minimum; overtime possible but not guaranteed @ \$15.50/hr. A single workweek will be used to compute wages due, wages paid bi-weekly.			

H. Recruitment Information

1. Name of State Workforce Agency (SWA) serving the area of intended employment *		
N/A		
2. SWA job order identification number *	2a. Start date of SWA job order *	2b. End date of SWA job order * (In H-2A this date is 50% of contract period)
N/A	N/A	N/A
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. N/A	From: N/A	To: N/A
5. N/A	From: N/A	To: N/A
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. * N/A		

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



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 Appendix A. §	<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 Appendix 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 10/01/2017 to 05/31/2018.

Certifying Officer

Department of Labor, Office of Foreign Labor Certification

08/14/2017

Determination Date (date signed)

H-400-17186-240978

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.**

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



ADDENDUM

ADDENDUM SECTION F.b.5: Special Requirements

Must be available to work split-shifts, nights, weekends & holidays as needed. Shifts vary between 7:00 am - 11:00 pm, 7 days per week.
Must be able to lift, pull, push or carry up to 25 lbs or more, and walk or stand for long periods of time.
Professional appearance, groomed, articulate in English.



June 29, 2017

U.S. Department of Labor – ETA OFLC
Chicago National Processing Center
11 West Quincy Court
Chicago, IL 60604-2105

**Re: Application for Temporary Employment Certification (H2B)
Statement of Temporary Need (Housekeeper)**

Dear Certifying Officer,

This statement is submitted in support of the enclosed Application for Temporary Employment Certification (H2B) filed by The Mar-a-Lago Club (hereafter also referred to as The Club).

DESCRIPTION OF THE MAR-A-LAGO CLUB'S BUSINESS HISTORY AND ACTIVITIES

In April of 1995, Mar-a-Lago became established as The Mar-a-Lago Club. It is the last remaining Palm Beach estate still containing its buildings and land in almost identical form as its original conception. The resort sits royally amid 20 valuable acres of manicured lawns, vibrant gardens and sweeping sea-to-lake vistas. A National Historic Landmark, the former Marjorie Merriweather Post estate maintains its position as a charter member on the list of places and people that established Palm Beach as a winter haven for the elite many decades ago. With a lot of tender, loving care, the 126 rooms have been fully renovated and restored to their original splendor. In addition, The Mar-a-Lago Club features a new magnificent swimming pool, an award winning beauty salon, a world-class spa, one grass and five red clay championship tennis courts and a remarkable croquet court. In addition, the Gold & White Ballroom was modernized, the pitch and putt golf course were brought back to life, and magnificent Beach Club was built.

Naturally, membership at the club has its privileges. The use of world class formal and casual dining, Bridge, Croquet, Tennis (Mar-a-Lago's 5 clay and one grass court complex is a recipient of the Court of the Year Award from the United States Tennis Court & Track Builders Association), The Trump Spa, The Beach Club and a calendar full of parties, wine tasting dinners, fashion shows and star-studded entertainment throughout the social season are all for the taking. The Mar-a-Lago Club has a special quality of timelessness that transcends the transition into the new millennium. The splendor, style and elegance of what may be the world's most beautiful and exclusive private club is truly ageless.

The Mar-a-Lago Club, S.C.
PALM BEACH, FLORIDA

1100 South Ocean Boulevard, Palm Beach, Florida 33480 (561) 832-2600 Fax (561) 832-2669

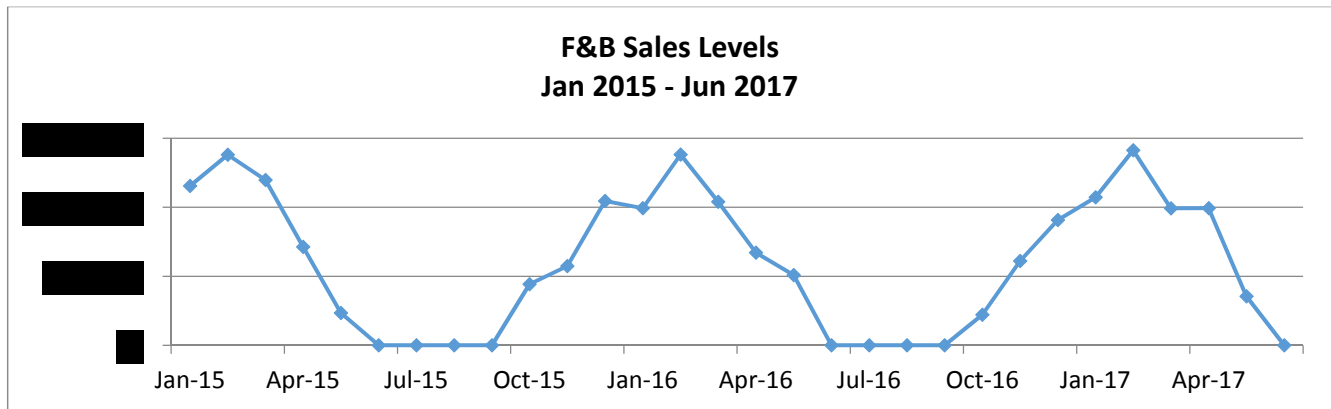
TEMPORARY LABOR CERTIFICATION REGULATORY STANDARD

Our temporary need is defined as a **peak-load need** and stems from the fact that The Mar-a-Lago Club operates in accordance with a private charter and is open to the membership throughout the year but with a well defined peak season between the months of October and May of every year.

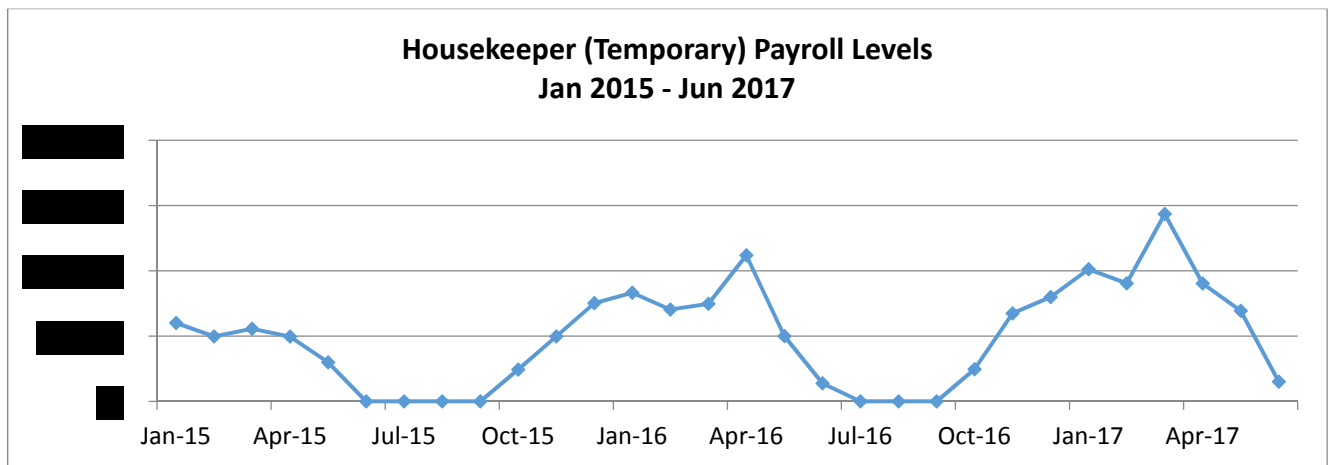
The period during which the foreign national's services are needed is not unpredictable, subject to change or considered to be a vacation period for our employees who are hired on a permanent basis. It is rather defined as our peak load season and our temporary need stems from the significant increase in activities during this period of time.

TEMPORARY NEED EXPLAINED

The Chart shown below and derived from the attached Exhibit B (Food & Beverage sales information) illustrates the month by month sales distribution for the months the club was open between January 1, 2015 and June 30, 2017. As you can see, the seasonality of our operation is clearly established by the level of sales during the above indicated periods. Moreover, the sales volume is in direct correlation with the club usage by our members not only in the dining room but also in the rooms division.

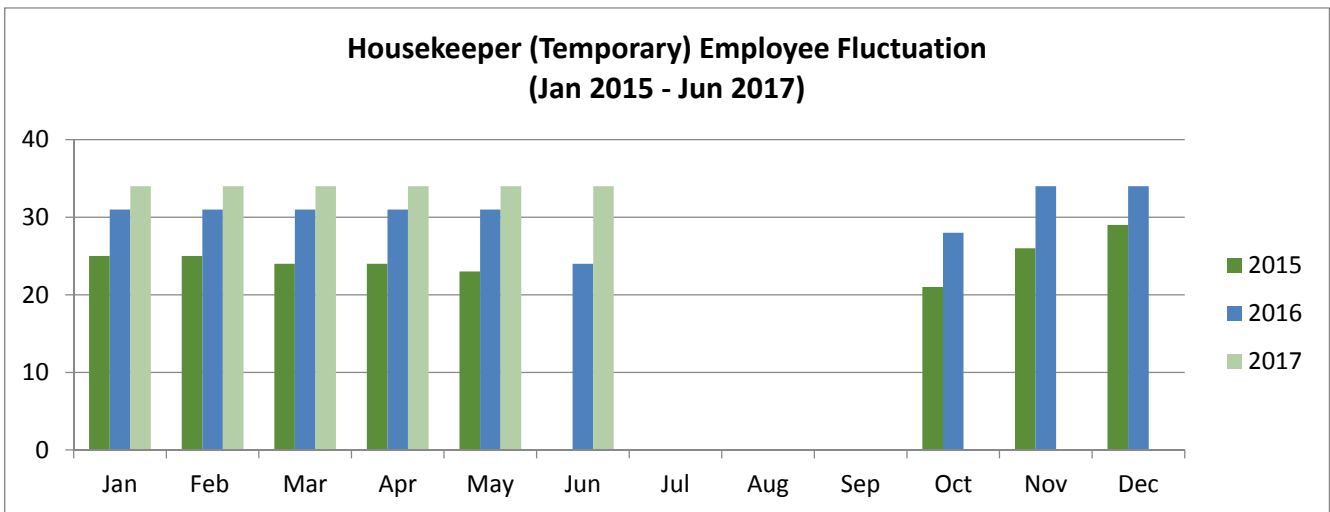
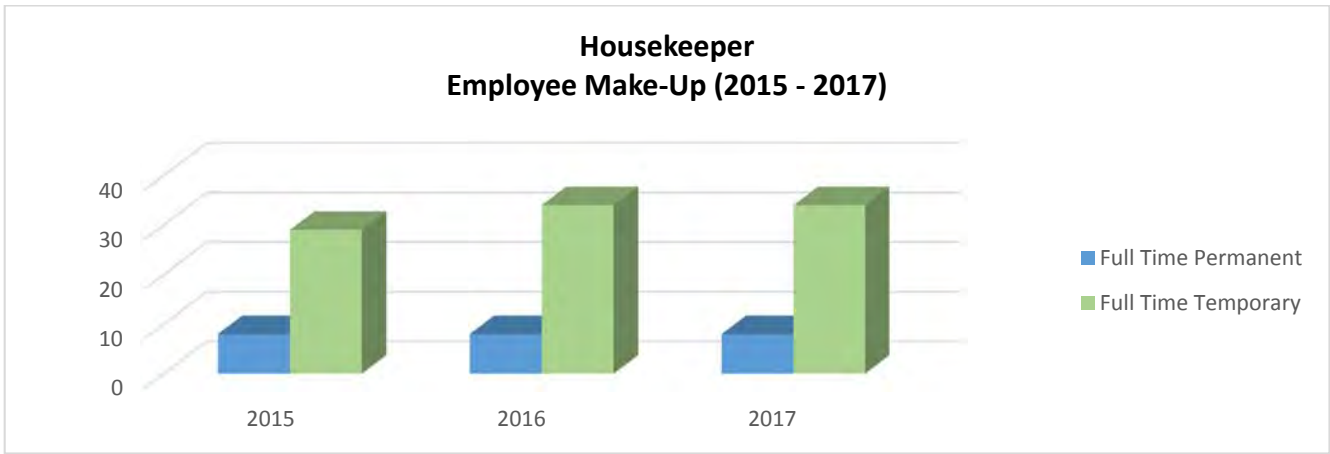


In addition, the graph below (derived from the attached Exhibit A - payroll information) shows the levels of our payroll expense for the Housekeeping designation during the same period and which follows a similar pattern in its fluctuation as the sales shown above.



Also, the last 2 graphs shown below and also derived from the attached Exhibit A (payroll information) reflect both the Housekeeping employees' fluctuation during the same period, as well as the breakdown (permanent/temporary employees) hired by The Mar-a-Lago Club in the designated Housekeeping category during this period.

It should be noted that we employ only a limited number of employees Housekeepers on a permanent basis and that the number of temporary full time Housekeeping staff we are seeking certification for is consistent with the number of temporary Housekeeping staff we employed or sought certification for in the past.



It can be concluded by a cursory analysis of the graphs and of the supporting documentation enclosed herein, that our operation follows a seasonal pattern with a well-defined peak load period, and that it has in the past relied on full time temporary Housekeeping employees in an effort to serve the needs of our membership during the peak of our activities.

JOB OFFER - RATE OF PAY / EXPERIENCE / SCHEDULE / SPECIAL REQUIREMENTS

Pursuant to Department of Labor regulations, we are offering a job opportunity which is a bona fide, full time temporary position, the qualifications for which are consistent with the normal and accepted qualifications required by non-H2B employers in the same or comparable occupations. Additionally, the terms and working conditions offered in connection with the job opportunities at the Club are normal to US workers similarly employed in our area and are not less favorable than those offered to the H2B worker(s).

Requirement of 3 months experience in Housekeeping

It is our position that this is a qualification consistent with the normal and accepted qualifications required by non-H2B employers in the same or comparable occupation and that the terms and conditions we offer are normal to US workers similarly employed in the area of intended employment, meaning that they are not unusual for workers performing the same activity in the area of intended employment and are not less favorable than those offered to the H2B worker(s) and are not less than the minimum terms and conditions required by the regulations.

We also note that other H2B and non-H2B employers who advertise for staff hiring in the same occupation (Housekeepers) request at least the same amount of experience (if not more), as the enclosed Exhibit C shows.

Work schedule

We would like to inform the department that by expressing the work schedule in this manner we attempt not only to remain in compliance with regulations but also, most importantly, to ensure that the advertised schedule best encompasses and covers any particular work week schedule (in other words, that any particular work week schedule does not fall outside the schedule as advertised and presented to the Department so as to avoid any violation of the H2B requirements).

Because the activities at our club are so fluid, it is impossible to know several months in advance all the room bookings in each week over the course of the season in order to indicate with the utmost accuracy what that week's work schedule will be like for the Housekeeping employees.

For this very reason, our Housekeeping staff is expected to be flexible in their availability and to report to work per the determined schedule which is being decided and assigned at the beginning of each work week.

We also note that many other H2B and non-H2B employers looking to hire full-time staff in the Housekeeping occupation advertise the work schedule associated with the respective job opportunities in a similar way (see Exhibit D).

Requirement of "professional appearance"

Under the laws enforced by EEOC, in general an employer may establish a dress code, which applies to all employees, or employees within certain categories. According to Diane Amos, a public affairs specialist at the Equal Employment Opportunity Commission "*Employers are allowed to impose dress code and appearance policies as long as they do not discriminate on race, color, religion, age, national origin or gender.*"

Additionally, the Americans With Disabilities Act states that: "*Employers may require employees to wear certain articles of clothing to protect themselves, coworkers, or the public (e.g., construction workers are required to wear certain head gear to prevent injury; health care workers wear gloves to prevent transmission of disease from or to patients). Sometimes employers impose dress codes to make employees easily identifiable to customers and clients, or to promote a certain image (e.g., a movie theater requires its staff to wear a uniform; a store requires all sales associates to dress in black). A dress code also may prohibit employees from wearing certain items either as a form of protection or to promote a certain image (e.g., prohibitions on wearing jewelry or baseball caps, or requirements that workers wear business attire)*"

In our organization, non-discriminating equal employment opportunities are extended to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, pay, promotion, transfer, discipline, layoff, recall and termination, in line with state and federal laws in effect at this time. In line with existing EEOC regulations, however, we are allowed to and do have consistent grooming and appearance rules and standards which do not discriminate based upon race, color, religion, age, national origin or gender.

We also note that professional appearance standards are used industry-wide in the hospitality field and just about everywhere else in other service industries as shown in Exhibit E)

Pre-hire drug screening and background check

We note that in our organization, non-discriminating equal employment opportunities are extended to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, pay, promotion, transfer, discipline, layoff, recall and termination, in line with state and federal laws in effect at this time. We make no distinction whatsoever between foreign or US workers. Our policy is made known to all employment applicants irrespective of their country of origin, gender, religion, and so on and it is applied equally to all. Further, we note that in a commitment to safeguard the health and safety of our employees and to provide a safe environment for everyone, we have established policies and procedures aimed at balancing our respect for individual privacy with our need to keep a safe, productive, violence and drug-free environment. We maintain that our concerns for combating theft, fraud, workplace violence and potential liability for negligent hiring, in addition to ensuring a safe work environment for our employees, are justified and fair.

According to EEOC, *“Individuals who currently engage in the illegal use of drugs are specifically excluded from the definition of a ‘qualified individual with disability’ protected by the ADA (...) A test for illegal drugs is not considered a medical examination under the ADA; therefore, employers may conduct such testing of applicants or employees and make employment decisions based on the results.”* (Source <http://www.eeoc.gov/eeoc/publications/adaqa1.cfm>)

Q. Can an employer refuse to hire an applicant or fire a current employee who is illegally using drugs?

A. Yes. Individuals who currently engage in the illegal use of drugs are specifically excluded from the definition of a "qualified individual with a disability" protected by the ADA when an action is taken on the basis of their drug use.

Q. Is testing for illegal drugs permissible under the ADA?

A. Yes. A test for illegal drugs is not considered a medical examination under the ADA; therefore, employers may conduct such testing of applicants or employees and make employment decisions based on the results. The ADA does not encourage, prohibit, or authorize drug tests.

Also according to EEOC:

“In one survey, a total of 92% of responding employers stated that they subjected all or some of their job candidates to criminal background checks.⁴⁹ Employers have reported that their use of criminal history information is related to ongoing efforts to combat theft and fraud,⁵⁰ as well as heightened concerns about workplace violence⁵¹ and potential liability for negligent hiring.⁵² Employers also cite federal laws as well as state and local laws⁵³ as reasons for using criminal background checks.” (Source: http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm)

“39% of the surveyed employers reported that they conducted criminal background checks “[t]o reduce/prevent theft and embezzlement, other criminal activity” (see also Sarah E. Needleman, *Businesses Say Theft by Their Workers is Up*, Wall St. J., Dec. 11, 2008, at B8, available at <http://online.wsj.com/article/SB122896381748896999.html>. (Source: http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm)

“61% of the surveyed employers reported that they conducted criminal background checks “[to] ensure a safe work environment for employees”; (see also ERIKA HARRELL, BUREAU OF JUSTICE STATISTICS, U.S. DEP’T OF JUSTICE, *WORKPLACE VIOLENCE, 1993*–2009, at 1 (2011) (Source: http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm)

“55% percent of the surveyed employers reported that they conducted criminal background checks “[t]o reduce legal liability for negligent hiring”. Employers have a common law duty to exercise reasonable care in hiring to avoid foreseeable risks of harm to employees, customers, and the public. If an employee engages in harmful misconduct on the job, and the employer has not exercised such care in selecting the employee, the employer may be subject to liability for negligent hiring. See, e.g., *Stires v. Carnival Corp.*, 243 F. Supp. 2d 1313, 1318 (M.D. Fla. 2002) (“[N]egligent hiring occurs when . . . the employer knew or should have known of the employee’s unfitness, and the issue of liability primarily focuses upon the adequacy of the employer’s pre-employment investigation into the employee’s background.”). (Source: http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm)

Additionally, we note that background screening practices are used industry-wide in the hospitality field and just about everywhere else in other service industries such as banking, consulting, airline, and even government, to name but a few.

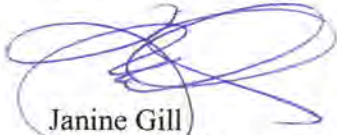
As case in point, we cite that Georgia Department of Labor, in a note to all job seekers who would want to apply for a position within the GA DOL, indicates that “Applicants are subject to employment, criminal, and background checks. Some jobs require pre-employment and/or random drug testing”

The screenshot shows the Georgia Department of Labor website. At the top left is the state seal and the text "GEORGIA DEPARTMENT OF LABOR". Below this is a navigation bar with "Job Seekers", "Employers", and "Workforce Professionals". To the right of the navigation bar are links for "Contact Us", "About Us", "Site Index", and "Find Us". Below the navigation bar is a breadcrumb trail: "Home / Job Seekers / Find a Job / Employment Opportunities with GDOL". The main heading is "GDOL Application Information". On the left side, under "Applicants please note:", there are several paragraphs of text providing application details, including submission methods, background check requirements, and information about unclassified service and immigration reform. On the right side, there is a "Job Seekers Quick Links" section with a list of links: "Job Seeker Guide", "Employment Laws and Rules", "Job Fairs & Other Events", "Labor Market Information", "Forms and Publications", and "Rehabilitation Services". At the bottom of the page, there are links for "Privacy", "Terms and Conditions", "Accessibility Policy", and "Disclaimer", along with the text "The Georgia Department of Labor is an Equal Opportunity Employer/Program".

We also note that other employers who hire staff in the same or similar hospitality related occupations do apply the same or a similar requirement to their current or would be employees (see Exhibit F)

I am optimistic that we have been able to describe to you in a satisfactory manner our need to hire workers in the Housekeeping designation for our period of need. I look forward to your favorable evaluation of our application.

Sincerely,



Janine Gill
Director of Human Resources