**STATE OF WASHINGTON
EMPLOYMENT SECURITY DEPARTMENT
WORKFORCE INVESTMENT ACT
POLICIES AND PROCEDURES
NUMBER:** 4080
**DATE:**  07-06-00 Revision

This document has been formatted for use on this web site. It contains hyperlinks that enable the user to jump directly to specific areas within the document or to related documents. The information and guidance it contains has been revised. There are [definitions](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#DEFINITIONS) for terms that may be unfamiliar. This communication applies only to ESD staff, however, Workforce Development Councils (WDCs) and partner agencies are welcome to use the information when developing local policies and procedures.

[BACKGROUND](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#BACKGROUND) **|** [POLICY](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#POLICY) **|** [PROCEDURES](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#PROCEDURES) **|** [DEFINITIONS](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#DEFINITIONS) **|** [REFERENCES](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#REFERENCES)[SUPERSEDES](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#SUPERSEDES) | [WEB SITE](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#WEBSITE) **|** [DIRECT INQUIRIES TO](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#DIRECTINQUIRIESTO)

**SUBJECT:** Alien Employment Certification (AEC)

**ORIGINATOR:**  WIA Title III (Wagner-Peyser) (AEC Unit)

**BACKGROUND**

Since 1952, the Immigration and Nationality Act has provided for both temporary and permanent labor certifications for aliens to work in the United States. However, it must be demonstrated that there are no United States workers who are willing, able, qualified, and available to perform the job, and that the wages and working conditions of the job do not create an adverse impact on United States workers.

Until January 1984, the initial review and recruitment stages of processing were handled by Job Service Centers in Washington State. When completed, the application case files were sent to ESD’s Employment and Training (E&T) Division for transmittal to the U.S. Department of Labor (DOL), Region X. In January 1984, the entire responsibility for processing Alien Employment Certification (AEC) applications was centralized in the E&T Division’s AEC Unit.

In October 1997, the DOL embraced the processing of AEC applications utilizing the unused Reduction in Recruitment components of the federal regulations that do not require a labor test conducted by the AEC Unit. This was undertaken to offset large cuts in federal funding. The AEC Unit was instructed to review the previous recruitment efforts of the employer and immediately transmit the file to DOL’s Regional Certifying Officer.

**POLICY**

It is the policy of the Employment Security Department (ESD) to:

1. Advise employers or their representatives of the federal regulations pertaining to the preparation of the Application for Alien Employment Certification (Form ETA 750, Parts A & B) and supporting documentation; and
2. Assist employers in testing the labor market (pursuant to federal regulations) for the availability of United States workers who are willing, able, qualified, and available to perform the job as described in the ETA 750 application; or
3. Review the prior efforts of the employer to locate and hire United States workers who are willing, able, qualified, and available to perform the job as described in the ETA 750 application.

**PROCEDURES**

[Service Delivery Site Responsibilities](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#ServDelSiteResp) | [AEC Unit Responsibilities](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#AECUnitResp)[Employer Responsibilities](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#EmployerResp)

**Service Delivery Site Responsibilities**

It is the responsibility of each service delivery site to:

1. Provide handouts of **The Alien Employment Certification Fact Sheet** to requesting employers or their representatives. The current version of this fact sheet is available from the [AEC Unit](http://www.wa.gov/esd/1stop/policies/documents/archive/4080.htm#AEC Unit). There is also a [web site](http://www.wa.gov/esd/work/programs.htm#Alien Employment Certification) that briefly describes the AEC program.
2. Refer employers or their representatives requesting an application/information on processing Reduction in Recruitment, Special Handling and temporary applications to the Employment and Training Division, AEC Unit.

**NOTE:** Employers should be advised that the entire permanent labor certification process typically requires a very long period of time. It usually includes processing by ESD, DOL’s Regional Certifying Officer, and the United States Immigration and Naturalization Service (INS). The length of time is further influenced by the employer’s choice of either Reduction in Recruitment (RIR) or the slower, more traditional, standard method.

1. Advise employers of the address and telephone numbers of the AEC Unit:

Alien Employment Certification Unit
Employment Security Department
Employment and Training Division
PO Box 9046
Olympia, WA 98507-9046
Telephone: (360) 407-5194
Fax: (360) 407-5209

1. Advise inquiring aliens that the certification process is initiated **only by employers** who want to hire an alien due to unavailability of qualified United States workers.
2. Select and refer resumes of qualified applicants on Job Orders opened by the AEC Unit to that unit in Olympia, applying concepts described in Policies and Procedures communication number [4008](http://www.wa.gov/esd/1stop/policies/documents/4008.htm), [Selection and Referral](http://www.wa.gov/esd/1stop/policies/documents/4008.htm). Instructions for referral are noted on each Job Order.
3. The recruitment and referral of United States workers is to be actively pursued. The extent of active recruitment (file search, WorkSource site posting, media announcements, etc.) is dependent on the WorkSource site’s knowledge of availability of potential applicants in their local labor market.
4. Employers are required by federal regulations to certify that referred applicants were rejected solely for lawful, job-related reasons as specified in the job order. WorkSource sites that receive information to the contrary (usually from referred applicants) are to report this information to the AEC Unit.

**AEC Unit Responsibilities**

It is the responsibility of the AEC Unit to:

1. Advise employers or their representatives of the concepts, procedures, and/or federal regulations pertaining to the preparation of the application, recruitment, documentation, and special application processes for Reduction in Recruitment, Schedule A, Schedule B, Special Handling, and temporary occupations.
2. Coordinate ESD and employer recruitment efforts; initiate Job Orders when required; and screen and forward resumes of qualified workers to the employer for documentation of interview results.
3. Transmit the applications and supporting documentation to DOL’s Regional Certifying Office.

**Employer Responsibilities**

Employers are to provide the [prevailing wage information](http://www.wa.gov/esd/lmea/labrmrkt/byarea.htm), as described in the fact sheet referenced earlier in this communication, with the initial submission of their application.

Employers can expedite the process by providing specific information as explained in a packet of instructions available from the AEC Unit in Olympia. This packet includes the Application for Alien Employment Certification (Form ETA 750, parts A and B).

**DEFINITIONS**

None.

**REFERENCES**

The Immigration and Nationality Act; The Code of Federal Regulations (CFR), Title 20, Chapter V, Part 656; and Technical Assistance Guide Number 656, Labor Certification.

**SUPERSEDES**

This communication cancels and supersedes Policies and Procedures document number 7020, Alien Employment Certification (AEC), dated January 1, 1985.

**WEB SITE**

<http://www.wa.gov/esd/policies>

**DIRECT INQUIRIES TO:**

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