

Commonwealth of the Northern Mariana Islands (CNMI) CW-1 Program Fiscal Year (FY) 2024 Office of Foreign Labor Certification (OFLC) Grant Planning

Guidance CW-1 Temporary Employment Activities

Title VII of the Consolidated Natural Resources Act of 2008 provided the Secretary of the Department of Homeland Security (DHS) authority to administer and enforce a system of allocating and determining the terms and conditions of visas to be issued to nonimmigrant workers performing services or labor for an employer in the Commonwealth of the Northern Mariana Islands (CNMI or Commonwealth). DHS regulations established the Commonwealth-Only Transitional Worker (CW-1) visa classification to provide for an orderly transition from the CNMI permit system to the U.S. Federal immigration system for certain foreign nationals.

The Northern Mariana Islands U.S. Workforce Act of 2018 (Workforce Act) was passed to increase the percentage of U.S. workers in the total workforce of the Commonwealth while maintaining the minimum number of non-U.S. workers to meet the changing demands of the Commonwealth's economy, to encourage the hiring of U.S. workers, and to ensure U.S. workers are not at a disadvantage for employment or displaced by non-U.S. workers. In accordance with the Workforce Act, DHS promulgated corresponding regulations to provide that a CW-1 petition for temporary employment in the CNMI must be accompanied by an approved temporary labor certification from the Department. A temporary labor certification granted by DOL serves as confirmation to DHS that: (1) there are not sufficient U.S. workers in the CNMI who are able, willing, qualified, and available to fill the petitioning CW-1 employer's job opportunity; and (2) a foreign worker's employment in the job opportunity will not adversely affect the wages or working conditions of similarly employed U.S. workers.

The CNMI Department of Labor is the government agency responsible for providing employment and training services and maintains an electronic system for registered and approved employers to post job vacancy announcements and receive referrals of qualified U.S. workers in the CNMI. Registration for employers to post vacancy announcements on the job listing system is a one-time, free process, and readily accessible through the CNMI Department of Labor's website.

In accordance with regulations at 20 CFR part 655, subpart E, the CNMI Department of Labor agrees to carry out all activities to support DOL's review, and processing of job offers and applications seeking temporary labor certification under the CW-1 program.

Specifically, the CNMI Department of Labor agrees to carry out the following activities:

A. Stakeholder Education and Outreach: As part of a comprehensive education and outreach plan, the SWA will make available in a conspicuous location on the CNMI Department of Labor website the following information:

- Worker rights information created by the CNMI Department of Labor, the Occupational Safety and Health Administration, Wage and Hour Division, or similar federal authority; and
- Information on how employers can participate in the CW-1 program, such as easy-to-understand instructions on how to prepare and place a job advertisement with the CNMI Department of Labor that is accessible and can be completed electronically; and current contact information within the CNMI Department of Labor for employers to request technical assistance.
- Educate employers about the responsibilities associated with the use of foreign labor recruiters and ban on prohibited fees.

No less frequently than once a year, the CNMI Department of Labor will electronically disseminate to employers who routinely use the CW-1 program helpful tips or best practices on obtaining a prevailing wage determination from the National Prevailing Wage Center and preparing high-quality job advertisements. Where requested and funds permitting, the CNMI Department of Labor will participate in local employer roundtables, conferences or other stakeholder forums to present and/or disseminate information related to the CW-1 program.

In addition, the SWA will also make effort to:

- Remind and educate employers about *Title VII of the Civil Rights Act of 1964*, which makes it illegal to discriminate against someone or harass someone on the basis of race, color, religion, national origin or sex, and makes employers accountable for providing a work environment that is free from harassment and other kinds of discrimination; and
- Information educating employers about the responsibilities associated with the use of foreign labor recruiters and ban on prohibited fees.

B. Placement of CW-1 Job Advertisement: employer must place an advertisement with the CNMI Department of Labor for a period of 21 consecutive calendar days. All advertisements must satisfy the requirements codified in 20 CFR 655.441.

The CNMI Department of Labor's labor exchange system, at <https://labor.cnmi.gov/> is accessible to employers required to place a job advertisement in connection with a CW-1 *Application for Temporary Employment Certification* with DOL, pursuant to 20 CFR 655.442. The CNMI Department of Labor has capability for employers to place job advertisements for review in the following manner:

Please check all that apply:

- Self-services by accessing the CNMI Department of Labor's labor exchange system: <https://labor.cnmi.gov/>.
- Staff-assisted job offer services by submitting draft job offers at:

[Insert CNMI contact information including email address where employers can submit CW-1 job offer]

Please check one of the following:

- The CNMI Department of Labor's job offer form and/or system **DOES** contain an entry field or option permitting employers to identify that the job offer is being placed in connection with a submitted *Application for Temporary Employment Certification* for CW-1 workers;

OR

- The CNMI Department of Labor's job offer form and/or system **DOES NOT** contain an entry field or option permitting employers to identify that the job offer is being placed in connection with a submitted *Application for Temporary Employment Certification* for CW-1 workers. Therefore, employers can provide the regulatory required notification to the CNMI Department of Labor in the following manner:

[Insert a brief description of how and whom employers can provide the CNMI Department of Labor with the required notification.]

Please check all that apply:

- The CNMI Department of Labor has submitted with this grant plan a current electronic copy of the form and general instructions employers are required to use to submit job advertisements.
- The standard job advertisement form and general instructions are easily accessible to employers on a website maintained by the CNMI Department of Labor at: : <https://labor.cnmi.gov/>.

Once employers place an advertisement with the CNMI Department of Labor for 21 consecutive calendar days, the CNMI Department of Labor will make available to the employer web pages in which the advertisement appeared on the CNMI Department of Labor job listing system, or other verifiable evidence containing the text of the advertisement and the dates of publication demonstrating compliance with the requirement.

OMB Paperwork Reduction Act (OMB Control Number 1225-0086)

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

This information is being collected for purposes of awarding a grant. Your response is required to obtain or retain a benefit. See 20 CFR 655, Subpart E. Public reporting burden for this collection of information is estimated to average approximately 1 (one) hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to the U.S. Department of Labor-OASAM, • Office of The Chief Information Officer • Room N1301 • 200 Constitution Ave., NW, • Washington, DC 20210.
