

January 2008 , Labor Subcommittee Report

Alien Labor Processing Division Update:

H-2 Numbers currently at 1,439, as of month ending November 2007. Highest Point since July 1999. Figures reflect an 81% increase from same time last year and up 259% from Nov. 2006. Anticipate minimum of 25% increase next year (not factoring in Marine move). For FY 08, given removal of the cap, projecting an immediate increase of the H-2B workforce to 4100 workers (not factoring Marines move)

• H-2 Cap

Cap closed in 33 days for those seeking approval for the April cap opening. Workers for the April Opening will likely arrive June or July 2008. Next opportunity to file will be in June 2008 for the October cap opening Workers for the October cap opening will likely arrive December 2008 or January 2009. We estimate about 50% of the employer were surprised by the quick cap closing and did not have an opportunity to successfully file.

• Enforcement:

Enforcement efforts are up - Inspections done weekly. GDOL actively assisting US Immigration & Customs Enforcement in apprehensions of illegal workers Citations for violations are up - Employers are being fined for violations more than in previous years. Active networking with other federal & local agencies is ongoing

09 January - Prevailing Wage Rates:

Official email correspondence was received from Chief, Business & Trade Services, USCIS Service Center Operations, US Department of Homeland Security on January 9, 2008, informing GDOL of the final review of new prevailing wage rates for Guam. The USCIS (Immigration) approves the prevailing wage rates for positions traditionally encumbered by temporary foreign workers under the H-2B Visa Program. The Code of Federal Regulation mandates an annual review of the Prevailing Wage Rate (foreign hires) for approved by USCIS.

The last approval was in 2003. The Prevailing Wage rate is one of the issues on the IGIA Labor/Workforce agenda. Greg Massey, ALPCD Administrator, continues to follow-up with Carol Williams, USCIS Legal Council, and Kevin Cummings.

09 January – Federal Partnership for the Fair Employment Practice Program:

Background: Two years ago, the Guam Department of Labor Fair Employment Administrator initiated discussions with the US Equal Employment Opportunity Commission, Office of Field Programs with regard to Guam Department of Labor designation as a Fair Employment Practice Agency (FEPA).

On July 10, 2007, the US EEOC officially requested information from the Guam Attorney Generals office Alien Labor Processing Division Update:

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