

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



Please read and review the filing instructions carefully before completing the ETA Form 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 * Cement Mason/ Concrete Finisher DBA ND12																			
2. SOC (ONET/OES) code * 47-2051		3. SOC (ONET/OES) occupation title * Cement Masons and Concrete Finishers																	
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 * 05/01/2015 (mm/dd/yyyy)	6. End Date * 12/01/2015 (mm/dd/yyyy)																
7. Worker positions needed/basis for the visa classification supported by this application  <table border="1"><tr><td>50</td><td colspan="3"><b>Total Worker Positions Being Requested for Certification *</b></td></tr></table> Basis for the visa classification supported by this application (indicate the total workers in each applicable category based on the total workers identified above) <table border="1"><tr><td>50</td><td>a. New employment *</td><td>0</td><td>d. New concurrent employment *</td></tr><tr><td>0</td><td>b. Continuation of previously approved employment * without change with the same employer</td><td>0</td><td>e. Change in employer *</td></tr><tr><td>0</td><td>c. Change in previously approved employment *</td><td>0</td><td>f. Amended petition *</td></tr></table>				50	<b>Total Worker Positions Being Requested for Certification *</b>			50	a. New employment *	0	d. New concurrent employment *	0	b. Continuation of previously approved employment * without change with the same employer	0	e. Change in employer *	0	c. Change in previously approved employment *	0	f. Amended petition *
50	<b>Total Worker Positions Being Requested for Certification *</b>																		
50	a. New employment *	0	d. New concurrent employment *																
0	b. Continuation of previously approved employment * without change with the same employer	0	e. Change in employer *																
0	c. Change in previously approved employment *	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 *  SEE ADDENDUM  Adelman Concrete and Excavating, Inc. job openings are seasonal and require temporary workers to meet our increased demand in the Spring, Summer and Fall months of the year. Asphalt work has a definite and annually consistent season in the spring, summer and fall months into November. Concrete maintenance is ongoing throughout these warmer months. This is normal to the industry in our area and normal to the setting process that concrete requires. April is when our concrete season preparatory work begins so that we are prepared to meet the demands of increased work orders that begin, depending on weather. Cold is Bad for Hot-Mix Concrete. The colder the air temperature, the less time Concrete paving crews have to work with your driveway concrete. The less time they have, the worse it is. Crews need time to smooth the concrete across your driveway. If the crews don't have enough time, your driveway will be bumpy, uneven, irregular--or the project may not even get finished. While it depends on where you live, winter is not a good time to install driveway concrete. The more concrete you're dealing with, the more leeway you have. For instance, at 40 degrees F the work crews have																			

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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 *		
Adelman Concrete and Excavating Inc.		
2. Trade name/Doing Business As (DBA), if applicable		
N/A		
3. Address 1 *		
1168 Center Street		
4. Address 2		
N/A		
5. City *	6. State *	7. Postal code *
West Fargo	ND	58078
8. Country *	9. Province	
UNITED STATES OF AMERICA	N/A	
10. Telephone number *	11. Extension	
701-277-3500	N/A	
12. Federal Employer Identification Number (FEIN from IRS) *		13. NAICS code (must be at least 4-digits) *
[REDACTED]		238110
14. Number of non-family full-time equivalent employees	15. Annual gross revenue	16. Year established
[REDACTED]	[REDACTED]	2004
17. Type of employer application (choose only one box below) *		
<input checked="" type="checkbox"/> Individual Employer		
<input type="checkbox"/> H-2A Labor Contractor or Job Contractor		
<input type="checkbox"/> Association – Sole Employer (H-2A only)		
<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) *
Adelman	Shaina	N/A
4. Contact's job title *		
Secretary		
5. Address 1 *		
1168 Center Street		
6. Address 2		
N/A		
7. City *	8. State *	9. Postal code *
West Fargo	ND	58078
10. Country *	11. Province	
UNITED STATES OF AMERICA	N/A	
12. Telephone number *	13. Extension	14. E-Mail address
701-799-2386	N/A	adelmanconcreteinc@yahoo.com

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**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="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Attorney or Agent's last (family) name § Muilenburg	3. First (given) name § Ginny	4. Middle name(s) § N/A		
5. Address 1 § 1137 N. 3rd Street				
6. Address 2 N/A				
7. City § Coeur d'Alene		8. State § ID	9. Postal code § 83814	
10. Country § UNITED STATES OF AMERICA		11. Province N/A		
12. Telephone number § 208-777-2654	13. Extension N/A	14. E-Mail address ginny@laborci.com		
15. Law firm/Business name § Labor Consultants International		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 * Cement Mason/ Concrete Finisher DBA ND12	
2. Number of hours of work per week Basic *: <u>35</u> Overtime: <u>25</u>	3. Hourly Work Schedule * A.M. (h:mm): <u>6</u> : <u>00</u> P.M. (h:mm): <u>7</u> : <u>00</u>
4. Does this position supervise the work of other employees? * <input type="checkbox"/> Yes <input checked="checked" type="checkbox"/> No	4a. If yes, number of employees worker will supervise (if applicable) § _____
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. *  SEE ADDENDUM  TEMPORARY POSITION Entry Level Cement Mason/Concrete Finisher All applicants must be able willing, qualified to perform work described in this JO/Ad & must be available for entire period specified. Transport provided, designated locale to job site Cass County, Fargo, ND-MN MSA. Age minimum: 18-yrs. Possible duties: Smooth, finish surfaces of poured concrete, such as floors, walks, sidewalks, roads, or curbs using a variety of hand, power tools. Align forms for sidewalks, curbs, or gutters; patch voids; and use saws to cut expansion joints. Perform physical activities: may climb, lift, balance, walk, stoop, & handle, install, position, move, manipulate materials. Static Strength: ability to exert max muscle force to lift, push, pull, carry objects up to 50lbs or to 75lbs/2 persons. Extensive bending, stooping, squatting. Attn. to Detail: complete tasks. Self Control: maintain composure, keep emotions	

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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. * Must show proof of legal authority to work in U.S.	

**c. Place of Employment Information**

1. Worksite address 1 * 1168 Center Street (report to work)	
2. Address 2 N/A	
3. City *	4. County *
West Fargo	Cass
5. State/District/Territory *	6. Postal code *
ND	58078
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. North dakota Other Transport provided, designated locale to job site Cass County, Fargo, ND-MN MSA	

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**G. Rate of Pay**

1. Basic Rate of Pay Offered *		1a. Overtime Rate of Pay (if applicable) \$	
From: \$ 10 . 15 To (Optional): \$ 15 . 50		From: \$ 15 . 23 To (Optional): \$ 23 . 25	
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. \$  Variable weather conditions apply; hours may fluctuate (+/-), possible downtime and/or OT. Employer will comply with all applicable Federal, State, and local laws pertaining to OT hours. H/W May Apply. Wage may vary DOE.			

**H. Recruitment Information**

1. Name of State Workforce Agency (SWA) serving the area of intended employment *		
Job Service North Dakota		
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)
ND392930	01/02/2015	01/13/2015
3. Is there a Sunday edition of a newspaper (of general circulation) in the area of intended employment? *		<input checked="" 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. The Forum (Sunday)		From: 01/04/2015 To: 01/04/2015
5. The Forum (Wednesday)		From: 01/07/2015 To: 01/07/2015
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. *  Adelman Concrete and Excavating Inc. has complied with all State and Federal Dept. of Labor regulations in regard to the H-2B positive recruitment process. A job order opened with Job Service North Dakota on 1/2/2015 and closed on 1/13/2015. Advertisements ran in the The Forum (Sunday) on 01/04/2015 and in the The Forum (Wednesday) on 01/07/2015. All sources of recruitment yielded 0 referrals. [REDACTED] At this time 0 has/have agreed to accept the offered position.		

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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 05/01/2015 to 12/01/2015.

  
Department of Labor, Office of Foreign Labor Certification

02/04/2015  
Determination Date (date signed)

H-400-15021-682828  
Case number

CERTIFIED  
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 1.5 hours to complete the form and 25 minutes per response for all other H-2B information collection requirements, 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 or by email [ETA.OFLC.Forms@dol.gov](mailto:ETA.OFLC.Forms@dol.gov). **Please do not send the completed application to this address.**

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**ADDENDUM**

ADDENDUM SECTION B.9: Additional Notes Regarding Statement of Temporary Need

only 16 minutes to work with 1.5" depth hot-mix asphalt. But as the depth of asphalt grows to 3 inches, so too does the workability time to 46 minutes. Generally, for thin applications of concrete (1.5"), you'll want to wait until the temperatures are at 70 degrees F or better. Between 50-60 degrees F, you'll need to consult with your contractor. The hot-mix is still workable during this timeframe, but time is limited. Spring, summer and fall are always the best times to lay down hot-mix concrete driveways. This is the window of opportunity for laying concrete. This year we are requesting more workers than last year due to an increase in contracts. We had a late start in 2014 due to the delays at DOL.

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**ADDENDUM**

ADDENDUM SECTION F.a.5: Additional Notes Regarding Job Duties

in check, control anger, avoid aggressive behavior and other related activities Short period OJT to teach new hires needed skills. Maintain, repair employer provided tools, equip. provided at no cost to worker. Possible weekly/Daily hours: 35-60+; 6A-possibly to 7P. Possible weekend work. Outdoors, exposed to weather applies: physically strenuous labor, long hrs extreme heat, cold; hrs may fluctuate (=/-), possible downtime &/or OT. Drug, alcohol, Tobacco-free work zone.



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For Use in Filing Applications Under the H-2B Non-Agricultural Program **ONLY**

### A. Attorney or Agent Declaration

***I hereby certify that I am an employee of, or hired by, the employer listed in Section C of the ETA Form 9142B, and that I have been designated by that employer to act on its behalf in connection with this application. I also certify that to the best of my knowledge the information contained herein is true and correct.*** I understand that to knowingly furnish false information in the preparation of this form and any supplement hereto or to aid, abet, or counsel another to do so is a felony punishable by a \$250,000 fine or 5 years in a Federal penitentiary or both (18 U.S.C. 1001).

1. Attorney or Agent's last (family) name Muilenburg	2. First (given) name Ginny	3. Middle initial
4. Firm/Business name Labor Consultants International		
5. E-Mail address ginny@laborci.com		
6. Signature		7. Date signed

### B. Employer Declaration

By virtue of my signature below, **I HEREBY CERTIFY** the following conditions of employment:

- The job opportunity is a bona fide, full-time temporary position, the qualifications for which are consistent with the normal and accepted qualifications required by non-H-2B employers in the same or comparable occupations.
- The job opportunity is not vacant because the former occupant(s) is (are) on strike or locked out in the course of a labor dispute involving a work stoppage.
- The job opportunity is open to any qualified U.S. worker regardless of race, color, national origin, age, sex, religion, handicap, or citizenship, and the employer has conducted the required recruitment, in accordance with regulations, and has been unsuccessful in locating sufficient numbers of qualified U.S. applicants for the job opportunity for which certification is sought. Any U.S. workers who applied or apply for the job were or will be rejected only for lawful, job-related reasons, and the employer must retain records of all rejections.
- The offered terms and working conditions of the job opportunity are normal to workers similarly employed in the area(s) of intended employment and are not less favorable than those offered to the foreign worker(s) and are not less than the minimum terms and conditions required by Federal regulation at 20 CFR 655, Subpart A.
- The offered wage equals or exceeds the highest of the most recent prevailing wage that is or will be issued by the Department to the employer for the time period the work is performed, or the applicable Federal, State, or local minimum wage, and the employer will pay the offered wage.
- The offered wage is not based on commissions, bonuses or other incentives, unless the employer guarantees a wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage, or the legal Federal or State minimum wage, whichever is highest.
- During the period of employment that is the subject of the labor certification application, the employer will comply with applicable Federal, State and local employment-related laws and regulations, including employment-related health and safety laws;
- The employer has not laid off and will not lay off any similarly employed U.S. worker in the occupation that is the subject of the Application for Temporary Employment Certification in the area of intended employment within the period beginning 120 days before the date of need, except where the employer also attests that it offered the job opportunity that is the subject of the application to those laid-off U.S. worker(s) and the U.S. worker(s) either refused the job opportunity or was rejected for the job opportunity for lawful, job-related reasons.



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9. The employer and its agents and/or attorneys have not sought or received payment of any kind from the employee for any activity related to obtaining labor certification, including payment of the employer's attorneys' fees, application fees, or recruitment costs. For purposes of this paragraph, payment includes, but is not limited to, monetary payments, wage concessions (including deductions from wages, salary, or benefits), kickbacks, bribes, tributes, in kind payments, and free labor.
10. Unless the H-2B worker is being sponsored by another subsequent employer, the employer will inform H-2B workers of the requirement that they leave the U.S. at the end of the period certified by the Department or separation from the employer, whichever is earlier, as required under § 655.35, and that if dismissed by the employer prior to the end of the period, the employer is liable for return transportation.
11. Upon the separation from employment of any foreign worker(s) employed under the labor certification application, if such separation occurs prior to the end date of the employment specified in the application, the employer will notify the Department and DHS in writing or any other method specified of the separation from employment not later than forty-eight (48) hours after such separation is discovered by the employer.
12. The employer will not place any H-2B workers employed pursuant to this application outside the area of intended employment listed on the Application for Temporary Employment Certification unless the employer has obtained a new temporary labor certification from the Department.
13. The dates of temporary need, reason(s) for temporary need, and number of worker positions being requested for certification have been truly and accurately stated on the application.
14. If the application is being filed as a job contractor, the employer will not place any H-2B workers employed pursuant to the labor certification application with any other employer or at another employer's worksite unless:
  - (i) The employer applicant first makes a bona fide inquiry as to whether the other employer has displaced or intends to displace a similarly employed U.S. worker within the area of intended employment within the period beginning 120 days before and throughout the entire placement of the H-2B worker, the other employer provides written confirmation that it has not so displaced and does not intend to displace such U.S. workers; and
  - (ii) All worksites are listed on the certified Application for Temporary Employment Certification

**I hereby designate** the agent or attorney identified in section D (if any) of the ETA Form 9142B to represent me for the purpose of labor certification and, by virtue of my signature in Block 3 below, **I take full responsibility** for the accuracy of any representations made by my agent or attorney.

**I declare** under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge the information contained therein is true and accurate. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a felony punishable by a \$250,000 fine or 5 years in the Federal penitentiary or both (18 U.S.C. 1001).

1. Last (family) name Adelman	2. First (given) name Shaina	3. Middle initial
4. Title Secretary		
5. Signature		6. Date signed

### 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 1.5 hours to complete the form and 25 minutes per response for all other H-2B information collection requirements, 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 or by email [ETA.OFLC.Forms@dol.gov](mailto:ETA.OFLC.Forms@dol.gov). Please do not send the completed application to this address.