

U.S. DEPARTMENT OF LABOR
Employment and Training Administration
Washington, D. C. 20210

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RESCISSIONS

None

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September 30, 2001

DIRECTIVE : EMPLOYMENT SERVICE PROGRAM LETTER NO. 01-01

TO : ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM : GRACE A. KILBANE
Administrator, Office of Workforce Security

SUBJECT : Policy Clarification for Processing H-2B Temporary
Certifications for Occupations in the Landscaping Industry,
2000-2001

1. **Purpose.** To provide clarification to State Employment Service Agencies with regard to the processing of H-2B temporary applications for limited jobs in the landscaping industry which includes only those activities addressed in this guidance for the 2000-2001 season.

2. **References.** General Administration Letter No. 1-95, Procedures for H-2B Temporary Labor Certification in Nonagricultural Occupations; [Field Memorandum 25-98](#): H-2B Temporary Non-Agricultural Labor Certification Program requirements; [General Administration Letter 2-98](#): Prevailing Wage Policy for Nonagricultural Immigration Programs.
3. **Background.** It has been brought to our attention that there are system wide inconsistencies in the processing of H-2B applications for limited jobs in the landscaping industry particularly with respect to two issues: a) the interpretation of DOT descriptions for landscaping, and b) the assignment of a wage rate to the landscaping job. Many applications for landscaping jobs list various activities and combination of activities that make it difficult to achieve a match with any specific DOT code. This problem has led to inconsistent classification of landscaping jobs and consequently, inconsistent assignment of wage rates, specifically SCA wage rates.
4. **Action Required.** SESA Administrators are requested to provide the following clarification and guidance to appropriate staff:
 - a) Any application received for landscaping jobs which includes the following activities and only the following activities: "mow, cut, water, and edge lawns; rake and blow leaves; dig holes for bushes; pull and chop weeds, prune, and haul topsoil and mulch should be coded as a Laborer, Landscape - DOT Code 408.687-014.
 - b) Any landscaping job with the above description should be given the Occupational Employment Statistics (OES) wage rate for OES Code 79041 (Laborers, Landscaping and Grounds Keeping) Level 1.
 - c) This directive will not apply to H-2B applications where the state agency has already provided a wage rate to the employer and recruitment has begun. Employers are free to withdraw and refile to obtain a new wage determination.
 - d) This directive does not affect the processing of any applications involving jobs containing duties other than those described above. If

there are any questions or concerns regarding how to process a particular application, contact your Regional Certifying Officer.

This guidance is intended for use only in processing applications for the 2000-2001 landscaping season. The National Office is reviewing this matter and additional guidance will be provided well before the next landscaping season.

This guidance should be provided to staff immediately so that processing can be completed on applications pending for jobs in the landscaping industry.

5. **Questions.** Inquiries should be directed to Ms. Charlene Giles at 202/693-2950.