

Agricultural Recruitment System (ARS) and the H-2A Program

HOW THE PROCESS WORKS

The Operations and responsibilities for the ARS program rest primarily with the State Workforce Agency (SWA) Offices and, if applicable, will run concurrently with the H-2A Program. The following is a summary of how the system operates.

1. The employer determines that there is a need for workers.
2. The employer then places a job order with the Foreign Labor Certification (FLC) Department. The application must be submitted through the Foreign Labor Application Gateway (Flag) system, and must meet [requirements](#) (random link, don't click on it, but it could lead to the other attachment).
3. The FLC Department will review the job order for any deficiencies and create a job order in www.employoklahoma.gov.
4. Upon acceptance, the job order will be assigned to the local State Workforce Agency (SWA) for recruitment. At this time, the FLC Department will email the agent or employer to schedule the housing inspection.
 - a. The local SWA will perform a resume' search to identify eligible applicants. The local SWA will then make contact with each eligible applicant in their area. The local SWA will then submit a recruitment report of each contact made and the results of the contact to the FLC Department.
 - i. Every contact must be documented and if possible, interested applicants should be brought into the local SWA Office to interview for the job. The job interview should be conducted over the telephone and the local SWA should sit in on the interview if possible. The outcome should be documented, along with any issues that may occur.
 - ii. All interested applicants should be made aware of the required qualifications. Applicants should be provided a copy of the ETA 790, the Job Seeker Checklist, and the Department of Labor Protection for Farmworkers forms, which will be included in the original job order package provided to the local SWA by the FLC Department.
 - iii. Each SWA should maintain a copy of the recruitment report in a file for a minimum of three (3) years.
 - b. If not enough local workers are found to fill the available positions, the FLC Department will contact the employer for permission to advertise statewide. If permission is given by the employer, the FLC Department will submit the job order to each local office statewide. Each local SWA Office will perform a resume' search for eligible applicants in their area. Each local

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- iv. Each SWA should maintain a copy of the recruitment report in a file for a minimum of three (3) years.
- c. If not enough statewide workers are found to fill the available positions, the FLC Department will contact the employer for permission to recruit on a nationwide basis. If permission is given, the FLC Department will submit the request for interstate clearance from the Regional Monitor Advocate (RMA).
- d. If permission is granted, the RMA will issue a notice of clearance order states where recruitment must be conducted.
5. If applicable, the **H-2A Process** begins in conjunction with Item 4. Once the FLC Department has reviewed the ETA 790 and corrected any outstanding deficiencies, the FLC Department will update the application in FLAG, complete the SWA information section which includes the job order number, intrastate clearance date and 50% date, and approve the application in FLAG.
6. The job order will be active until the end of the recruitment period, which will extend through 50 percent of the period of employment.

Please Note: During the period of “active recruitment” the employer MUST hire all U.S. Workers that are qualified, able and willing to accept the job unless there is lawful, job-related reason not to. Even if the employer has already hired foreign workers through the H-2A Program.

7. Once CNPC has completed processing the application, they will issue either a Notice of Acceptance (NOA) or a Notice of Deficiency (NOD)

- a. A NOD will list each deficiency and the regulations associated with it. It will also list out the required solutions and a deadline, typically five (5) business days from the issue date.
 - b. An NOA will provide instructions and the next steps in the certification process. This will include advertising requirements and deadlines.
- 8. Upon correct any deficiencies and issuing the Notice of Acceptance of the employers' application, DOL requests the housing inspection report and referral information from the SWA.
- 9. Upon receipt of the approved housing report and referral information, DOL will issue the final Certification of the application.