The Immigration and Nationality Act and H-1B regulations require employers to notify their U.S. employees of their intent to hire H-1B nonimmigrant workers in connection with filing an H-1B Labor Condition Application. USCIS regulations allow employers to satisfy the notice obligation by posting a hard copy, electronic notification, or, when applicable, by notice to a collective bargaining representative. Many employers are now using electronic posting to provide the required notification to affected employees.

In a DOL Field Assistance Bulletin dated March 15, 2019, DOL indicates that employers choosing to communicate the required information electronically must ensure that all affected employees, including those employed by a third-party employer, have access to, and are aware of, the electronic notification. For more information and details about the H-1B notice requirements, please click here for DOL’s Field Assistance Bulletin.

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