

THE
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DOL Issues Guidance on H-1B Notice Requirements

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The Wage and Hour Division of the U.S. Department of Labor (DOL) has published a [bulletin highlighting the H-1B notice and posting procedures](#) with which employers must comply if they elect to provide electronic notice of their intent to hire H-1B nonimmigrant workers. The bulletin places particular emphasis on compliance issues when third-party worksites are involved.

Employers choosing to post H-1B notifications electronically should consider the following guidance from DOL:

1. Electronic postings must be readily accessible by all affected workers. The affected workers must have permission to access the information and know where to find it. A posting on a company's intranet may *not* comply with the notice requirement if all affected workers do not have access to the intranet or know where the notice is posted.
2. DOL warns that notice may be deemed insufficient if the affected workers cannot determine which electronic notice applies to their worksite. The electronic posting must specify the terms and conditions of the employment, including the worksite location.

Employers that cannot comply with the electronic posting requirements may default to posting hard copy notices.

Employers that elect to post hard copy notices must post the notices in at least two conspicuous locations at the worksite.

The notices must be big enough and clear enough that affected workers can easily see and read them. Employers that intend to place H-1B workers at a third-party worksite must post the notices at the intended place of employment, regardless of whether they own or operate the worksite.

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