

## J1 SUMMER WORK TRAVEL

### Employer and Work Site Eligibility Information



**Employer/Employment Vetting:** Employers accepting J1 Summer Work Travel participants must be vetted for eligibility and commitment to the cultural exchange aspect of the program and employment must meet program requirements.

**Employer Eligibility:** Employers must be seasonal or temporary and provide opportunities for regular communication and interaction with U.S. citizens and allow participants to experience U.S. culture. Employment is of a seasonal nature when the required service is tied to a certain time of the year by an event or pattern and requires labor levels above and beyond existing worker levels. Employment is of a temporary nature when an employer's need for the duties to be performed is a one-time occurrence, a peak load need, or an intermittent need. It is the nature of employers' needs, not the nature of the duties that is controlling.

#### Employment Requirements:

**Cultural Interaction:** Participants must have opportunities to work alongside U.S. citizens and interact regularly with U.S. citizens to experience U.S. culture during the workday portion of their Summer Work Travel programs.

**Compensation:** Participants must be compensated at the higher of:

- (i) The applicable Federal, State, or Local Minimum Wage (including overtime); or
- (ii) Pay and benefits commensurate with those offered to their similarly situated U.S. counterparts.

**Prohibited Employment:** Participants are prohibited from accepting employment in the following categories/positions:

- (1) In positions that could bring notoriety or disrepute to the Exchange Visitor Program;
- (2) In sales positions that require participants to purchase inventory that they must sell in order to support themselves;
- (3) In domestic help positions in private homes (e.g., child care, elder care, gardener, chauffeur);
- (4) As pedicab or rolling chair drivers or operators;
- (5) As operators or drivers of vehicles or vessels for which drivers' licenses are required regardless of whether they carry passengers or not;
- (6) In positions related to clinical care that involves patient contact;
- (7) In any position in the adult entertainment industry (including, but not limited to jobs with escort services, adult book/video stores, and strip clubs);
- (8) In positions requiring work hours that fall predominantly between 10:00 p.m. and 6:00 a.m.;
- (9) In positions declared hazardous to youth by the Secretary of Labor at Subpart E of 29 CFR part 570;
- (10) In positions that require sustained physical contact with other people and/or adherence to the Centers for Disease Control and Prevention's Universal Blood and Body Fluid Precautions guidelines (e.g., body piercing, tattooing, massage, manicure);
- (11) In positions that are substantially commission-based and thus do not guarantee that participants will be paid minimum wage in accordance with federal and state standards;
- (12) In positions involved in gaming and gambling that include direct participation in wagering and/or betting;
- (13) In positions in chemical pest control, warehousing, catalogue/online order distribution centers;
- (14) In positions with travelling fairs or itinerant concessionaires;
- (15) In positions for which there is another specific J category (e.g., camp counselor, intern, trainee); or
- (16) After November 1, 2012, in positions in the North American Industry Classification System's (NAICS) Goods-Producing Industries occupational categories industry sectors 11, 21, 23, 31-33 numbers (set forth at [http://www.bls.gov/iag/tgs/iag\\_index\\_naics.htm](http://www.bls.gov/iag/tgs/iag_index_naics.htm)).

**Site Visits:** Employers understand that participants and employers may be visited by the sponsor and/or by the Department of State field representatives for the purpose of quality control.

**Housing:** If employers provide housing and/or transportation to and from work, job offers must include details of all such arrangements, including the cost to participants; whether such arrangements deduct such costs from participants' wages; and the market value of housing and/or transportation in accordance with the Fair Labor Standards Act regulations set forth at 29 CFR part 531, if they are considered part of the compensation packages.

**J1 SUMMER WORK TRAVEL**  
**Employer and Work Site Eligibility Survey**



This survey is for the initial screening purposes only and contains the information for internal use needed to determine the company's eligibility for J1 students' hiring. Completion and approval of an Employment Agreement is also required prior to accepting a J1 participant as an employee. A Cultural Exchange Service, Inc. will display/share documentation with the Department of State's Department of Exchange Programs, only after official written request.

1. Is your company a registered member of US Chamber of Commerce, Council of Better Business or any other business/social/charity association? If yes, please specify here.

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2. Please describe turnover and sales volume of goods/services contrasting winter and summer seasons. (Give specific numbers if possible.)

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3. Please describe occupancy and workload of employees in winter and summer. Give specific numbers of permanent and temporary employees in winter and summer. Describe how seasonality affects business hours of your business and employee schedule in winter and summer.

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4. What ways do participants have to interact with U.S. citizens and experience U.S. culture other than at their workplaces? Please list any summer cultural events/historic sites/scenic areas/parks/major cities in your area.

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I attest that all information provided above is true and accurate. I have read the Employer and Work Site Eligibility Information and affirm that I will comply with all requirements. I also understand that in addition to this Employer and Work Eligibility Survey, a formal Employment Agreement must also be completed and submitted to A Cultural Exchange Service, Inc for each employee. I further understand that this Survey and the specific Employment Agreement must be approved prior to accepting a J1 participant as an employee.

Company's Name (including dba) \_\_\_\_\_

Manager's Name \_\_\_\_\_ Signature \_\_\_\_\_

Telephone # \_\_\_\_\_ Email \_\_\_\_\_ Date \_\_\_\_\_