

J1 SUMMER WORK TRAVEL

Employer 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. In addition, employers cannot displace US workers with J1 participants. Employers are ineligible if they have experienced layoffs in the past 120 days or have workers on lock out or on strike.

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 program and in their time off.

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., childcare, elder care, gardener, chauffeur);
- (4) As pedi-cab 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).

Site Visits: Employers understand that participants and employers may be visited by the sponsor and/or by Department of State field representatives during a participant's employment for purposes of program 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 Eligibility Survey

This survey is for screening purposes only and contains the information for internal use needed to determine the company's eligibility to host J1 students. Completion and approval of an Employment Agreement is also required prior to accepting a J1 participant as an employee. The designated sponsoring agency ("Sponsor") will only display/share your documentation with the Department of State's Department of Exchange Programs, after official written request.

Company Name (including dba) _____

Company Address _____

Company Website _____ Company EIN _____

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.

Please describe occupancy and workload of employees showing seasonal needs. Give specific numbers of permanent and temporary employees during off-season and peak season.

Cultural Exchange is the primary goal of this program. What ways do participants have to interact with U.S. citizens and experience U.S. culture in their workplace and in their time off? Please list any summer cultural events/historic sites/scenic areas/parks/major cities in your area.

Number of openings for J1 participants this season _____ Desired work dates from _____ to _____

Number of total expected American workers _____ Number of total expected international workers _____

Will hosted participants displace US workers? _____ (Yes/No)

Has the company experienced layoffs in the last 120 days or have workers on lock out or on strike? _____ (Yes/No)

*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 understand that in addition to this Employer and Work Eligibility Survey, I must supply the Sponsor with additional required documentation including: a **copy of my business license** and a **copy of my workers compensation coverage page**. A formal Employment Agreement must also be completed and submitted to ACES for each employee. I further understand that receipt of this Survey, the required documentation and the specific Employment Agreement/s is required BEFORE a J1 participant may begin work as an employee.*

Manager's Name (printed) _____ Signature _____

Telephone # _____ Email _____ Date _____

A **copy of the business license and a **copy of the workers compensation coverage page** must accompany this survey before the employer can be approved.*