

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D. C. 20210	CLASSIFICATION
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DFLC FIELD MEMORANDUM



**TO : National Processing Center Directors
Backlog Elimination Center Directors**

**FROM : LETICIA SIERRA /s/
Acting Chief
Division of Foreign Labor Certification**

**SUBJECT : Response to Hurricane Katrina – Deadlines and
Correspondence for the Permanent Labor Certification Program**

1. **Purpose.** This memorandum outlines interim procedures for the management of mail related to applications in the permanent labor certification program and reflects the decision by the Division of Foreign Labor Certification (DFLC or Division) to postpone certain regulatory and procedural deadlines pertaining to applications affected by Hurricane Katrina. This guidance will be posted on DFCL's website and published in the Federal Register.
2. **Background.** In late August 2005, Hurricane Katrina battered the Gulf Coast of the United States, devastating large areas of Louisiana, Alabama, and Mississippi. DFCL will work closely with our stakeholders to minimize disruption to the labor certification process as the country works through this disaster. This initial guidance outlines the Division's emergency policy related to deadlines and correspondence for permanent program applications related to Katrina impacted areas. We plan to issue guidance governing additional issues surrounding the hurricane.

RESCISSIONS	EXPIRATION DATE
None	March 31, 2006

3. **Policy.**

- A. **Mail delivery.** Currently, the Post Office and other mail delivery services are not delivering mail to certain areas impacted by Katrina. In addition, many businesses, including law firms, have been destroyed by the hurricane and subsequent flooding. Therefore, until further notice, National Processing Centers

and Backlog Elimination Centers including their satellite offices (collectively, the Centers) should not send correspondence to zip codes in the affected regions where there is “No” or “Partial” mail service, as shown on the United States Postal Service website at

<http://www.usps.com/communications/news/serviceupdates.htm?from=bannercommunications&page=katrina>.

Normally, copies of correspondence from DFCL regarding permanent labor certification applications are sent to both the employer and the legal representative named on the application. DFCL will continue processing every case to the extent feasible. However, to avoid potential misunderstandings regarding the status of a case, DFCL will hold all correspondence and case communications where one of the recipients of the correspondence is in an area with no or partial mail delivery, until a new address is provided by the employer or attorney in accordance with the instructions below.

- B. **Advising DFCL of new mailing addresses and contact information.**

Because some employers and their attorneys may be relocating from disaster-impacted areas on a temporary or permanent basis, we have established e-mail addresses to receive new contact information. We will verify this new information as needed. Employers or their attorneys are asked to contact the Center with jurisdiction over each particular permanent labor certification case as follows:

Katrina.dflc@phi.dflc.us for the Backlog Elimination Center in Philadelphia;
Katrina.dflc@dal.dflc.us for the Backlog Elimination Center in Dallas;
Katrina.dflcatlanta@dol.gov for the National Processing Center in Atlanta; or
Katrina.dflcchicago@dol.gov for the National Processing Center in Chicago.

E-mailed notices must include: the new mailing address to which correspondence should be forwarded, any new telephone and facsimile information, and sufficient information to identify each affected application(s), including the case number(s). (Please note: Global requests for a mailing address change will not be honored.) In the case of temporary or interim relocations, please note the time period when the new address/phone numbers will be in effect. Any subsequent changes to the employer or attorney’s mailing address must also be e-mailed to the addresses above.

- C. **Case file.** We will accept new addresses for purposes of mailing only. Addresses will not be added or amended on pending applications, as a new address can sometimes change key elements of an application – for example, a new work location can change the applicable prevailing wage rate and area of intended employment. Instead, for purposes of mailing to a new address, the Centers will create a brief cover letter to add to the prepared correspondence. This cover letter will document the date the new address request was received and the new address itself. Center staff will then annotate the electronic case file to record the new address and the type of correspondence sent to the new address on a given date.

- D. **Due Dates.** DFCLC is postponing until December 1, 2005 all regulatory and procedural deadlines that fall during the period from August 29, 2005 until December 1, 2005 for those permanent labor certification applications where either the employer or its attorney or agent is located in a Katrina disaster area (the counties and parishes that have been or are later designated by the Federal Emergency Management Agency as disaster areas eligible for Individual or Public Assistance because of the devastation caused by Hurricane Katrina). Any application materials with a due date during this period will be considered timely if received by the appropriate Center by December 1, 2005. This extension applies even if the employer, attorney, or agent has relocated and resumed operations outside the disaster area.

The list of counties and parishes designated by FEMA as disaster areas eligible for Individual or Public Assistance as a result of Hurricane Katrina has been published and amended in the Federal Register, and is available at <http://www.fema.gov/news/disasters.fema>. For the hardest hit areas, DFCLC will closely monitor progress and may extend these deadlines even further. DFCLC will work with stakeholders covered by this extension who may receive written communications applying an earlier or incorrect deadline. We will consider other deadline issues on a case-by-case basis.

4. **Action Required.** Center directors are requested to inform certifying officers and staff of the information in this field memorandum to ensure that they take appropriate action.
5. **Inquiries.** Inquiries should be directed to appropriate National Office staff.