

**MEMORANDUM FOR:** State Workforce Agency Administrators

**FROM:** William Carlson *William J. Carlson*  
Chief, Division of Foreign Labor Certification

**SUBJECT:** Update on Technical Instructions for Shipping  
Permanent Foreign Labor Cases from State  
Workforce Agencies (SWAs) to Backlog Processing  
Centers

**DATE:** February 16, 2005

On December 3, 2004, we provided you with a memorandum describing the detailed instructions to follow in shipping permanent program foreign labor certification applications with local office or state office receipt dates prior to January, 2003. I wish to commend you and your staff for the successful completion of the first shipment phase. As of February 4, 2005, twenty-five (25) SWAs have shipped over 90,000 cases to either the Philadelphia or Dallas Backlog Processing Center. The second phase is scheduled to be completed by March 31, 2005. (See Attachment No. 1 for list of SWAs assigned to each Backlog Processing Center.)

Since that memorandum, the new PERM regulation was published in the Federal Register on December 27, 2004. Additionally, we have received several requests for clarification from SWAs regarding roles and procedures. Under separate cover, Assistant Secretary DeRocco will be sending an update to our last Transition Guidance which will detail procedures for SWAs and the permanent labor certification program. In addition, FY 2005 foreign labor certification allocations will be forwarded in the very near future.

The purpose of this memorandum is to update the technical instructions of 12/3/04 to include the impact of the new PERM regulation on shipments and provides clarifications to questions regarding the previous instructions.

### **Processing of New Permanent Labor Certification Applications**

SWAs should not process any permanent labor certification applications postmarked after 12/31/04. SWAs need to date stamp and log in these applications which will be part of your third shipment of cases to an ETA Backlog Center.

## **Permanent Labor Certification Applications Received at SWAs with Postmark Dates of 3/28/05 or Later**

SWAs must return these applications to the sender. These applications can not be forwarded to the Philadelphia and Dallas Backlog Processing Centers.

## **Second Shipment of Backlogged Applications to Backlog Processing Centers**

Applications with local receipt dates in 2003 and 2004 should be shipped in February, but no later than March, 2005, to the SWA assigned Backlog Processing Center. (See December 3, 2004, instructions). We encourage SWAs to schedule this shipment with Team Exceed for as early as possible. The final date for arrival of these cases in a Backlog Processing Center remains 3/31/05.

## **Third Shipment of Backlogged Applications to Backlog Processing Centers**

We have scheduled a third shipment of backlogged applications to the Backlog Processing Centers with a due date of 4/22/05. This shipment should consist of permanent labor certification applications received in 2005; applications the SWA has completed processing, and all applications SWAs have opened but were not able to complete processing. This should conclude the shipping of all backlogged cases. In other words, SWAs should not have any permanent labor certification cases left in their offices after this final shipping.

## **Shipping Procedure**

We will adhere to the same shipping procedure for the second and third shipments as for the first shipment. Attachment No. 2 and Exhibits A, B, and C explain this procedure in detail. If you have specific shipping questions, please contact the assigned representatives of our contractor, Team Exceed. SWAs assigned to the Dallas Backlog Processing Center need to contact Mr. Charles Daniels at 214-237-9123 or [Cdaniels@DAL.DFLC.US](mailto:Cdaniels@DAL.DFLC.US); SWAs assigned to the Philadelphia Backlog Processing Center need to contact Mr. Bob Brabson at 484-270-1503 or [Bbrabson@PHI.DFLC.US](mailto:Bbrabson@PHI.DFLC.US).

Thank you for your continued cooperation in our joint effort to re-engineer the permanent labor certification process. Please feel free to contact me at 202-693-3010 or Carole McCarthy at 202-693-3918.

pc: Jack Rapport, Administrator, Office of Field Operations  
DFLC Center Directors  
DFLC National Office Staff

**Employment and Training Administration  
Division of Foreign Labor Certification  
Backlog Processing Centers  
and  
Corresponding State Workforce Agencies**

**Philadelphia Backlog Processing Center  
One Belmont Avenue, Suite 200  
Bala Cynwyd, PA 19004  
Telephone: (484) 270-1500  
Fax: (484) 270-1600**

Alabama	Connecticut	Delaware	Florida
Georgia	Kentucky	Maine	Maryland
Massachusetts	Mississippi	New Hampshire	New Jersey
New York	North Carolina	Pennsylvania	Puerto Rico
Rhode Island	South Carolina	Tennessee	Vermont
Virgin Islands	Virginia	Washington, DC	West Virginia

**Dallas Backlog Processing Center  
700 North Pearl Street, Suite 400N  
Dallas, TX 75201  
Telephone: (214) 237-9115  
Fax (214) 237-9115**

Alaska	Arizona	Arkansas	California
Colorado	Guam	Hawaii	Idaho
Illinois	Indiana	Iowa	Kansas
Louisiana	Michigan	Minnesota	Missouri
Montana	Nebraska	Nevada	New Mexico
North Dakota	Ohio	Oklahoma	Oregon
South Dakota	Texas	Utah	Washington
Wisconsin	Wyoming		

**Employment and Training Administration  
Division of Foreign Labor Certification**

**Permanent Foreign Labor Case Shipping Instructions  
for State Workforce Agencies**

**I. Purpose:** To provide State Workforce Agencies (SWAs) with shipping instructions for the transfer of unprocessed permanent foreign labor certification cases to the U.S. Department of Labor's (DOL) Dallas and Philadelphia Backlog Processing Centers

**II. Overview:** This document outlines the steps and processes to be used by SWAs to prepare and ship permanent foreign labor certification cases to the Dallas or Philadelphia Backlog Processing Centers. DOL has instructed Team Exceed, the backlog-processing contractor, to process cases received by the centers using the first-in, first out (FIFO) method. With FIFO, all cases will be prioritized by the date the case was first received by the SWA or local office. Accordingly, to assure FIFO processing, it is important that all cases be organized and shipped in compliance with these instructions.

**III. Points of Contact (See Exhibit A for Complete Contact Information)**

Mr. Charles Daniels is the Team Exceed point of contact for the Dallas Backlog Processing Center. Mr. Bob Brabson is the Team Exceed point of contact for the Philadelphia Backlog Processing Center.

Questions about the specific steps and processes should be referred to Team Exceed at a Backlog Processing Center or to the Division of Foreign Labor Certification (DFLC), attention TATC, at the DOL National Office in Washington DC. See Exhibit A for contact information.

**IV. Pre-Shipping Process**

If not done previously, the SWA must forward the following information within 10 days to the appropriate Team Exceed point of contact so that shipping schedules can be fully coordinated (see Exhibit A for complete contact information):

- SWA name and complete mailing address.
- SWA Point of Contact (name, telephone number, and e-mail address)
- Approximate number of cases anticipated to be shipped
- Approximate date range of cases to be shipped

Preferred shipping date (s) and anticipated time required to complete all case shipments.

**V. Case Organization:** These instructions require cases to be organized, boxed, tracked and shipped in a manner that maintains the SWA local office date order and integrity. The instructions presume that any number sequencing of cases by the local office date order will be maintained within the boxing, tracking and shipping process. Sending the cases in order by date will facilitate processing of cases using the FIFO method. If the SWA does not currently maintain cases in local office date order, the SWA must organize cases in this order prior to boxing and shipping.

The SWA must identify and separate the cases designated for transfer and shipment in accordance with these instructions:

- a. Boxing of Cases: Cases are to be packed in shipping boxes in SWA or local office date order using the FIFO method. TR and RIR cases should be placed in separate boxes. *Example:* If a shipment from a SWA involves 10 boxes of cases, the first box (box 1) should contain the “oldest” case, the last box (box 10) should contain the “newest” , and all associated boxes shall contain, in sequence, cases with a local office date between the “oldest” cases in box 11 and “newest” cases in box 20.
- b. Creation of a Case Transfer Manifest: After the audit, a manifest shall be completed for each box to be shipped (See Exhibit B). An electronic copy of the manifest may be obtained from your Team Exceed point of contact. The manifest must include the following information:
  1. Name of State
  2. Name of SWA
  3. Date of shipment
  4. The sequence number of the box (e.g., Box 5 of 22)
  5. Date of receipt range: from \_\_\_\_\_ to \_\_\_\_\_
  6. The number of cases in the box
  7. The type of case enclosed (RIR or TR)
  8. The page number of the manifest (e.g., 1 of 2 if the box contains more than 1 manifest)
  9. A listing of the cases included in the box, by local office case number, local office date and state case number (if any)
  10. The signatures of two SWA employees attesting to items 1-7

Note: The information required in 9 above may be provided via a computer printout if the SWA uses this method of tracking cases and if this method is more feasible than creating a manual manifest. Please discuss this option with the assigned representative of Team Exceed.

**VI. Distribution of Manifests:** Upon completion of the Case Transfer Manifest, copies shall be made and one copy must be:

- a. Inserted into the respective box for inclusion in the shipment
- b. Retained by the SWA (This copy enables the SWA to identify the status of each case and the respective "box location" when answering inquiries.)
- c. Transmitted to the appropriate Backlog Processing Center point of contact (see Exhibit A) via overnight delivery
- d. Transmitted to DFCLC: attention TATC, in the DOL National Office (see Exhibit A) via overnight delivery

**VII. Labeling of Box (see Exhibit C):** The box must be sealed and prepared for shipping. Preparation includes affixing the label as required by the United Parcel Service and writing the following information on the exterior of the box with indelible ink:

- a. Date of shipment
- b. State Name
- c. SWA Name
- d. SWA Point of Contact
- e. Phone number
- f. Box Sequence (e.g., 6 of 18)
- g. Date range of cases included
- h. Type of cases included--RIR or TR

**VIII. Shipping of Boxes:**

All boxes will be shipped from SWAs to either the Dallas or Philadelphia Backlog Processing Centers using a shipping account which Team Exceed will provide. The Dallas Processing Center, as soon as reconciliations are satisfactorily completed with the shipping company, will pay for services received.

Shipping Process

Team Exceed will coordinate with each SWA point of contact to establish an acceptable case transfer timetable, consistent with the March 31, 2005 and April 22, 2005 required by this memorandum. Acceptable shipping schedule considerations with SWAs include:

- a) The total number of cases to be transferred

- b) The number of cases required by the processing centers to maintain an acceptable production level
- c) The ability of each processing center to receive a finite number of boxes each day

As case shipment date ranges are agreed to between Team Exceed and the SWAs, Team Exceed will work with the shipping company's account representative to provide the following:

- a) A local SWA shipping company account representative to create and manage box pickup requirements as SWAs pack boxes for shipment
- b) Boxes and adhesive tape for SWAs to pack cases for shipment
- c) Pre-printed shipping labels addressed to either the Dallas or the Philadelphia Backlog Processing Center
- d) Pre-addressed overnight envelopes for SWAs to forward manifests of each day's shipment to the respective centers.

As shipment plans are executed, Team Exceed will verify that the Backlog Processing Centers are receiving copies of manifests for each day's shipment. Team Exceed will also insure that daily reporting of boxes shipped by SWAs is being completed as requested.

At the completion of each SWA shipping process, Team Exceed will advise the Department Labor that a particular state has completed its case transfer.

## **Exhibit A**

### **Points of Contact**

#### **U.S. Department of Labor Division of Foreign Labor Certification TATC Consulting**

Point of Contact: Carole McCarthy  
Address: 200 Constitution Ave., N.W., Room C4311  
Washington DC, 20210  
Phone: 202-693-3918  
E-mail: mccarthy.carole@dol.gov

#### **Processing Center Contractor: Team Exceed in Dallas**

Point of Contact: Charles Daniels  
Address: 700 North Pearl St., Suite 400N  
Dallas, TX 75201  
Phone: 214-237-9122  
E-mail: CDaniels @DAL.DFLC.US

#### **Backlog Center Contractor: Team Exceed in Philadelphia**

Point of Contact: Bob Brabson  
Address: One Belmont Ave., Suite 200  
Bala Cynwyd, PA 19004  
Phone: 484-270-1503  
E-mail: Bbrabson@PHI.DFLC.US

**Exhibit B  
Case Transfer Manifest**

State Name: \_\_\_\_\_

SWA Sending Cases: \_\_\_\_\_

Date of Shipment: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Box Number: \_\_\_\_\_ of \_\_\_\_\_

Date of Receipt Sequence: From \_\_\_\_\_ to \_\_\_\_\_

Number of Cases Included: \_\_\_\_\_

Type of Cases (RIR or TR) \_\_\_\_\_

Manifest: Page: \_\_\_\_\_ of \_\_\_\_\_

Signatures:

SWA

1. \_\_\_\_\_ 2. \_\_\_\_\_

Team Exceed

1. \_\_\_\_\_ 2. \_\_\_\_\_

Sequence # In box	Case Local Office Date	SWA sequence # (if any)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
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18		
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21		
22		
23		
24		

## Exhibit C

### Example of Supplementary Data to be placed on Boxes in Addition to the Shipping Company Label

Date

State Name

SWA Contact Person:

Phone:

Box Sequence (e.g., 6 of 18)

Date Range

RIR or TR