Attestation by Employers Using Alien Crewmembers for Longshore Activities at Locations in the State of Alaska

US. Department of Labor
Employment and Training Administration
US.Employment Service

1. Full Legal Name of Company	5. Name of U.S. Agent	OMB Approval No. 1205-0352 Expires: 01/31/2002
2. Headquarters Address (No., St., City, Town, State, ZIP Code, Country)	6. US. Business Address of Agent (No, St., City, State, ZIP Code)	
3. Telephone (Area Code and Number)	7. Telephone (Area Code and Number)	
4. Name of Chief Executive Officer	Fax (Area Code and Number)	

8. EMPLOYER ATTESTATION (Use attachment if additional space is needed or multiple locations are covered.)

(a) It is anticipated that longshore activities will be performed at the following times and locations in the State of Alaska (Check appropriate box(es) below for each activity of longshore work to be performed):

First Performance of Activity (Month/Day/Year) _____ Location (name of port, city, or other geographical reference point) _____

☐ **(i)** Loading cargo
☐ **(ii)** Unloading cargo
☐ **(iii)** Operation of cargo-related equipment
☐ (iv) Handling of mooring lines

☐ **(b)** Before using alien crewmen to perform any longshore activity, a bona fide request will be made to the parties to whom notice has been provided under item 8(e)(ii)and **(iii)** below, for United States longshore workers who are qualified and available in sufficient numbers to perform the longshore activity at the particular time and location, except that:

(i) wherever two or more contract stevedoring companies have signed a joint collective bargaining agreement with a labor organization described in 8(e)(i) below, the request for longshore workers may be made to only one such contract stevedoring company, and

(ii) a request for longshore workers to an operator of a private dock may be made only for longshore work to be performed at that dock and only if the operator meets the requirements of section 32 of the Longshore and Harbor Workers' Compensation Act.

☐ **(c)** All United States longshore workers who are made available in response to the request for dispatch as attested at item 8(b) above and who are qualified, available in sufficient numbers, and needed to perform the longshore activity at the particular time and location, will be employed to perform such activity.

☐ **(d)** The use of alien crewmembers in my employ to perform any longshore activity is not intended or designed to influence an election of a bargaining representative for workers in the State of Alaska.

☐ **(e)** As of this date, notice of this attestation has been provided to (include copies of actual notices):

(i) Labor organizations which have been recognized as exclusive bargaining representatives of United States longshore workers' and which make available or intend to make available longshore workers to the particular location(s) where the longshore work is be performed;

(ii) Contract stevedoring companies which employ or intend to employ United States longshore workers at the particular locatidn(s) where the longshore work is to be performed; and

(iii) Operators of private docks at which workers in my employ will perform any longshore activity.

9. DECLARATION OF EMPLOYER Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the information provided on this form and accompanying documentation is true and correct. In addition, I declare that I will comply with the Department of Labor regulations governing this program and, in particular, that I will make this attestation, supporting documentation, and other records, files and documents available to officials of the Department, upon such official's request, during any investigation under this attestation or the Immigration and Nationality Act.

_____ _____
Signature of Chief Executive Officer (or U.S. Agent or Representative) Date

FOR U.S. GOVERNMENT AGENCY USE ONLY: By virtue of my signature below, I acknowledge that this attestation is accepted for filing on _____ (date) and will be valid for the longshore activities at locations in the State of Alaska herein attested to from _____ (beginning date) through _____ (date twelve months from beginning date).

_____ _____
Signature of Authorized DOL Official ETA Case No.

Subsequent DOL action: Suspended _____ Invalidated _____ Withdrawn _____

The Department of Labor is not the guarantor of the accuracy, truthfulness or adequacy of an attestation accepted for filing.

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Resoondents obliaation to reply to these reporting requirements are required to obtain or retain benefits (PL 103-206, 107 Stat. 2419, INA, Section 258). Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, U.S. Employment Service, Room N-4456, Washinoton. D.C. 20210 (Paperwork Reduction Proiect 1205-0309).

ATTESTATION BY EMPLOYERS USING ALIEN CREWMEMBERS
FOR LONGSHORE ACTIVITIES AT LOCATIONS
IN THE STATE OF ALASKA

IMPORTANT: READ CAREFULLY BEFORE COMPLETING FORM

Submit the completed original Form ETA 9033-A with accompanying documentation along with two copies of the form and accompanying documentation. Attestations must be received by the Department of Labor no later than 30 days prior to the first performance of the longshore activity (or anytime up to 24 hours before the first performance of the activity, upon a showing that the employer could not have reasonably anticipated the need to file an attestation for that location at the time). Attestations which are filed less than 30 days prior to the first performance of the longshore activity must include supporting documentation to show that the employer could not have reasonably anticipated the need to file an attestation for that location at that time. Attestations must be submitted to the ETA regional office at 1111 3rd Ave., Suite 900, Seattle, WA 98101.

To knowingly furnish any false Information in the preparation of this form and any supporting documentation thereto, or to aid, abet or counsel another to do so is a felony, punishable by $10,000 fine or five years in the penitentiary, or both (18 U.S.C. 1001). Other penalties apply as well to fraud and misuse of this Immigration document (18 U.S.C. 1546) and to perjury with respect to this form (18 U.S.C. 1546 and 1621).

Print legibly in ink or use a typewriter. Sign and date one form in original signature. Citations below to "regulations" are citations to **20 CFR** Part 655, Subparts F and G.

Item 1. Full Legal Name of Company. Enter full legal name of business, firm or organization, or, if an individual, enter name used for legal purposes on documents.

Item 2. Headquarters Address. Self-explanatory.

Item 3. Telephone Number. Include area code or international calling code.

Item 4. Name of Chief Executive Officer. Self-explanatory.

Item 5. Name of U.S. Agent. Self-explanatory.

Item 6. U.S. Business Address of Agent. This address must be in the U.S.

Item 7. Telephone Number. Include fax number, if available.

Item 8. Employer Attestations. An employer must attest to the conditions listed in elements (b) through (e). The attestation will only be accepted for filing if the required documentation supporting elements 8(e) is attached to the Form ETA 9033-A. See § 655.537 of the regulations for guidance on the documentation that must be attached to the Form ETA 9033-A to support element **8(e).** The employer must check the appropriate box(es) 8(a)(i) through (iv) for each of the particular activities of longshore work to be performed.

Item 8(a). Bona Fide Request for Dispatch of **U.S.** Longshore Workers. The employer must attest that, before using alien crewmen to perform longshore work, he will make a bona fide request for U.S. longshore workers who are qualified and available in sufficient numbers to perform the activity at the particular times and locations specified. The request for dispatch must be directed to the parties to whom notice of filing is provided under attestation element 8(e)(ii) and **(iii).** Wherever two or more contract stevedoring companies have signed a joint collective bargaining agreement with a labor organization described in attestation element 8(e)(i), the employer may request longshore workers from only one of such contract stevedoring company. A request for longshore workers to an operator of a private dock may be made only for longshore work to be performed at that dock and only if the operator meets the requirements of section 32 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 932). See §655.534 of the regulations for a detailed explanation of this attestation element.

Item 8(b). Employment of all Qualified U.S. Longshore Workers Made Available in Sufficient Numbers. The employer must attest that all U.S. longshore workers made available in response to the request for dispatch under the first attestation element, item **8(b),** who are qualified and available in sufficient numbers and who are needed to perform the longshore activity at the particular times and locations specified will be employed to perform such activity. See §655.535 of the regulations for a detailed explanation of this attestation element.

Item 8(c). No Intention or Design to Influence Bargaining Representative Election. The employer must attest the use of alien crewmembers to perform longshore activities is not intended or designed to influence an election for a bargaining representative for longshore workers in the State of Alaska. *See* § 655.536 of the regulations for a detailed explanation of this attestation element.

Item 8(d). Notice of Filing. The employer must attest that at the time of filing the attestation, notice of filing has been provided to labor organizations which have been recognized as exclusive bargaining representatives of U.S. longshore workers and which make available or intend to make available workers to the particular locations where the longshore work is to be performed. Notice must also be provided to contract stevedoring companies which employ or intend to employ **U.S.** longshore workers at those locations, and to operators of private docks at which the employer will use longshore workers. See § 655.537 of the regulations for a detailed explanation of this attestation element.

Item 9. Declaration of Employer. One copy of this form must bear the original signature of the chief executive officer (or the chief executive officer's U.S. agent or designated representative) unless filing by facsimile transmission. See § 655.533(2)(a) of the regulations if filing by facsimile transmission. By signing this form, the chief executive officer is attesting to the conditions listed in items **8(b)** through **(e)** and to the accuracy of the information provided elsewhere on the form and in the supporting documentation. False statements are subject to Federal criminal penalties, as stated above.

If the attestation bears the necessary entries of information and documentation, the Department of Labor may accept the attestation for filing and shall document such acceptance on each of the three Form ETA 9033-A's submitted. A copy of the attestation form indicating the Department's acceptance, or notification of nonacceptance, will be returned to the employer. A copy of this attestation, along with accompanying documentation, will be available for public inspection at the Division of Foreign Labor Certifications, United States Employment Service, Room **N-4456,200** Constitution Avenue, N.W., Washington, D.C. 20210.

PRIVACY ACT STATEMENT

In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), you are hereby notified that the information provided herein is protected under the Privacy Act. The Department of Labor (Department) is maintaining a System of Records titled Employer Application and Attestation File for Permanent and Temporary Alien Workers (DOL/ETA-7).

Case files developed in processing labor certification applications, labor condition applications, or labor attestations, may be released to the employers which filed such applications, their representatives, and to named alien beneficiaries or their representatives, if requested, to review Employment and Training Administration (ETA) actions in connection with appeals of denials before the DOL Office of Administrative Law Judges and federal courts; to participating agencies such as the DOL Office of Inspector General, Employment Standards Administration, Department of Homeland Security's U.S. Citizenship and Immigration Services and Bureau of Immigration and Customs Enforcement, and Department of State in connection with administering and enforcing related immigration laws and regulations; and to the DOL Office of Administrative Law Judges and Federal Courts in connection with appeals of denials of labor certification requests, labor condition applications, and labor attestations.

Further disclosures may be made under the following circumstances: in connection with federal litigation; for law enforcement purposes; to authorized parent locator persons under Pub. L. 93-647; to an information source in connection with personnel, procurement, or benefit-related matters, to a contractor or their employees, consultants, grantees or their employees, or volunteers who have been engaged to assist the agency in the performance of a contract; for Federal debt collection purposes; the Office of Management and Budget in connection with its legislative review, coordination, and clearance activities; if a person about whom this record is maintained submits a written request to a Member of Congress or their staff and that request is forwarded to the Department, we may release the information to the Member of Congress or Congressional staff in response to the inquiry made on behalf of the subject of the record; and to the news media and the public when a matter under investigation becomes public knowledge, the Solicitor of Labor determines the disclosure is necessary to preserve confidence or integrity of the Department, or the Solicitor of Labor determines that a legitimate public interest exists in the disclosure of information unless the disclosure would constitute an unwarranted invasion of personal privacy.