



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR

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CW-1 Program Job Vacancy Announcement General Instructions



The CNMI Department of Labor is providing these instructions to employers seeking CW-1 labor certification to assist employers in completing the Job Vacancy Announcement (JVA) completely and accurately and ensure the JVA contains all contents required by Office of Foreign Labor Certification (OFLC) regulations at 20 CFR [655.441](#). For additional information regarding the required terms and conditions of employment that the employer must include in each JVA, the employer should consult OFLC's CW-1 Interim Final Rule, available [here](#), the JVA-related FAQs and other guidance OFLC provides on its website, available [here](#), and the model JVA language OFLC suggests in the preamble to the CW-1 regulations with respect to employment terms like the three-fourths guarantee and inbound/outbound transportation, available [here](#).

OFLC's CW-1 regulations require the employer to submit a completed JVA to the CNMI Department of Labor job listing system in accordance with 20 CFR [655.442](#), to satisfy the employer's obligation to recruit U.S. workers for a period of 21 consecutive calendar days under the JVA. The employer's JVA must contain sufficient information to apprise applicants of the services or labor to be performed, including the job duties, the minimum education and experience requirements, the work hours and days, and the anticipated start and end dates of the job opportunity. 20 CFR [655.441\(b\)\(3\)](#). The JVA must also apprise applicants of the terms and conditions of employment. The JVA must address each of the content requirements at 20 CFR [655.441](#) and must offer U.S. workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to CW-1 workers. Each job qualification and requirement must be disclosed in the JVA and must be bona fide and consistent with the normal and accepted qualifications and requirements imposed by non-CW-1 employers in the same occupation and Commonwealth, to ensure the job opportunity is open to qualified U.S. workers and that job requirements and qualifications are not used to discriminate against or unlawfully reject U.S. worker applicants for the job opportunity.

**IMPORTANT:** CW-1 employers and authorized preparers should read these instructions carefully before completing the JVA. These instructions contain full explanations of the questions that make up the JVA and the responses CW-1 employers should provide in response to each question.

Failure to complete the JVA completely and accurately, or inclusion of information in the JVA that conflicts with information provided in the Form ETA-9142C, *CW-1 Application for Temporary Employment Certification* (CW-1 Application or Application), or OFLC regulations, may result in the OFLC Certifying Officer (CO) denying the employer's CW-1 Application. Anyone who furnishes any false information in the preparation of CW-1 JVA, or aids, abets, or counsels another to do so, is committing a federal offense, punishable by fines, imprisonment, or both (18 U.S.C. §§ 2, 1001). Other penalties apply as well to fraud or misuse of this immigration document and to perjury with respect to this form (18 U.S.C. §§ 1546, 1621).



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Finally, an employer found to have provided false information or misrepresentations of the nature of the job opportunity on the JVA will not receive CW-1 labor certification and OFLC may require the employer to undergo OFLC-assisted recruitment, pursuant to 20 CFR [655.471](#), or may debar the employer from the CW-1 and other labor certification programs for a period of up to five years for each violation, pursuant to 20 CFR [655.473](#).

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### Job Opportunity Title

Identify the title of the job opportunity. 20 CFR [655.441\(b\)\(2\)](#).

### Employer Information

The JVA must include the employer's name and contact information. 20 CFR [655.441\(b\)\(1\)](#). If the employer filed the CW-1 Application as a job contractor, jointly employing workers with an employer-client, the JVA must identify both the employer and employer-client. 20 CFR [655.421\(d\)](#).

**Reminder:** If the employer is a **job contractor**, the "Additional Job Information" field of the JVA must contain the following statement: "Applicants may apply for any or all of the jobs listed. When applying, please identify the job(s) (by company and work location) you are applying to for the entire period of employment specified." 20 CFR [655.421\(e\)\(3\)\(ii\)](#).

### Job Opportunity Part Time or Full Time?

Specify whether the job opportunity is full-time or part-time.

**Reminder:** CW-1 job opportunities must be full-time, defined in OFLC regulations as at least 35 hours per week. 20 CFR [655.402](#); § [655.423\(d\)](#).

### Hourly Wage

If the employer is offering an hourly wage, and not a guaranteed annual salary, the employer should enter the hourly wage offer here, such as "\$19.00." (If the employer is offering an annual salary or salary range, rather than an hourly wage, the employer should leave this field blank or enter "N/A" and should instead complete the salary field, as described below).



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In the event that there are multiple wage offers, if the employer intends to offer an hourly wage range, such as "\$19.00 - \$25.00," (1) the employer must include the range of hourly wage offers and (2) the low end of the range hourly wage listed on the JVA must equal or exceed the highest of the prevailing wage or the Federal or CNMI minimum wage for the occupation. [48 U.S.C. 1806\(d\)\(2\)\(C\)](#); 20 CFR [655.410\(a\)](#).

OFLC regulations require the employer to pay CW-1 workers at least the highest of the issued prevailing wage, or the Federal minimum wage, or CNMI minimum wage. If the employer intends to offer U.S. workers a higher wage than the wage OFLC regulations requires, such as \$26.00 - \$28.00 per hour the employer must disclose this voluntary offer of a higher wage by including *only* the wage the employer intends to pay U.S. worker applicants.

### **Work Days Per Week**

Enter the days in each week that workers will be required to perform the job. For example, if the job opportunity is Monday through Friday, the employer would enter in this field, "Monday, Tuesday, Wednesday, Thursday, Friday."

### **Work Hours Per Week**

Enter the number of hours per week the workers will be expected to perform the job. For example, if this is a forty (40) hour per week job opportunity, the employer should enter "40" in this field.

### **Estimated Work Hours Per Day**

Enter the number of hours per day a worker will be expected to perform the job. For example, if the job opportunity is an eight hour per day, five days a week job, the employer would enter "8" in this field.

### **Hourly Work Schedule Per Day**

Enter the daily work schedule the workers will be expected to perform work, including the start and end times of work each day. For example, if the job opportunity is a nine AM to five PM job opportunity on weekdays, the employer would enter into this field "Monday – Friday 9:00am – 5:00pm."

### **Are Hours Per Day Flexible?**

Indicate whether the daily work schedule is fixed or if it is variable/flexible. For example, if the workers are expected to perform the job opportunity during the same hours each day, the employer should enter into this field "No, the hourly schedule each day is fixed and not variable."



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If the employer's hourly schedule is flexible or variable, the employer should enter into this field, e.g., "Yes, daily work hours may vary due to [X circumstances]" or "Yes, employer provides workers some flexibility to determine their hourly work schedule."

### Payment Frequency

Specify the frequency of pay, which must be at least as frequently as bi-weekly. 20 CFR [655.441\(b\)\(7\)](#); § [655.423\(h\)](#). For example, if the employer pays workers each Friday, the employer should enter into this field "Weekly." The employer must then identify the day of pay in the "Additional Job Information" field of the JVA. For example, the "Additional Job Information" field of the JVA should state "Weekly pay each Friday." If the employer intends to pay workers bi-weekly, simply enter "bi-weekly" in this field the day of pay is not needed.

**Reminder:** If the employer is offering a frequency of pay as weekly or over a different period (over bi-weekly) the employer must then identify the day of pay in the "Additional Job Information" field of the JVA. For example, the "Additional Job Information" field of the JVA should state "Weekly pay each Friday." The employer should not identify the day of pay when the employer intends to pay workers daily or bi-weekly.

### Estimated Annual Salary

If the employer is offering an annual salary, rather than an hourly wage, the employer should enter the annual salary offer here, such as "\$55,000 per year." **Note:** If the employer is offering an hourly wage or range of hourly wages, rather than an annual salary or annual salary range, the employer should leave this field blank or enter "N/A" and should instead complete the hourly wage field, as described above. Inclusion of both an hourly wage and an annual salary on the JVA may result in OFLC denial of the employer's Application. All wage annual salary information on the JVA must be consistent with the Form ETA- 9142C.

In the event that there are multiple wage offers, if the employer intends to offer an annual salary range, the employer must include the range of salary offers, such as "\$55,000 - \$62,000 per year." In all cases, the salary listed on the JVA must equal or exceed the highest of the prevailing wage or the Federal or CNMI minimum wage for the occupation. [48 U.S.C. 1806\(d\)\(2\)\(C\)](#); 20 CFR [655.410\(a\)](#). If the employer is offering an annual salary range, the low end of the range listed here must equal or exceed the highest of the prevailing wage or the Federal or CNMI minimum wage for the occupation.

OFLC regulations require the employer to pay CW-1 workers at least the highest of the issued prevailing wage, or the Federal minimum wage, or CNMI minimum wage. If the employer intends to offer U.S. workers a higher wage than the wage OFLC regulations require, such as \$63,000 - \$65,000 per year the employer must disclose this voluntary offer of a higher wage by including *only* the wage the employer intends to pay U.S. worker applicants.



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### Opening Date of Announcement

Enter the date the JVA was posted on the CNMI DOL website for the recruitment of U.S. workers. Use a month/day/year (*mm/dd/yyyy*) format.

### Closing Date of Announcement

Enter the first date on which the JVA will no longer be posted on the CNMI DOL website for the recruitment of U.S. workers. Use a month/day/year (*mm/dd/yyyy*) format. The employer's JVA must remain posted for the active recruitment of U.S. workers for a period of 21 consecutive calendar days. 20 CFR [655.442\(a\)](#).

### Number of Job Openings

Enter the total number of job openings the employer seeks to fill. For example, if the employer is seeking certification to fill 12 positions with CW-1 workers, the employer should enter into this field "12" to indicate there are 12 jobs available for qualified and available U.S. worker job applicants. 20 CFR [655.441\(b\)\(2\)](#)

### Anticipated Start Date of Employment

Enter the anticipated date on which the applicant would be expected to begin work at the job opportunity. For example, an employer with a start date of work on March 1, 2025, would enter "03/01/2025" in this field.

### Anticipated Closing Date of Employment

Enter the anticipated date on which the applicant would be expected to perform the final day of employment. For example, an employer with a job opportunity that ends on February 28, 2026, would enter "02/28/2026" in this field.

### Job Location

The employer should provide any information necessary to identify the worksite location(s), including geographic location and worksite name. For example, the employer may enter "Acme International Headquarters, Saipan."

**Reminder:** The employer must identify the actual worksite location(s) and may not enter the employer's headquarters location, unless this location is where the work will be performed.



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For example, if the employer is a job contractor that is jointly employing workers with an employer-client and the workers will be employed at the employer-client worksite, the employer must enter the employer-client worksite(s) where work will be performed, not the employer's headquarters location.

If the employer has multiple worksite locations, the employer must identify each worksite where applicants would be expected to perform the services or labor. For example, if the employer sends supervisors and crews to various customer sites to perform landscaping duties, the employer must identify, with as much geographic specificity as possible, every such worksite where a job applicant might be expected to perform the services or labor. In short, if the employer listed a worksite on the Form ETA-9142C and Form ETA-9142C, Appendix B, the employer must specify the worksite on the JVA so that U.S. worker applicants are apprised of the geographic locations where they might expect to perform services or labor, as well as any travel requirements involved.

### Job Location Address

The employer should enter the worksite address here. For example, the employer may enter "5555 Beach Road, Garapan, Saipan 96950, Northern Mariana Islands, Garapan Village" if that is the worksite address.

**Important reminders:** The worksite address must be a physical location and cannot be a P.O. Box. If there is no street address, provide a geographically specific description of the work location. Since the address conventions in the CNMI do not always follow the entry formats generally for the continental United States, see the Form ETA-9142C General Instructions Address Note for CNMI at the end of the Form ETA-9142C General Instructions.

### FLSA Covered?

Indicate whether the job opportunity is covered by the Fair Labor Standards Act and is not a job opportunity exempt from the FLSA, such as certain agricultural job opportunities. If the employer's job opportunity is covered by the FLSA, the employer should enter "Yes" in this field.

### Overtime Available?

The employer must specify whether overtime will be available and, if so, specify the wage offer(s) for working any overtime hours. 20 CFR [655.441\(b\)\(6\)](#). For example, if the job opportunity pays \$19.00 per hour and the employer will offer overtime at time and a half for work performed after a certain number of hours worked, the employer should select or enter into this field "Yes, overtime rate calculated at 1.5x per hour." This means 'yes' overtime is available and at 35 hours per week the overtime rate is \$28.50 (1.5x the base rate of \$19 per hour).



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This also means if the employer intends to offer an hourly wage range, such as \$19.00 - \$25.00 per hour, and overtime is available the overtime rate is \$28.50 - \$37.50 (1.5x the base rate of \$19 to \$25 per hour).

If the employer offers an annual wage or an annual wage range and is offering overtime, the employer must list the hourly overtime rate or overtime range rate in the “**Additional Job Information**” field of these instructions and JVA.

### Payroll Deductions

The employer must include a statement that it will make all deductions required by law. If the employer will make any deductions from the worker's pay that is not required by law, the employer must specify the amount of the deduction and the nature of the deduction. 20 CFR [655.441\(b\)\(8\)](#). For example, if the employer is offering employees board and lodging, the employer should enter into this field “Employer will make all deductions that are required by law (e.g., FICA, Medicare Tax, State/Federal income tax). The employer will offer board and lodging to workers and, if the worker chooses to accept board and lodging, the employer will deduct [**\$X amount**] from the worker's pay each pay period. The worker is not obligated to use the employer-provided board and lodging.”

**Reminder:** If the employer offers and the worker accepts the employer's offer of housing, the employer may deduct the reasonable cost of board, lodging, or other facilities. § [655.441\(b\)\(8\)](#). The employer must specify all deductions not required by law that the employer will make from the worker's pay. Any such deductions that are not disclosed are prohibited. Any deduction that reduces the worker's actual wage below the offered wage is prohibited. See 84 FR at [12397](#) for further discussion of required, permissible, and prohibited deductions. Additionally, the employer must identify in the in the “**Additional Job Information**” field of these instructions and JVA, any board, lodging, or other facilities the employer will offer to workers or intends to assist workers in securing.

### Job Qualification Requirements

Specify any minimum experience, education, or other job-related requirements applicants must possess to perform the job opportunity. **If the employer requires training obtained prior to hire, licensure, and/or certifications, the employer must clearly specify its training prior to hire and special requirements in this field.**

Training obtained prior to hire: Enter the number of months of training and the field(s) and/or name(s) of the training required by the employer for the job opportunity. You may list more than one field and/or more than one name of training. Do not duplicate time requirements – the training time required should not be counted as (added to) education or experience time required.



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**Example:** "To be considered for employment, the applicant must possess a High School diploma, eight (8) months of experience as a Home Health Aide/Caregiver. The applicant must also possess twelve (12) months of training in Nursing Assistant/Aide/Caregiver/Ward Assistant and a certificate as a Nursing Assistant/Aide/Caregiver/Ward Assistant."

**Reminder:** The employer's job qualifications and requirements must be bona fide and must be consistent with the normal and accepted requirements imposed by non-CW-1 employers in the occupation and Commonwealth. The employer must only list qualifications or requirements that are *necessary* to perform the job opportunity, not qualifications or requirements that the employer prefers but that are not necessary to performance of the job opportunity. Per OFLC regulations, a job qualification is "a characteristic that is necessary to the individual's ability to perform the job in question" (20 CFR [655.423\(e\)](#)) and a requirement is "a term or condition" that "a worker is required to accept in order to obtain the job opportunity." *Id.*; 84 FR 12380, [12398](#) (Apr. 1, 2019).

The employer must identify training obtained prior to hire including the months required and field(s). The employer must also identify special requirements such as any licensure, and/or certification requirements. Training prior to hire is not on-the-job training; on-the-job training is covered in the "**Additional Job Information**" field of these instructions. In addition to ensuring the listed requirements constitute the minimum requirements to perform the job and are consistent with requirements of other employers of workers in the occupation and on CNMI, the employer must ensure that each qualification and requirement can be clearly understood by a U.S. worker applicant and is objectively measurable, such that the employer and CO can determine whether a U.S. worker satisfies the requirement. For example, the employer may not include a requirement that a worker be "reliable" or "have good customer service skills," as these qualifications cannot be objectively measured by the employer and CO in the same way as, for example, a requirement that an applicant possess one month of experience in an occupation. If OFLC determines the employer's qualifications and requirements are not bona fide or were used by the employer as a pretext to discriminate against U.S. workers, OFLC will deny the application, may send future applications filed by the employer into assisted recruitment under 20 CFR 655.471, may debar the employer from the CW-1 and other labor certification programs under 20 CFR 655.473, and may refer the matter to another agency, such as the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section, to investigate potential unlawful rejection and discrimination against U.S. workers.

**Additional Job Information: Benefits, Required Tools, Supplies, Etc.**

The employer should use this field to include any information about the job opportunity for which the JVA does not have a specific field and must include such information in this field if it is required by 20 CFR 655.441.



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For example, the employer should use this field to include:

1. Job contractor (§ [655.421\(e\)\(3\)\(ii\)](#))

If the employer is a **job contractor**, the “Additional Job Information” field must contain the following statement:

**Example:** “Applicants may apply for any or all of the jobs listed. When applying, please identify the job(s) (by company and work location) you are applying to for the entire period of employment specified.”

2. On-the-job training (§ [655.441\(b\)\(14\)](#)).

If the employer will provide on-the-job training to workers who do not possess the experience or skills required, the employer must clearly specify this in this field.

**Example:** If the applicant does not possess eight (8) months of experience as a Home Health Aide/Caregiver, the employer will provide on-the-job training to the worker.

3. Annual wage: If the employer offers an annual wage or an annual wage range and is offering overtime, the employer must list the hourly overtime rate or overtime range rate in the “Additional Job Information” field of these instructions and JVA. The employer should not identify the hourly overtime rate in this section being it is covered under the “Overtime Available” section.

4. Frequency of pay: If the employer is offering a frequency of pay as weekly or over a different period (over bi-weekly) the employer must then identify the day of pay in the “Additional Job Information” field of the JVA. For example, the “Additional Job Information” field of the JVA should state “Weekly pay each Friday.” The employer should not identify the day of pay when the employer intends to pay workers daily or bi-weekly.

5. Temporary position:

A statement that the job opportunity is a **temporary**, full-time position (§ [655.441\(b\)\(2\)](#)).

6. The required three-fourths [guarantee language](#) (§ [655.423\(f\)](#)).

**Example:** “Three-fourths guarantee: Employment will be offered for a total number of work hours equal to at least three fourths of the workdays of the total period of employment.” 84 FR at [12406](#).

7. Inbound and outbound [transportation and subsistence language](#) (§ [655.423\(j\)](#)).

**Example:** “Transportation and Subsistence: Transportation (including meals and, to the extent necessary, lodging) to the place of employment will be provided, or its cost to workers reimbursed, if the worker completes half the employment period. Return transportation will be provided if the worker completes the employment period or is dismissed early by the employer.” 84 FR at [12406](#).



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8. Daily [transportation language](#) (§ [655.441\(b\)\(11\)](#)), if applicable.

**Example:** "Daily Transportation: Daily transportation to and from the place(s) of employment will be provided by the employer."

9. Fringe benefits: Description of any benefits offered to workers, such as health insurance.

**Example:** "Fringe benefits: Workers' compensation and basic health insurance will be provided at no cost."

10. Language explaining the employer will provide all tools, equipment, and supplies required for the job, at no cost to workers (§ [655.423\(k\)](#)).

**Example:** "Tools, equipment, and supplies: Employer will provide workers at no charge all tools, supplies, and equipment required to perform the job." 84 FR at [12406](#).

11. Board, lodging, or other facilities, or assistance language (§ [655.441.\(b\)\(13\)](#)), if applicable.

A statement that the employer will offer to workers any board, lodging, or other facilities or intends to assist workers in securing.

12. Contact information for interested job applicants (§ [655.441\(b\)\(15\)](#)).

A statement directing applicants to apply for the job with the employer using two verifiable methods, one of which must be electronic, as well as the time applicants will be considered for the job opportunity. Electronic methods by which applicants may apply for the job can include a telephone number, electronic mail address, or website where applications or resumes can be submitted for the specific job opportunity. If the employer intends to conduct interviews of workers, the employer should specify this and should explain when and how the interviews will be conducted (dates, times, and locations). The contact information and methods must align with the contact information provided on the Form ETA-9142C.

**Example:** "Applicants may submit their resume via walk-in to employer's headquarters, during the hours of [X hour and Y hour]. The employer's headquarters is located at [X address]. Alternatively, the applicant may send a resume to the employer's point of contact, John M. Doe, via e-mail at johndoe40@gmail.com or via telephone at (670) 555-9999. Employer also will accept applications submitted to the employer's website at [www.acmecorp.com/careers/applynow](http://www.acmecorp.com/careers/applynow). The applicant should be prepared to provide a copy of the applicant's resume. If the employer determines the applicant may be qualified for the job opportunity, the employer will contact the applicant to schedule an interview. Interviews will be held [month date, year through month date, year] (example February 28, 2025, through March 7, 2025)], during the hours of [x hour to y hour] (example 9:00am to 5:00pm)].



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Employer will be flexible and will make reasonable efforts to accommodate the applicant's requests regarding the location and method used to conduct the interview. The employer will hire the applicant if the employer determines the applicant is qualified and available to perform the job opportunity."

**Reminder:** The employer is not required to conduct interviews, but if the employer chooses to conduct interviews, it must conduct interviews of CW-1 workers as well and the interview process must be the same for CW-1 workers and U.S. workers, to ensure the interview process is not used to discriminate against U.S. workers applicants.

Should the OFLC CO suspect that the employer conducted interviews in a discriminatory manner, failed to consider a qualified applicant, or failed to follow-up with an interested applicant, the OFLC CO may exercise his/her authority to contact the applicant directly to inquire about the hiring process and the reasons the employer provided for rejection of the worker. For more information regarding job qualifications and requirements, please see the related section above, or refer to 20 CFR 655.423(e), 655.440(c), and 655.441(b)(15), or the discussion of qualifications and requirements (84 FR 12380, [12398](#) (Apr. 1, 2019)) or interview requirements (84 FR at [12405](#)).

### Job Posting Type

Specify whether the employer filed a CW-1 Application for new employment or filed a CW-1 Application for renewal of previously authorized employment. For example, if the employer specified the CW-1 Application is for renewal of employment, as specified at Section A.1 in the Form ETA-9142C, CW-1 Application, the employer should enter "renewal" into this field on the JVA.

### Job Description

The employer must provide a description of the job opportunity that is sufficient to apprise U.S. workers applicants of the labor or services they will be required to perform, including the specific job duties and any particular skills or requirements the employer requires as a condition of employment. The employer should describe the job duties in detail. The employer should describe the duties that are required specifically for the employer's position and the employer **should not** copy and paste job duties from the O\*Net description for the occupation, as this constitutes a general description of duties within an occupation, not specific duties workers would be required to perform in the employer's specific job opportunity.



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**Example:** “Workers will be responsible for cleaning various areas within the employer’s headquarters, including mopping, vacuuming, and power washing floors; using brushes and cleaning supplies provided by the employer to clean restrooms; dusting fixtures and replacing light bulbs and air filters. Employer will provide all cleaning supplies and equipment required to perform the job, at no cost to the worker.”

**Reminder:** The employer must accept any U.S. worker applicant (including a non-citizen who holds lawful permanent residency) who is available and qualified or can become qualified within a reasonable period of on-the-job training. The employer may not impose qualifications or requirements on U.S. workers it has not imposed on CW-1 workers. All job qualifications and requirements must be bona fide and consistent with the normal and accepted qualifications and requirements imposed by non-CW-1 employers in the same occupation and Commonwealth, to ensure the job opportunity is open to qualified U.S. workers and that job requirements and qualifications are not used to discriminate against or unlawfully reject U.S. worker applicants for the job opportunity.