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Public comment phase opens for buildup projects



Hundreds of H-2 workers to leave this week

John O'Connor | Post News Staff 4 hrs ago



TEMPORARY WORKERS: Ho S. Eun, founder and president of Core Tech International Corp., speaks to a group of H-2B workers who are expected to leave Guam by the middle of this week, during a briefing at the dining hall of a housing complex in Okkodo on Sep. 1. John O'Connor/Post

Over 380 H-2B workers under Core Tech International Corp. are expected to leave Guam by the middle of this week. The departure marks one of the largest from a single employer since complications with H-2B visa extensions and applications began earlier this year. The amount is also more than a quarter of the remaining 1,263 workers on the ground counted as of July. Greg

Massey, administrator of the Guam Department of Labor's Alien Labor Processing and Certification Division, has stated that by year's end, the number of H-2 workers may dwindle below 100 individuals as visas naturally expire.

On the night of Sept. 1, Core Tech gathered its H-2 workers at the dining hall of a housing complex located in Okkodo. Ho Eun, the president of the company, and other officers spoke briefly to the workers about the circumstances of their departure before the room erupted into a mass of noise as hundreds of bodies attempted to complete various forms and speak to management about the possibility of returning.

Almost no visa petitions approved

Since December 2015, there have been virtually zero H-2B visa petition approvals from the U.S. Citizenship and Immigration Service - an anomaly for Guam, which is both exempt from the annual national cap for H-2 workers and has had approval rates nearing 100 percent in the past. The local Labor Department, along with Guam Delegate Madeleine Bordallo and the Office of the Governor, have reached out to various federal entities for an explanation and solution to the current situation.

Gov. Eddie Calvo even submitted a letter to President Barack Obama in June warning of the potential impact visa denials will have on both military and local infrastructure projects.

USCIS has been consistent in its statement that there has been no change in the way its adjudicators process petitions and applications. Likewise, there has been little difference in petitions and submitted evidence of temporary need by Guam employers, according to the federal office.

Massey, on the other hand, has said that the threshold for demonstrating temporary need seems to have been set unusually high recently.

To gain successful approval, an employer must prove that there is temporary need for a worker. USCIS guidelines show that temporary need can be established in four bases: a one-time occurrence, a seasonal need, a peak-load need and intermittent need. Except in cases of one-time occurrence, where temporary employment can last for three years, the maximum period of need should be one year or less.

"If employers have been relying on the H-2B program for long-term, year round workers, it may raise concerns that their petitions do not fit within the regulatory definition of 'temporary need,'" a USCIS representative told the Post.

"Some Guam employers have claimed two main factors driving the unpredictable, temporary nature of employment: the U.S. military build-up and international tourism. However, in some cases, such requests have claimed temporary need beyond a three-year period - and sometimes as much as 10 years."

The ongoing military buildup has become a driving force for increasing temporary labor on Guam. Quarterly temporary labor certification statistics from 2012 to 2015 show consistent need for carpenters, electricians and other construction professions year over year within the same companies. Within that three-year period, the average yearly number of H-2 workers on Guam rose from 1,033 in 2012 to 1,486 in 2015, although numbers have fluctuated in the past.

As stated in the governor's letter to the president, temporary workers also fuel local capital-improvement projects required for agencies, such as the Guam Waterworks Authority, to meet federal mandates.

Vice speaker: More local hires

But also in the catalog of desired workers are anything from bakers to massage therapists. Vice Speaker Benjamin Cruz, in the past, called attention to jobs being offered to temporary workers - jobs that could seemingly be filled by local hires. A series of laws regulating the temporary worker program were enacted in 2011 under his watch and in 2012, Cruz penned a letter to Calvo about the lack of work being offered by the Navy to the Guam Shipyard.

"I do not buy the notion that there are no skilled laborers on Guam or in the United States to accommodate the needs of the Guam Shipyard. Perhaps if the Guam Shipyard would simply offer better wages it wouldn't have such a difficult time recruiting skilled workers. The same should apply to any other business contemplating hiring foreign H-2B labor," the vice speaker stated.

The actual job requirements of temporary cooks, bakers and even hostesses require some manner of specialty, according to GDOL, no matter how easy it may seem to fill the position.

"The cooks being brought in are not just short order cooks flipping burgers. These are Specialty Cooks in specific cuisines like Filipino, Thai or Japanese styles," a spokesman from the department stated. "Additionally, many of the jobs for which H-2B workers are being imported are jobs which US workers typically do not want to do or for which there is a definite lack of skilled workers. In 100 percent of the cases, the job opportunity is open and available for U.S. applicants who qualify for the job."

The Labor Department also maintains, just as the governor did in his letter to the president, that Guam's isolated location and wage discrepancies makes it difficult to attract U.S. workers from overseas to fill the gap in the local skilled workforce.

Effect on smaller companies

The current situation is becoming problematic for smaller to mid-size construction companies, which may have relied on H-2B hires to compete with larger companies like Core Tech. Officials in the construction industry have suggested an impending shift in the labor market, where companies increasingly compete for local talent to work on non-military projects.

Meanwhile, a provision in the House version fiscal year 2017 National Defense Authorization Act makes its way to the reconciliation process with the Senate. If enacted, the provision could provide relief next year to contractors working on military projects.

During the briefing last week, temporary workers for Core Tech seemed unfazed by the news that they would be leaving, having already seen similar circumstances for workers in other companies. Nearly all 80 temporary workers for Watts Constructors LLC staying in the same housing compound have already departed.

Marlon Valencia, an H-2B worker for Core Tech, said he would try to find work in the Philippines but he is fortunate to have already saved a good sum of money and to have had all three of his children finish school. He said he would return if there was an opening next year.

'We're going to return'

In the frenzy Thursday night, Ramon Collera, the safety manager overseeing Core Tech workers, stood on top of a chair and called for attention.

"What's happening is temporary," Collera said in Tagalog. "We're going to return ... The projects that we're leaving behind, you'll be the ones to finish them. "

 Gallery: Core Tech International H-2 Worker Address

Gallery: [Core Tech International H-2 Worker Address](#)

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