

**CLAIM OF EXEMPTION  
JOB PREFERENCE REQUIREMENTS**

1. This Claim of Exemption is for the Employment Contract to be entered into by and between these parties:

EMPLOYER NAME: \_\_\_\_\_ EMPLOYER No. \_\_\_\_\_

E-MAIL \_\_\_\_\_ OFFICE/CELL PHONE \_\_\_\_\_

OFFICE ADDRESS \_\_\_\_\_

EMPLOYEE NAME: \_\_\_\_\_

LIIDS NUMBER: \_\_\_\_\_

E-MAIL \_\_\_\_\_ CELL PHONE \_\_\_\_\_

CNMI ADDRESS \_\_\_\_\_

The employer named above hereby claims an exemption from the preference requirements under PL 15-108 (primary job preference for citizens and permanent residents, job vacancy announcements, and workforce participation by citizens and permanent residents) with respect to the approval of an employment contract for a foreign national worker named in the employment contract submitted with this claim of exemption. In support of the claim of exemption, an officer of an employer that is a corporation or the individual who is a sole proprietor or non-business employer, and who has signed this form in the space provided below, states the following:

2. The job for which the employer named above hires the employee named above and the employee named above agrees to perform is:

O-NET CLASSIFICATION \_\_\_\_\_ JOB TITLE \_\_\_\_\_

JOB DUTIES \_\_\_\_\_  
(Short summary)

WAGE RATE \_\_\_\_\_ per \_\_\_\_\_ and 1.5 times that rate for overtime unless exempt.

**3. CLAIM OF EXEMPTION**

For a non-business employer: This employee will fill a position not subject to the preference requirements because the employer is an individual and the position is a domestic helper, farmer, or maintenance or yard worker.

For a new small business: This employee will fill a position not subject to the preference requirements because the employer has fewer than five employees. .

In support of this claim of exemption, I certify that:

- a) This employer has not had two or more judgments entered in Department of Labor proceedings within any two year period during the operation of this employer since inception.
- b) This employer has been in operation in the Commonwealth for less than three years as of the date of this claim of exemption.
- c) This employer is not a retail establishment that handles food stamps.

For a particular construction project: This employee will fill a position not subject to the preference requirements because the employee is being hired for a particular construction project.

In support of this claim of exemption, I certify that:

- a) The construction project on which this employee will work is limited to one building or one infrastructure improvement to be completed within two years or less from the date on which the project was started.
- b) The name of the project is: \_\_\_\_\_
- c) The purpose and nature of the project are: \_\_\_\_\_  
\_\_\_\_\_
- d) The total cost of the project is: \_\_\_\_\_
- e) The total number of foreign workers to be employed on the project is \_\_\_\_\_
- f) Each foreign worker will receive upon arrival in the Commonwealth a notice containing a clear explanation of the limitations on the worker's eligibility to remain in the Commonwealth.

g) Coverage has been purchased from the government bonding pool to ensure that the worker will be repatriated within seven (7) days of the completion of the project.

For an incentive exemption: The workforce of this employer exceeds 35% of the total jobs (full time and part time) in each of the specified job categories:

	Total jobs	Citizen/PermRes employees
Accounting	—	—
Bookkeeping	—	—
Brick mason, block mason, stone mason	—	—
Bus driver	—	—
Cement mason, concrete finisher	—	—
Custodian	—	—
Electrician	—	—
Heating and airconditioning	—	—
Hotel front desk clerk	—	—
Human resource manager	—	—
Janitor	—	—
Messenger	—	—
Operating engineer, construction equipment operator	—	—
Paving, surfacing, and tamping equipment operator	—	—
Receptionist	—	—
Refrigeration mechanic, installer	—	—
Retail trade cashier	—	—
Secretary, administrative assistant	—	—
Security guard	—	—
Service station attendant	—	—
Ship captain, boat captain	—	—
Stock clerk, stockroom, warehouse, storage yard worker	—	—
Truck driver	—	—
TOTAL	—	—
Percentage		—

Note – use same list as in SOP

For the continuation of a prior waiver for light manufacturing: This employee will fill a position to which a waiver applied prior to January 1, 2007.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employer signature

\_\_\_\_\_  
Print full name

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Labor