

employment of aliens in such occupations will not adversely affect the wages and working conditions of United States workers similarly employed.

Schedule B means the list of occupations set forth in §656.11, with respect to which the Director has determined that there are generally sufficient United States workers who are able, willing, qualified and available, and that the employment of aliens in such occupations will generally adversely affect the wages and working conditions of the United States workers similarly employed.

Secretary means the Secretary of Labor, the chief official of the U.S. Department of Labor, or the Secretary's designee.

Secretary of State means the chief official of the U.S. Department of State or the Secretary of State's designee.

United States, when used in a geographic sense, means the fifty States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam.

United States Employment Service (USES) means the agency of the U.S. Department of Labor, established under the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*), which is charged with administering the national system of public employment offices (the Employment Service (ES) System) and with carrying out the functions of the Secretary under section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)).

United States worker means any worker who is a U.S. citizen; is a U.S. national; is lawfully admitted for permanent residence; is granted the status of an alien lawfully admitted for permanent residence under 8 U.S.C. 1160(a), 1161(a), or 1255a(a)(1); is admitted as a refugee under 8 U.S.C. 1157; or is granted asylum under 8 U.S.C. 1158.

[45 FR 83933, Dec. 19, 1980, as amended at 52 FR 11219, Apr. 8, 1987; 52 FR 20596, June 2, 1987; 56 FR 54930, Oct. 23, 1991. Redesignated and amended at 56 FR 54930, Oct. 23, 1991; 63 FR 13767, Mar. 20, 1998; 65 FR 80238, Dec. 20, 2000]

Subpart B—Occupational Labor Certification Determinations

§ 656.10 Schedule A.

The Director, United States Employment Service (Director), has determined that there are not sufficient United States workers who are able, willing, qualified, and available for the occupations listed below on *Schedule A* and that the wages and working conditions of United States workers similarly employed will not be adversely affected by the employment of aliens in *Schedule A* occupations. An alien seeking a labor certification for an occupation listed on *Schedule A* may apply for that labor certification pursuant to §656.22.

SCHEDULE A

(a) Group I:

(1) Persons who will be employed as physical therapists, and who possess all the qualifications necessary to take the physical therapist licensing examination in the State in which they propose to practice physical therapy.

(2) Aliens who will be employed as professional nurses; and (i) who have passed the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination; or (ii) who hold a full and unrestricted license to practice professional nursing in the State of intended employment.

(3) Definitions of Group I occupations:

(i) "Physical therapist" means a person who applies the art and science of physical therapy to the treatment of patients with disabilities, disorders and injuries to relieve pain, develop or restore function, and maintain performance, using physical means, such as exercise, massage, heat, water, light, and electricity, as prescribed by a physician (or surgeon).

(ii) "Professional nurse" is defined in §656.50.

(b) Group II:

Aliens (except for aliens in the performing arts) of exceptional ability in the sciences or arts including college and university teachers of exceptional ability who have been practicing their science or art during the year prior to application and who intend to practice the same science or art in the United States. For purposes of this group, the term "science or art" means any field of knowledge and/or skill with respect to which colleges and universities commonly offer specialized courses leading to a degree in the knowledge and/or skill. An alien, however,

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need not have studied at a college or university in order to qualify for the Group II occupation.

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§ 656.11 Schedule B.

(a) The Director has determined that there generally are sufficient United States workers who are able, willing, qualified and available for the occupations listed below on Schedule B and that the wages and working conditions of United States workers similarly employed will generally be adversely affected by the employment in the United States of aliens in Schedule B occupations. An employer seeking a labor certification for an occupation listed on Schedule B may petition for a waiver pursuant to §656.23.

Schedule B

- (1) Assemblers
- (2) Attendants, Parking Lot
- (3) Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants)
- (4) Automobile Service Station Attendants
- (5) Bartenders
- (6) Bookkeepers II
- (7) Caretakers
- (8) Cashiers
- (9) Charworkers and Cleaners
- (10) Chauffeurs and Taxicab Drivers
- (11) Cleaners, Hotel and Motel
- (12) Clerks, General
- (13) Clerks, Hotel
- (14) Clerks and Checkers, Grocery Stores
- (15) Clerk Typists
- (16) Cooks, Short Order
- (17) Counter and Fountain Workers
- (18) Dining Room Attendants
- (19) Electric Truck Operators
- (20) Elevator Operators
- (21) Floorworkers
- (22) Groundskeepers
- (23) Guards
- (24) Helpers, any industry
- (25) Hotel Cleaners
- (26) Household Domestic Service Workers
- (27) Housekeepers
- (28) Janitors
- (29) Key Punch Operators

- (30) Kitchen Workers
- (31) Laborers, Common
- (32) Laborers, Farm
- (33) Laborers, Mine
- (34) Loopers and Toppers
- (35) Material Handlers
- (36) Nurses' Aides and Orderlies
- (37) Packers, Markers, Bottlers and Related
- (38) Porters
- (39) Receptionists
- (40) Sailors and Deck Hands
- (41) Sales Clerks, General
- (42) Sewing Machine Operators and Handstitchers
- (43) Stock Room and Warehouse Workers
- (44) Streetcar and Bus Conductors
- (45) Telephone Operators
- (46) Truck Drivers and Tractor Drivers
- (47) Typists, Lesser Skilled
- (48) Ushers, Recreation and Amusement
- (49) Yard Workers

(b) Descriptions of Schedule B occupations—(1) Assemblers perform one or more repetitive tasks to assemble components and subassemblies using hand or power tools to mass produce a variety of components, products or equipment. They perform such activities as riveting, drilling, filing, bolting, soldering, spot welding, cementing, gluing, cutting and fitting. They may use clamps or other work aids to hold parts during assembly, inspect or test components, or tend previously set-up or automatic machines.

(2) Attendants, Parking Lot park automobiles for customers in parking lots or garages and may collect fees based on time span of parking.

(3) Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants) perform a variety of routine tasks attending to the personal needs of customers at such places as amusement parks, bath houses, clothing check-rooms, and dressing rooms, including such tasks as taking and issuing tickets, checking and issuing clothing and supplies, cleaning premises and equipment, answering inquiries, checking lists, and maintaining simple records.

(4) Automobile Service Station Attendants service automotive vehicles with