eat in a common facility, a room or building separate from the sleeping facilities shall be provided for cooking and eating. Such room or building shall be provided with:

(1) Stoves or hot plates, with a minimum equivalent of two burners, in a ratio of 1 stove or hot plate to 10 persons, or 1 stove or hot plate to 2 families; and (2) adequate food storage shelves and a counter for food preparation; and (3) mechanical refrigeration for food at a temperature of not more than 45 °F.; and (4) tables and chairs or equivalent seating adequate for the intended use of the facility; and (5) adequate sinks with hot and cold water under pressure; and (6) adequate lighting and ventilation; and (7) floors shall be of nonabsorbent, easily cleaned materials.

(c) When central mess facilities are provided, the kitchen and mess hall shall be in proper proportion to the capacity of the housing and shall be separate from the sleeping quarters. The physical facilities, equipment and operation shall be in accordance with provisions of applicable State codes.

(d) Wall surface adjacent to all food preparation and cooking areas shall be of nonabsorbent, easily cleaned material. In addition, the wall surface adjacent to cooking areas shall be of fire-resistant material.

§ 654.414 Garbage and other refuse.

(a) Durable, fly-tight, clean containers in good condition of a minimum capacity of 20 gallons, shall be provided adjacent to each housing unit for the storage of garbage and other refuse. Such containers shall be provided in a minimum ratio of 1 per 15 persons.

(b) Provisions shall be made for collection of refuse at least twice a week, or more often if necessary. The disposal of refuse, which includes garbage, shall be in accordance with State and local law.

§ 654.415 Insect and rodent control.

Housing and facilities shall be free of insects, rodents, and other vermin.

§ 654.416 Sleeping facilities.

(a) Sleeping facilities shall be provided for each person. Such facilities shall consist of comfortable beds, cots, or bunks, provided with clean mattresses.

(b) Any bedding provided by the housing operator shall be clean and sanitary.

(c) Triple deck bunks shall not be provided.

(d) The clear space above the top of the lower mattress of a double deck bunk and the bottom of the upper bunk shall be a minimum of 27 inches. The distance from the top of the upper mattress to the ceiling shall be a minimum of 36 inches.

(e) Beds used for double occupancy may be provided only in family accommodations.

§ 654.417 Fire, safety, and first aid.

(a) All buildings in which people sleep or eat shall be constructed and maintained in accordance with applicable State or local fire and safety laws.

(b) In family housing and housing units for less than 10 persons, of one story construction, two means of escape shall be provided. One of the two required means of escape may be a readily accessible window with an openable space of not less than 24 x 24 inches.

(c) All sleeping quarters intended for use by 10 or more persons, central dining facilities, and common assembly rooms shall have at least two doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.

(d) Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or a second stairway.

(e) Sleeping and common assembly rooms located above the second story shall comply with the State and local fire and building codes relative to multiple story dwellings.

(f) Fire extinguishing equipment shall be provided in a readily accessible place located not more than 100 feet from each housing unit. Such equipment shall provide protection equal to a 2½ gallon stored pressure or 5-gallon pump-type water extinguisher.

(g) First aid facilities shall be provided and readily accessible for use at
all time. Such facilities shall be equivalent to the 16 unit first aid kit recommended by the American Red Cross, and provided in a ratio of 1 per 50 persons.

(h) No flammable or volatile liquids or materials shall be stored in or adjacent to rooms used for living purposes, except for those needed for current household use.

(i) Agricultural pesticides and toxic chemicals shall not be stored in the housing area.

PART 655—TEMPORARY EMPLOYMENT OF FOREIGN WORKERS IN THE UNITED STATES

Sec.

655.0 Purpose and scope of part.

655.00 Authority of the Office of Foreign Labor Certification (OFLC) Administrator under subparts A, B, and C.

Subpart A—Labor Certification Process and Enforcement of Attestations for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H–2B Workers)

655.1 Purpose and scope of subpart A.

655.2 Territory of Guam.

655.3 Special procedures.

655.4 Definitions of terms used in this subpart.

655.5 Purpose and scope of subpart A.

655.6 Temporary need.

655.7–655.9 Table of contents.

655.10 Determination of prevailing wage for temporary labor certification purposes.

655.11 Certifying officer review of prevailing wage determinations.

655.12–655.14 Table of contents.

655.15 Required pre-filing recruitment.

655.16 Advertising requirements.

655.17–655.19 Table of contents.

655.20 Applications for temporary employment certification.

655.21 Supporting evidence for temporary need.

655.22 Obligations of H–2B employers.

655.23 Receipt and processing of applications.

655.24 Audits.

655.25–655.29 Table of contents.

655.30 Supervised recruitment.

655.31 Debarment.

655.32 Labor certification determinations.

655.33 Administrative review.

655.34 Validity of temporary labor certifications.

655.35 Required departure.

655.50 Enforcement process.

20 CFR Ch. V (4–1–10 Edition)

655.50 Violations.

655.65 Remedies for violations.

655.70 WHD Administrator’s determination.

655.71 Request for hearing.

655.72 Hearing rules of practice.

655.73 Service of pleadings.

655.74 Conduct of proceedings.

655.75 Decision and order of administrative law judge.

655.76 Appeal of administrative law judge decision.

655.80 Notice to OFLC and DHS.

655.81 Application filing transition.

Subpart B—Labor Certification Process for Temporary Agricultural Employment in the United States (H–2A Workers)

655.100 Scope and purpose of subpart B.

655.101 Authority of the Office of Foreign Labor Certification (OFLC) Administrator.

655.102 Special procedures.

655.103 Overview of this subpart and definition of terms.

PREFILING PROCEDURES

655.120 Offered wage rate.

655.121 Job orders.

655.122 Contents of job offers.

APPLICATION FOR TEMPORARY EMPLOYMENT CERTIFICATION FILING PROCEDURES

655.130 Application filing requirements.

655.131 Association filing requirements.

655.132 H–2A labor contractor (H–2ALC) filing requirements.

655.133 Requirements for agents.

655.134 Emergency situations.

655.135 Assurances and obligations of H–2A employers.

PROCESSING OF APPLICATION FOR TEMPORARY EMPLOYMENT CERTIFICATION

655.140 Review of applications.

655.141 Notice of deficiency.

655.142 Submission of modified applications.

655.143 Notice of acceptance.

655.144 Electronic job registry.

655.145 Amendments to applications for temporary employment certification.

POST-ACCEPTANCE REQUIREMENTS

655.150 Interstate clearance of job order.

655.151 Newspaper advertisements.

655.152 Advertising requirements.

655.153 Contact with former U.S. employees.

655.154 Additional positive recruitment.

655.155 Referrals of U.S. workers.

655.156 Recruitment report.

655.157 Withholding of U.S. workers prohibited.

655.158 Duration of positive recruitment.

LABOR CERTIFICATION DETERMINATIONS

655.160 Determinations.