**H-2A GUEST WORKER VISA PROGRAM**

Allows agricultural employers to request foreign guest workers to enter the United States with H-2A visas in order to temporarily work and live on farms. To encourage the employment of domestic workers, the USDOL requires H-2A employers to prove that they cannot find local, domestic workers who are willing and qualified to do the farm work described in the H-2A work contract.

**ETA 790 & AL 516S**

The ETA 790 is the work contract that describes all of the terms and conditions of the job, including the period of employment, job description, number of workers requested, housing and work location(s), rate of pay and other H-2A related details. The AL516S is NYS DOL’s Spanish translation of only the essential terms of the contract to be provided to Spanish-speaking job seekers.

Find it! [https://labor.ny.gov/careerservices/h2a_orders.shtm](https://labor.ny.gov/careerservices/h2a_orders.shtm)

**50% RULE/CONTRACT EXPIRATION**

Customers can be matched and referred to a job up until the 50% date (box 8 of ETA 790; “last open date” in OSOS). After the 50% date, customers should no longer be referred to the job. If a customer is still interested in applying, you may provide them with the job information and make a note in the OSOS comments.

**JOB ORDER TRACKER**

The Job Order Tracker is an Excel spreadsheet that is regularly updated to reflect all H-2A and non-H-2A agricultural job orders that are open in OSOS. Each entry listed includes the employment period (seasonal or year-round work), the county where the job is located, the crops produced on the farm, any experience requirements and the number of positions available, as well as other helpful information for each job.

Find it! [https://labor.ny.gov/immigrants/agriculture-labor-program/aglp-resources-for-workforce-professionals/jo-tracker-online.xlsx](https://labor.ny.gov/immigrants/agriculture-labor-program/aglp-resources-for-workforce-professionals/jo-tracker-online.xlsx)

**NEW YORK FARM JOBS BULLETIN**

The Bulletin includes non H-2A jobs that are advertised in both English and Spanish in locations where farm works congregate. They are sometimes posted online, for statewide advertising, or only within a certain geographic region for local recruitment. The farms that use the Bulletin permit job seekers to contact the employer directly, without being referred by DOL staff.

Find it! [https://labor.ny.gov/immigrants/agriculture-labor-program/services-for-agriculture-workers/new-york-farm-jobs-bulletin.pdf](https://labor.ny.gov/immigrants/agriculture-labor-program/services-for-agriculture-workers/new-york-farm-jobs-bulletin.pdf)

**FARM LABOR CONTRACTORS (FLCS)**

Any individual who charges a fee to recruit, transport, supply, hire, or supervise farm or food processing workers on behalf of a third party is an FLC and must register in New York State. Refer any potential Farm Labor Contractors to Caylin Gwise at 585-258-8855 /Caylin.Gwise@labor.ny.gov