U.S. Department Labor
Employment and Training Administration

OMB Control No. 1205-0134
Expiration Date: November 30, 2012

Agricultural and Food Processing Clearance Order ETA Form 790
Pedido de Empleados para Agricultura y Procesamiento de Alimentos

1. Employer's Name and Address (Number, Street, City, State, and Zip Code)/ Nombre y Dirección del Empleador (Numero, Calle, Ciudad, Estado y Código Postal)

David R Shearer
dba Pine Hill Orchards
248 Greenfield Rd.
Colrain, MA 01340

Telephone number/Teléfono: 413-624-3325 Fax: 413-624-3413

2. Location and Direction to Work Site/ Ubicación y Dirección al Lugar de Trabajo

248 Greenfield Rd, Colrain, MA 01340

Work site is 2 miles South of Colrain center on Greenfield Rd.

(If additional space is needed, use separate sheet of paper/ Si necesitas más espacio, utilices otra hoja de papel)

3. Location and Description of Housing / Dirección y Descripción de la Vivienda

Housing is located at 244 Greenfield Rd, Colrain, MA. 01340, which is approx 2 miles south of Colrain center on Greenfield Rd.

Housing consists of a house trailer plus addition, with a capacity of 9 men.

Employer furnishes and equips housing for 9 men. Heat is a hot air furnace. Stove for cooking is electric. Furniture, TV, tables, chairs, cooking and eating utensils are supplied. Beds, bedding, lockers are also supplied in the sleeping areas.

The housing is Barracks , single rooms x ,
number of rooms 6 , capacity 9 ,
wood frame x , block or concrete ,
floors are concrete , wood x .

(If additional space is needed, use separate sheet of paper / Si necesitas más espacio, utilices otra hoja de papel)

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4. Industry Code/Código Industrial: 45-2091

5. Job Order No. /Num. de Orden de Empleo: 1425474

6. Occupational Title and Code /Titulo Ocupacional y Código: Farm Worker & Laborers, Crop

7. Clearance Order Issue Date / Fecha de Tramite: 7/10/12

8. Job Order Expiration Date / Fecha de Expiración: 9/29/12

9. Anticipated Period of Employment / Periodo Anticipado de Empleo

From/ Desde: 8/15/2012 To/Hasta: 11/15/2012

10. No. of Workers Requested / Num. de Trabajadores Solicitados

8

11. Anticipated Hours of Work per Week/Horas Anticipadas de Trabajo por Semana. Total: 44

Sunday / Domingo 0 Monday / Lunes 8
Tuesday / Martes 8 Wednesday / Miércoles 8
Thursday / Jueves 8 Friday / Viernes 8
Saturday / Sábado 4

12. Collect Calls Accepted from/ Aceptan Llamadas por Cobrar de:

Employer / Empleador Yes/Si ☐ No ☑
Local Office / Oficina Local Yes/Si ☐ No ☑

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13. Board Arrangements / Arreglo de Alojamiento

Housing will be clean and meet the applicable Federal and State Housing Standards. Workers will be responsible for maintaining housing in a neat, clean manner. Reasonable repair cost of damage, other than that caused by normal wear and tear, may be billed to workers found to have been responsible for damage to housing or furnishing. Housing and utilities are provided at no cost to workers who are unable to return to their place of residence the same day.

No tenancy in employer-provided housing is created by this arrangement. The employer retains possession and control of the housing premises at all times. Workers provided housing under the terms of this Clearance Order shall vacate the housing promptly upon termination of employment with the employer.

Employer will not provide 3 meal per day ☑ . Employer will provide 3 meals per day ☐ and charge a day. If meals are not provided then the employer will furnish free cooking facilities so workers may prepare their own meals. Free transportation will be provided once a week to grocery store so workers can purchase their groceries.

14. Referral Instructions / Instrucciones sobre cómo Referir Candidatos

The applicant holding office to refer all able, willing and qualified applicants through the order holding office or the applicants can contact the farm directly at the phone number listed in item 1 on this page, during normal business hours to request an interview.

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15. Job Specifications / Especificaciones del Trabajo

Plant, cultivate, and harvest various crops, such as, but not limited to, vegetables, fruits, horticultural specialities, and field crops, Use hand tools, such as, but not limited to, shovels, hoes, pruning, shears, saws, knives, and ladders. Duties may include but are not limited to, tilling soil, applying fertilizer, thinning, pruning, applying pesticides, picking, cutting, cleaning, sorting, processing, packing, and handling harvested products. May operate machinery and do repair work. Work is usually performed outdoors, sometimes under ~~extreme~~ hot and cold conditions. ~~Work is physically demanding~~, requiring workers to bend, lift and carry up to 50 lbs regularly. Duties may require off the ground heights up to 20 ft. using ladders. One months experience required.

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(If more space is needed, summary of Material Job Specifications in ENGLISH can be included in separate document, and may also be included in SPANISH)

16. Wage Rates, Special Pay Information and Deductions / Tarifa de Pago, Información Sobre Pagos Especiales y Deducciones (Rebajas)

Crop Activities / Cultivos	Hourly Wage / Salario por Hora	Piece Rate / Unit(s) / Pago por Pieza / Unidad(es	Special Pay (bonus, etc.) / Pagos Especiales (Bono, etc.)	Deductions / Deducciones	Yes/Si	No	Pay Period / Periodo de Pago
apples	$ 10.56	$		Social Security / Seguro Social	✓		Weekly / Semanal
peaches	$ 10.56	$		Federal Tax Impuestos Federales	✓		✓
pumpkins	$ 10.56	$		State Tax Impuestos Estatales	✓		Bi-weekly / Quincenal
blueberries	$ 10.56	$		Meals / Comidas		✓	
	$	$		Other (specify)/ Otro (especifica)		✓	Other / Otro

More Details About the Pay / Mas Detalles Sobre el Pago

Workers will be paid for all hours worked at the Wage Rate in effect at the time the work is performed, required at 20 CRF 655.122 (l) and 655.120 (a). The required wage may be different than it is at the time of filing this job offer.

(If additional space is needed, use separate sheet of paper. / Si necesitas más espacio, utilice otra hoja de papel) attachment 1 item 1, a, b,c,d,e

17. Transportation Arrangements / Arreglos de Transportación

After the worker has completed 15 days or 50% of the work contract period, whichever comes first, the employer shall reimburse the worker for cost of transportation and subsistence from the place from which the worker has come to work for the employer. Upon completion of the work contract employer will pay reasonable costs of return transportation and subsistence to the place from which the worker departed to work for the employer, as required at 20 CFR 655.122(h), except when the worker will not be returning to the place of recruitment, due to subsequent employment with another employer who agrees to pay such cost, in which case this employer only pays for the transportation to the next job. The amount of the transportation payment will be equal to the most economical and reasonable similar common carrier transportation charges for the distance involved, "except that any worker protected pursuant to the Fair Labor Standards Act will be paid in compliance with the FLSA beginning in the first workweek." See attachment page 4.

(If additional space is needed, use separate sheet of paper. / Si necesitas más espacio, utilices otra hoja de papel)

18. Is it the prevailing practice to use Farm Labor Contractors (FLC) to recruit, supervise, transport, house, and/or pay workers for this (these) crop activity (ies)? ¿ Es la práctica habitual de usar Contratistas de Trabajo Agrícola para reclutar, supervisar, transportar, dar vivienda, y/o pagarle a los trabajadores para este(os) tipo(s) de cosecha(s)? Yes / Si ☐ No ☑

If you have checked yes, what is the FLC wage for each activity? / Si contesto "Si," cual es el salario que le pagas al Contratista de Trabajo Agricola por cada actividad?

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19. Unemployment Insurance provided? Seguro de Desempleo? Yes/Si ☑ No ☐

20. Workers' compensation insurance provided? Se le provee seguro de compensación/indemnización al trabajador: Yes/Si ☑ No ☐

21. Are tools provided at no charge to the workers? / Se les proveen herramientas sin costo alguno a los trabajadores? Yes/Si ☑ No ☐

22. List any arrangements which have been made with establishment owners or agents for the payment of a commission or other benefits for sales made to workers. (If there are no such arrangements, enter "None") / Enumere todos los acuerdos o convenios hechos con los propietarios del establecimiento o sus agentes para el pago de una comisión u otros beneficios por ventas hechas a los trabajadores. (Si no hay ningún acuerdo o convenio, indique "Ninguno")

none

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23. List any strike, work stoppage, slowdown, or interruption of operation by the employees at the place where the workers will be employed.
(If there are no such incidents, enter "None") / Enumere toda huelga, paro o interrupción de operaciones de trabajo por parte de los empleados en el lugar de empleo. (Si no hay incidents de este tipo, indique "Ninguno")

none

24. Address of Order Holding Office (include Telephone number)/Dirección de la Oficina donde se radico la oferta (incluya el número de teléfono)	25. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya el número de teléfono de su línea directa)
DIVISION OF CAREER SERVICES CHARLES F. HURLEY BUILDING 19 STANIFORD ST, BOSTON MA 02114	DOLLY RAJA 617-626-5078

26. Employer's Certification: This job order describes the actual terms and conditions of the employment being offered by me and contains all the material terms and conditions of the job.
Certificación del Empleador: Esta orden de trabajo describe los términos y condiciones del empleo que se le ofrece, y contiene todos los términos y condiciones materiales ofrecidos.

David R Sheem

Employer's Signature & Title/ Firma y Titulo del Empleador Date: 6/14/12

READ CAREFULLY, In view of the statutorily established basic function of the Employment Service as a no-fee labor exchange, that is, as a forum for bringing together employers and job seekers, neither the ETA nor the State agencies are guarantors of the accuracy or truthfulness of information contained on job orders submitted by employers. Nor does any job order accepted or recruited upon by the One-Stop Career Center constitute a contractual job offer to which the One-Stop Career Center, ETA or a State agency is in any way a party.
LEA CON CUIDADO, En vista de la función básica del Servicio de Empleo establecida por ley, como una entidad de intercambio laboral sin comisiones, es decir, como un foro para reunir a los empleadores y los solicitantes de empleo, ni ETA ni las agencias del estado pueden garantizar la exactitud o veracidad de la información contenida en las órdenes de trabajo sometidas por los empleadores. Ni ninguna orden de trabajo aceptado o contratado en el Centro de Carreras (One-Stop Career Center) constituyen una oferta de trabajo contractuales a las que el One-Stop Career Center, ETA o un organismo estatal es de ninguna manera una de las partes.

Public Burden Statement
The public reporting burden for responding to ETA Form 790, which is required to obtain or retain benefits (44 USC 3501), is estimated to be approximately 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and reviewing the collection. The public need not respond to this collection of information unless it displays a currently valid OMB Control Number. This is public information and there is no expectation of confidentiality. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to the U.S. Department of Labor, Migrant and Seasonal Farmworker Program, Room S4209, 200 Constitution Avenue, NW, Washington, DC 20210.

ETA Form 790 (Revised Oct. 2010)
Previous version not usable

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FORM ETA 790 AND ETA 9142 ATTACHMENTS
JOB ORDER TO BE PLACED IN CONNECTION WITH A FUTURE APPLICATION FOR TEMPORARY CERTIFICATION FOR H-2A WORKERS.

The employer assures it will comply with all applicable employment laws, whether federal, state, or local.

A. CLARIFICATIONS OF ITEMS ON FORM ETA 790 AND 9142

Employer requests that its order be granted conditional entry into the Interstate and Intrastate Clearance System. Employer assures that the worker housing will meet the applicable federal standards not later than 30 days in advance, and requests an inspection, of its date of need reflected in the attached ETA 9142 and ETA 790.

Item 16 - Wage Rates, Special Pay Information and Deductions:

a) The rate is based on: $10.56 AEWR _____ Prevailing Wage _____ Federal or State minimum, _____ collective bargaining wage.

If these rates change during the term of employment, employer will pay the highest rate effective at the date that the work is performed, even if such highest rate is less than stated here.

b) If piece rate earnings for total hours of work at a piece rate during a pay period do not result in average hourly earnings equal to the guaranteed minimum hourly rate, the worker will receive make up compensation so that the average hourly rate is equal to the guaranteed minimum rate.

c) If so requested by the worker in writing, the employer will transfer certain amounts of worker's earnings in a manner consistent with the worker's instructions.

d) The employer guarantees to offer employment for a minimum of 3/4 of the workdays of the total specified period during which the work contract and all extensions thereof are in effect, beginning with the first workday after worker's arrival at the place of employment and ending on the expiration date specified in the work contract of extensions thereof. In Act of God terminations, the 3/4 guarantee period ends on the date of termination. Worker is not required to work more than 8 hours per day except when otherwise stated in the job order or on the worker's Sabbath or Federal holidays to meet the guarantee period. This offer will be automatically withdrawn if the worker abandons his or her employment or his or her employment is terminated for cause.

e) The employer will provide workers referred through the interstate clearance system 44 hours of work for the week beginning with the anticipated date of need, unless employer has amended the date of need by notifying the local office no later than 10 days before the date of need. If employer fails to notify the order holding office, then employer shall pay an eligible worker referred through the clearance system $ 464.64 for the first week starting with the anticipated date of need. If the worker referred fails to notify the order holding office of

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