

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

U.S. Department of Labor
Employment and Training Administration
O.M.B. Approval No. 1205-0134, Expires 08/31/2009



Form with multiple sections: 1. Employer Name and Address (ORCHARD MADE PRODUCTS DBA MANN ORCHARDS), 2. Location and Direction to Work Site, 3. Location and Direction of Housing, 4. Board Arrangements, 5. Referral Instructions, 10. Job Specifications (English), 10 a. Descripción del Trabajo (Spanish).

RECEIVED APPROVED BY
NATIONAL PROCESSING CENTER
ON 3/24/2010

NATIONAL PROCESSING CENTER
ON 3/24/10

11. Wage Rates, Special Pay Information and Deductions / Tarifa de Pago, Información Sobre Pagos Especiales y Deducciones (Reducciones)							
Crop Activities / Cultivos	Hourly Wage	Piece Rate / Unit(s)	Special Pay (bonus, etc.)	Deductions /	YES	NO	Pay Period
	Salario por Hora	Pago por Pieza / Unidad(es)	Pago Especial (Bono, etc.)	Deducciones			Periodo de Pago
apples	\$ 9.47	9.41 JV 3/19/10		FICA	X		Weekly / Semi-annual
peaches	\$	\$		Federal Tax	X		Bi-weekly cada 2 sem.
FLOWERS	\$	\$		State Tax	X		
squash	\$	\$		Meals (comidas)		X	
TOMATOES	\$	\$		Other (specify)		X	

More Details About the Pay / Mas Detalles Sobre el Pago
 Workers will be paid on an hourly basis for all hours worked at the Wage Rate in affect at the time of certification, required at 20 CRF 655.108(a).
 (see attachment / para mas detalles ver)

12. Transportation Arrangements / Arreglos de Transportation (Please explain)
 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 place of recruitment to place of work. Upon completion of the work contract employer will pay reasonable costs of return transportation and subsistence to the place of recruitment, as required at 20 CFR 655.104(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 the 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.)
 (see attachment / para mas detalles ver)

13. Is it the prevailing practice to use Farm Labor Contractors (FLC) to recruit, supervise, transport, house, or pay workers for this (these) crop activity(ies)? Es la costumbre en el area de usar Contratistas Agricolas para reclutar, supervisar, transportar, dar vivienda, o pagar a los trabajadores en este/estos tipo(s) de cosecha(s)/semebrado(s)? Yes No If you have checked yes, what is the FLC wage for each activity? / Si contesto "Si," cual es el salario que le paga el Contratista Agrícola para cada actividad?

14. Unemployment Insurance provided / Seguro por Desempleo: Yes No
 15. Workers' compensation insurance provided / Indemnización por accidente de trabajo: Yes No
 16. Are loans provided at no charge to the workers? / Se le proveen los préstamos de trabajo a los trabajadores sin cargo alguno? Yes No

17. Are 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") / Indique todo acuerdo o convenio con los propietarios del establecimiento o sus representantes con respecto al pago de una comisión u otros beneficios por ventas hechas a los trabajadores. (Si no hay ningún acuerdo o convenio, indique "Ninguno")
 NONE

18. 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 todo huelga, paro o interrupción de las operaciones por parte de los empleados en el lugar de empleo. (Si no hay, indique "Ninguno")
 NONE

19. Address of Order Holding Office (include Telephone number) Dirección de la Oficina donde se Redice la Oferta (incluya número de Teléfono) DIVISION OF CAREER SERVICES ALC UNIT, H-2A PROGRAM 19 STANIFORD ST, 1ST FLOOR BOSTON, MA 02114 617-626-5053 617-727-8671 FAX	20. Name of local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina local (incluya número de teléfono) DONNA GAMBON 617-626-5053
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21. 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: Este orden de trabajo describe los términos y condiciones de trabajo y contiene todos los materiales, términos, y condiciones ofrecidas.
 Employer's Signature & Title / Firma y Título del Empleador

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.
 LEASE CUIDADOSAMENTE: En vista de su función básica establecida estatutariamente el Servicio de Empleo es un intercambio gratis de trabajo para juntar a los empleadores y trabajadores que buscan empleo, ni ETA ni las agencias del estado pueden garantizar la verdad y certeza de la información contenida en la Orden de Trabajo sometida por el Empleador. Tampoco, ninguna orden de trabajo aceptada o reclutada por el Servicio de Empleo constituye una oferta contractual de la cual ETA ni la agencia del Estado son parte.

Public reporting burden for the ETA Form 790 is estimated to be approximately 60 minutes per response. Comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing the burden can be sent to the U.S. Department of Labor, Office of workforce Investment, Room S-4321, Washington, D.C. 20210 (Paperwork Reduction Act of 1995, OMB Control No. 1205-0134).

FORM ETA 790 AND 9142 ATTACHMENTS

Attachment 1.

The employer assures that the working conditions comply with applicable Federal and State minimum wage, child labor, farm labor, contractor registration and other employment related laws.

A. CLARIFICATIONS OF ITEMS ON FORM ETA 790

Item 9 - Wage Rates, Special Pay Information and Deductions:

a) Workers will be paid on an hourly basis for all hours worked at the Wage Rate in effect at the time of certification required at 20 CRF 655.107(a). The rate is based on: AEW \$9.47 Prevailing Wage To 9.61 5/31/10 Employer's offer _____

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 pay to the guaranteed minimum rate.

c) Employer will make the following deductions, if required by law: FICA , FEDERAL WITHHOLDING TAX , MEALS _____, Other (specify) _____ State tax if required by law.

To the extent permitted under Federal and State net wage requirements, if so requested by the worker, the employer will transfer certain amounts of worker's earnings in a manner consistent with the worker's instructions.

d) The employer may may not _____ pay the worker a bonus based on Quality Picking , End of Season Other , Anticipated date by which payments will be made: 12/20/10 5/31/10

e) 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.

f) Payroll periods will be: Weekly , Twice Monthly _____

g) The employer will provide workers referred through the interstate clearance system 40 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 the appropriate wage rate.

Item 10 - Anticipated Hours of Work:

7 hours per day is normal. The worker may be requested but not required to work 12 hours per day and/or the Sabbath depending upon the conditions at the worksite, weather, and maturity of the crop.

DIRECTION APPROVED BY NATIONAL PROCESSING CENTER ON 3/24/10 DATE

FORM ETA 790 AND ETA 9142 ATTACHMENTS

Attachment 2

Item 14 - Housing:

a) Housing will be clean and meet the applicable Federal 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 charged 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.

b) No tenancy in employer-provided housing is created by this attangement. 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.

c) I request that my order be granted conditional entry into the Interstate and Intrastate Clearance System. I assure that the worker housing will meet the applicable Federal Standards not later than 04/01/2010 Which is at least 30 days in advance of my date of need reflected in the attached ETA 9142 and ETA 790.

Item 17 - Transportation

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 port of entry or embassy to place of work. Upon completion of the work contract employer will pay reasonable costs of return transportation and subsistence to the port of entry or embassy, as required at 20 CFR 655.104(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.

B. OTHER CLARIFICATIONS AND ASSURANCES

1. Other: The employer agrees to abide by the regulations at 20 CFR 655.103, Assurances and 20 CFR 653.501 and 654.403, 655.105 (e) (2).

2. Employer Obligation if Employment Extended: No extention of employment beyond the period of employment specified in the job order shall relieve the employer from paying the wages already earned, or, if specified in the job order as a term of employment, providing return transportation or paying return transportation expenses to the worker.

3. Employer Notification of Changes In Employment Terms and Conditions: The employer will expeditiousl notify the order holding local office or State agency by telephone immediately upon learning that a crop is maturing earlier or later, or that weather conditions, over recruitment, or other factors have changed the terms and conditions of employment.

4. Outreach Workers: Outreach workers shall have reasonable access to the worker in the conduct of outreach activities pursuant to 20 CFR 653.107 and 20 CFR 653.501.

5. Workers Compensation: The employer assures that Policy # _____ issued by SEE APPENDIX A.2 ITEM 9 (iv) provides the required insurance for injuries arising out of and in the course of employment.

6. Wage Statement: The employer will furnish each worker on or before each pay day written statements which provides the following information:

- a) The worker's total earnings for the pay period.
- b) The worker's hourly rate and/or piece rate of pay.
- c) The hours of employment which have been offered to the worker.
- d) The hours actually worked by the worker.
- e) An itemization of all deductions made from the worker's wages.
- f) If piece rates are used, the units produced daily.

FORM ETA 790 AND ETA 9142 ATTACHMENTS

Attachment 3

7. Training: The employer will provide 2 days of training and/or allow 3 days of work for worker to reach production standards if applicable.

8. Production Standards: After completion of training or break-in period, employer will expect worker to:

- * For apple harvesting, 8 bushel and hour with nomore than 5% bruising
- * For work which does not have an established minimum productivity amount, and which is measurable, the level of production shall benot less than 75 percent of the average output of the employers experienced workers.

9. Termination: Employer may terminate the worker with notification to the Employment Service local office if the worker: (a) refuses without justified cause to perform work for which the worker was recruited and hired; (b) commits serious acts of misconduct; or (c) fails, after completing any training or break-in period, to reach production standards when applicable.

In the event of termination for medical reasons occurring after arrival on the job, or occurring as a result of employment, or in the event of termination resulting from an act of god, the employer will provide or pay reasonable costs of return transportation and subsistence to the place of recruitment and reimburse worker for reasonable costs of transportation and subsistence incurred by the worker to get to the place of employment.

10. Worker Agreement: A copy of the contract or this Job Clearance Order will be provided to the worker by the employer no later than the day the work commences.

11. Farm Labor Contractor: The employer assures that if acting as a farm labor contractor (FLC) or farm labor contractor employee (FLCE) on the order, he has a valid FLC certificate or FLCE identification card.

12. Proof of Citizenship: All workers hired under this order will be required to provide documentation attesting to U.S. citizenship or legal status to work in the U.S.

13. Tools and Equipment: The employer will furnish without cost, all tools, supplies or equipment required in the performance of work.

14. Transportation to Work: For workers who are provided housing, transportation at no cost to the worker will be provided between the housing and the worksite. The transportation provided will be in accordance with applicable laws and regulations.

15. Referrals to this order under the 50% rule may be referred or transfered to any New England Apple Council member who is not ineligible pursuant to 655.110.

