

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

1. Employer's Name and Address (Number, Street, City, State, Zip Code, and telephone number) Nombre y Dirección del Empleador (Número, calle, ciudad, código postal y teléfono) Sheldon Farms, 4383 Rt. 22, Salem, NY 12865 518 854 9252		Industry Code / Código de Industria 11121	Job Order # / No. Orden de Empleo NY 0929951				
2. Location and Direction to Work Site / Dirección del lugar de trabajo 1 mile South of Salem on Rt. 22 - one mile north of the jct of Rt 29 + State Route 22, on west side of road. Barn visible from Rd. (see attachment / para más detalles vea)		Occupational Title and Code / Título Ocupacional y Código 45 2092. Farmworkers and Laborers, Crop	Clearance Order Issue Date / Fecha de Tramite: JAN 27 2010				
3. Location and Description of Housing / Dirección, Descripción de la Vivienda Two - Story Wood frame home, 1 mile so of Salem - directions as in # 2 above. 4383 Rt. 22, Salem 4 bedrooms, 2 full baths, fully furnished kitchen, TV room. All beds, mattresses, bedding & towels provided. (see attachment / para más detalles vea)		6. Anticipated Period of Employment / Periodo Anticipado de Empleo From/ Desde: 2/21/10 or Hasta 12/20/10					
4. Board Arrangements / Arreglo de Alojamiento Buy and prepare own own food or any NY.SOL office.		7. No. of Worker's Requested / No. de Trabajadores Pedidos 3					
5. Referral Instructions / Instrucciones para el Referimiento de Candidatos Contact employer, Albert Sheldon 518 854 9252 (see attachment / para más detalles vea 436)		8. Anticipated Hours of Work per Week / Horas Anticipadas de Trabajo por Semena Total: 40 Sunday / Domingo _____ Wednesday / Miércoles 8 Monday / Lunes 8 Thursday / Jueves 8 Tuesday / Martes 8 Friday / Viernes 8 Saturday / Sábado _____					
10. Job Specifications / Descripción del Trabajo [Summary of Material Job Specifications in ENGLISH must be included inside this box] Manually plant, cultivate, and harvest vegetables, fruits, horticultural specialties, and field crops. Use hand tools, such as shovels, trowels, hoes, tampers, shears, and knives. Duties may include tilling soil, transplanting, weeding, thinning, or pruning crops; applying pesticides; cleaning, grading, sorting, packing and loading harvested products. May construct trellises, repair fences and farm buildings, or participate in irrigation activities. Drives and operates farm machines. Worker referred must have a minimum of 1 months experience in performing tasks described in this Order. (see attachment / para más detalles vea)		9. Collect Calls Accepted/Se Aceptan Llamadas a Cobrar: Employer / El Empleador Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Local Office/Oficina Local Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
10 a. Descripción del Trabajo / Job Specifications [Summary of Material Job Specifications in SPANISH must be included inside this box] Cultivar, plantar y cosechar a mano verduras, frutas, nueces, especialidades hortícolas y cosechas de campo. Deberá usar herramienta de mano tales como palas, cucharas de jardín, azadas o azadones, apisonadores o compactadores, herramienta para podar, tijeras y cuchillos. Las tareas incluyen cultivar la tierra aplicar fertilizantes, trasplantar, desherbar, hacer raleos o ripsaqueos, podar cosechas, aplicar pesticidas, limpieza, escoger, clasificar, empacar y cargar los productos cosechados. Pueda que tenga que construir enrejadas, reparar cercas y edificios de la finca así como también participara en actividades de riego. Manejar y operar maquinaria. Los trabajadores referidos como resultado de esta orden deberán tener al menos 1 meses de experiencia comprobada en la realización de las tareas descritas en esta orden. (see attachment / para más detalles vea)							
11. 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, ect.)	Deductions / Deducciones	YES / SI	NO	Pay Period / Periodo de Pago
Vegetable, Farmwork	\$ 9.31	\$		Social	X		Weekly / Semanal
	\$	\$		Federal Tax / Impuestos Federales	X		X
	\$	\$		State Tax / Impuestos Eslatales	X		Bi-weekly / cada 2 sem.
	\$	\$		Meals (comidas)		X	
	\$	\$		Other (specify) / Otro		X	Other / Otro
More Details About the Pay/Más Detalles Sobre el Pago (see attachment / para más detalles vea)							
12. Transportation Arrangements / Arreglos de Transportación (Please explain) Employer agrees to reimburse inbound transportation and subsistence expenses to each worker, or any person, government agency or private organization which, on behalf of the worker has paid or advanced such transportation and subsistence expenses, from the residence, place of last employment or place of recruitment to the job site after the worker has completed ... (see attachment / para más detalles vea # 5, item 17)							
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 pagarle a los trabajadores en este/estos tipo(s) de cosecha(s)/sembrado(s)? Yes/Si <input type="checkbox"/> No X If you have checked yes, what is the FLC wage for each activity?/Si contesto "Si," cual es el salario que le paga al Contratista Agrícola para cada actividad?							
14. Unemployment Insurance provided / Seguro por Desempleo: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>							
15. Workers' compensation insurance provided / Indemnización por accidente de trabajo: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>							
16. Are tools provided at no charge to the workers? / Se le proveen las herramientas de trabajo a los trabajadores sin cargo alguno? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>							
17. 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")/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 Radicó la Oferta (incluya número de teléfono)		20. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya número de teléfono)					

C-10007-21949

NYD 21. Emj Certific Employ	New York State Department of Labor One Stop Office nearest to you	ons of the empl ones de trabaj	New York State Department of Labor One Stop Office nearest to you	ions of the job.
<p> READ CAREFULLY: In view of the fact that 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 guaranters 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. FAI 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 Empleos constituye una oferta contractual de la cual ETA ni la agencia del Estado son parte </p>				
<p> Public reporting burden for the ETA Form 790 is estimated to be approximately 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and reviewing the collection. Respondents obligation to reply to these requirements are mandatory by 29 CFR 853.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. 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 Project 1205-0134). </p>				

**STATE OF NEW YORK
DEPARTMENT OF LABOR
SHELDON FARMS SALEM NY**

**ATTACHMENT NO. 1
ORDER NO. _____**

Item # 2 (con't)

Work site is at 4363 State Rte 22 in Salem, NY, one mile north of the jct of Rte 29, on the west side of the road.

Items # 3 (con't)

Housing is on the farm at 4363 State Rte 22 in Salem, directions as in Item #2, above. It is a two story white woodframe house with four bedrooms with beds, mattresses, bedding and bureaus, two full baths with towels provided, fully applianced and furnished eat-in kitchen, living room and den.

Item #11, (con't)

PESTICIDE TRAINING: The employer is certified in the use and application of pesticides per Federal Environmental Protection Agency and State Department of Environmental Conservation requirements. The employer assures that workers hired under this order who will be handling pesticides will be provided appropriate training. (If not applicable, insert N/A)

Dates of Activity for crop activities: (for 2 or more crops)

Crop/Activity\	Dates of Activity	Tasks
Potatoes, pumpkins, squash, corn, tomatoes, other vegetables		
	Feb- mid May	Green house, plant, cultivate
Field Preparation	Apr-June	Till soil, clear fields, pick stones
	"	
Planting	"	Planting roots, bulbs, seeds, transplanting
Harvest	June - July	Pick vegetables, flowers
Cultivating	"	Hoe, weed, stake, thin plants
	"	
Cultivating	July - August	pruning, hoe, weed
Harvest	"	Hand pick vegetables, flowers
Harvest	Sept - Nov	Hand pick veg, harvest potatoes
field work	Oct - Dec	Hoing, field clean up, bagging potatoes

Employers will furnish to worker, without cost, all tools and equipment required in the performance of the duties assigned.

Western is 5%* and 10%**
Eastern is 4%* and N/A**
FFII

STATE OF NEW YORK
DEPARTMENT OF LABOR
Sheldon Farms of Salem LLC

ATTACHMENT NO. 2
ORDER NO. _____

Assurances & Requirements

GENERAL: (a) The terms and conditions of this order shall be no less favorable than those contained in any existing labor contract or agreement by me or my agent for the same type of work. A copy of the Work Agreement and/or Job Order shall be posted in the labor camp and be made available. A copy of the Job Order will be provided to the worker no later than the day on which the worker begins employment. The employer assures that the working conditions of this order comply with the applicable Federal and State employment related laws and agrees to abide by the regulations at 20 CFR 655.103, Assurances, and 20 CFR 653.501.

(b) Duly authorized State and Federal representatives (including outreach workers) will be allowed reasonable access to the workers during normal working hours.

(c) Workers hired under this order will be required to show evidence of right to work in the United States.

(d) Workers must be able to demonstrate that they are physically able to perform the work specified in this Job Order.

Item #5 - (a) Starting Date: The employer may amend the starting date of need by informing the order holding office no later than 2/5/2010. If the employer fails to amend the date of need, the employer shall pay eligible workers referred through the interstate clearance system a minimum rate of the current Adverse Effect Wage Rate (AEWR) for each eight (8) hour work day in the first week on which those workers were present and available for work and no work specified in the Job Order (Item #11) is offered.

(b) Failure of workers referred against this order to notify the local office of their continued interest and/or verify the date of need no sooner than 2/6/2010 nor later than 2/13/2010 will disqualify the worker from the above assurance.

(c) Ending date: An extension of employment beyond the period of employment in the Job Order shall not relieve the employer from paying wages already earned, transportation/subsistence expenses and bonuses if applicable.

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DEPARTMENT OF LABOR
SHELDON FARMS SALEM NY

ATTACHMENT NO. 3
ORDER NO. _____

Item #7 -

(b) Employer will negotiate any and all crew leader fees directly with the crew leader.

(c) Crew Leaders anticipating employment in New York State will be required to register with the New York State Department of Labor and pay the required \$100 crew leader registration fee in addition to any other fees that may be applicable.

Item #8 - Total number of migrant and seasonal farmworkers needed 3 .

Item #9 - (a) An hourly rate of not less than the Federal or State minimum wage, The Adverse Effect Wage Rate (AEWR), the prevailing hourly rate or the employers hourly rate, whichever is highest, is guaranteed to the worker for the period of employment. (Item # 5). In the event DOL promulgates a new AEWR during the recruitment or work contract period which is lower than the current AEWR at the time of application, this lower AEWR will become the guaranteed minimum (unless there is a prevailing hourly rate which is higher than the AEWR).

(b) If a piece rate is offered on the Job Order, the work at the piece rate will be guaranteed to the workers for the stated period of employment unless crop activity is such that the piece rate will not realize the workers an hourly equivalent of at least the current AEWR, in which case the worker will be paid the equivalent of an hourly rate of not less than the AEWR, the Federal or State minimum rate, the prevailing hourly rate or the employer's hourly rate, whichever is highest.

(c) The employer will make the following deductions: (1) FICA (as required) (2) Federal/State tax withholdings (as required) (3) other (specify)

(4) cash advances (as required) (5) commissary meals, if provided and to the extent permissible under Federal and State wage requirements and

(6) voluntary deductions evidenced by written authorization signed by the worker.

(d) Employer will maintain adequate payroll records. Workers will be paid weekly on Friday for work through Friday . A written statement showing (1) employer's full name and address, (2) worker's social security number, (3) total hours offered and total hours actually worked or total number of units, if piece rate, (4) total earnings for the pay period, and (5) deductions will be furnished the worker each pay day. (See attachment No. 6 Item #4 for payday/workweek applicable to this order).

**STATE OF NEW YORK
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SHELDON FARMS SALEM NY**

**ATTACHMENT NO. 4
ORDER NO. _____**

(e) The employer guarantees to offer employment for a minimum of three-fourths of the workdays of the total specified period during which the job order, and all extensions thereof, are in effect. This guarantee begins with the first workday after the worker's arrival at the place of employment and ends on the date specified on the job order or extensions thereof. Workers will not be required to work more than eight hours per day, on their Sabbath or Federal holidays, to meet this guarantee. The worker's average hourly earnings will be used under this guarantee where wages are paid on a piece rate basis.

(f) Workers with school age children who have migrated with such children and who depart in time to return home for the beginning of the school year shall be paid, in addition to the basic wages, any bonus or other incentive payments or other expenses to which they would be entitled had they stayed the entire job order period.

(g) The employer may terminate worker's employment hereunder at any time with notification to the local New York State Department of Labor office for any of the following reasons:

- (1) Refusing, without just cause, to perform the duties for which the worker was recruited and hired.
- (2) Committing a serious act of misconduct or breach of discipline.
- (3) Failure to reach productivity standards, if applicable. (See Attachment 1 Item 11)
- (4) Job Abandonment- being absent for more than one (1) work day, as shown in Item 10, without prior notification to the employer.

When worker is terminated under any of these provisions, or if the worker voluntarily terminates his employment, the employer shall not be liable for the three-fourths guarantee.

Item #10 - Workers are expected to work at least the number of days and hours specified on the Job Order. However, depending on weather, crop or other conditions, workers may be requested, but not required, to work up to six days per week and/or on their Sabbath and up to 10 hours per day.

Item #13 - (a) Employer (will not) provide three meals per day and will deduct \$ na per day. (Deductions will not depress the minimum wage).

(b) Employer (will) furnish free dishes, cooking utensils and convenient kitchen and cooking facilities.

(c) Employer (will) provide transportation to assure workers access to stores where they can purchase groceries and/or other incidentals.

Item #14 - Housing, full kitchen facilities, bathrooms, furniture, beds, bedding and mattresses will be furnished at no cost to the workers. Employer assures that housing will be clean and in compliance with all applicable standards during the occupancy. Workers will be responsible for maintaining housing and surrounding area in a neat and clean manner.

**STATE OF NEW YORK
DEPARTMENT OF LABOR
SHELDON FARMS SALEM NY**

**ATTACHMENT NO. 5
ORDER NO. _____**

Item #15 - In order to assure the most effective referral and placement of workers, all referrals should be made during normal business hours.

In addition, if the person designated as the contact person on the Summary of Employment Conditions sheet attached to this order is not available for an extended period of time, there will be someone available at the farm to process referrals.

Item #16 - Collect calls will be accepted only from officials of New York State Department of Labor offices.

Item #17 - (a) Employer agrees to reimburse inbound transportation and subsistence expenses to each worker, or any person, government agency or private organization which, on behalf of the worker has paid or advanced such transportation and subsistence expenses, from the residence, place of last employment or place of recruitment to the job site after the worker has completed 50% of the stipulated period of employment from initial date of need or from the day after actual arrival of worker if later than the stated date to report.

(b) The employer assures that the employer will bear and pay transportation related expenses either directly to the provider of travel or indirectly to reimburse the worker so that the workers weekly pay is not diminished below the applicable Federal minimum wage required by Section 6 of the Fair Labor Standards Act, 29 USC 201.

(c) Employer will provide or pay the cost of return transportation and subsistence to each worker who completes the employment period, or who is terminated for medical reasons, or as the result of an Act of God, en route from place of employment to place of recruitment, except when the worker is not returning to his place of recruitment and had subsequent employment with an employer, who will bear transportation expenses. The employer is required to reimburse workers who are unable to provide receipts for their transportation expenses a minimum of \$10.45/day.

(d) Employer will not be responsible for providing return cost of transportation and subsistence enroute from place of employment to place of recruitment if the worker voluntarily abandons the job or is terminated for cause.

(e) The amount of transportation payment will be equal to the most economical and reasonable similar common carrier charges for the distance involved. All transportation provided by the employer will be by common carrier or other transportation facilities which conform to the applicable regulations of the Interstate Commerce Commission or the United States Department of Labor. If requested by the worker, the employer will assist in making transportation arrangements.

(f) Employer will provide transportation, at no cost to the worker, from the employer-provided housing to the actual work site, and return at the end of the day.

STATE OF NEW YORK
 DEPARTMENT OF LABOR
 SHELDON FARMS SALEM NY

ATTACHMENT NO. 6
 ORDER NO. _____

SUMMARY OF EMPLOYMENT CONDITIONS

1. Employer: Sheldon Farms
2. Referral instructions: call during normal business hours
3. Contact person: Albert C Sheldon 518 854 9252

4. Crop/Activity/Wage Information:

Crop/Activity	Piece Rate	Production Unit (1)	Hourly Wage (2)
Tomatoes, corn, pumpkins squash, potatoes, vegetables, flowers, etc.			\$ 9.31
Plant, cultivate, weed, harvest, pack			\$ 9.31

(1) Minimum Productivity Standards

(2) Employer agrees to pay all workers employed in the 2010 season at the 2010 AEW or prevailing wage when it is established.

4. Workers will be paid weekly on Friday for work through Friday

5. Workers required to be covered by Workers Compensation.
 Compensation Carrier: NY State Insurance Fund Policy #: 552976-3
 Policy holder/address: Sheldon Farms 4363 Rt. 22, Salem, NY 12865

Person to be notified of injury w/phone number Albert Sheldon 518 854 9252
 Deadline for notification: **Immediately, but no later than 30 days from date of injury.**

6. Workers (will not) be covered by disability benefits.
7. Work performed under this order (will not be covered by Unemployment Insurance:
8. The employer (will not) pay overtime.
9. (a) Employer (will not) provide three meals per day and will deduct \$n/a per day. (Deductions will not depress the Federal minimum wage).
 (b) Employer (will) furnish free dishes, cooking utensils and convenient kitchen and cooking facilities.
 (c) Employer (will) provide transportation to assure workers access to stores where they can purchase groceries and/or other incidentals and/or medical necessities.

**STATE OF NEW YORK
DEPARTMENT OF LABOR
SHELDON FARMS SALEM NY**

**ATTACHMENT NO. 6 (cont.)
ORDER NO. _____**

SUMMARY OF EMPLOYMENT CONDITIONS

10. DEDUCTIONS FROM WAGES:

<u>Type:</u>	<u>Amount:</u>
Social Security	<u>\$ As Required</u>
Federal/State Withholding Tax	<u>\$ As Required</u>
Meals	<u>\$ NA _____</u>
Other	<u>\$ _____</u>

11. NOTES TO WORKER (See Item #19 of ETA 790)

A copy of the full job order is available for inspection at the order holding office. The employer has guaranteed your first week wages unless he/she notifies this Department of Labor Office of a later starting date by 2/5/2010.

In order for you to be eligible for this guarantee, you must contact the Department of Labor Office during the period of 2/6/010 and 2/13/2010, at:

**NYS Department of Labor - DoES
State Office Campus
Bld'g 12 Room 266
Albany, NY 12240**

Any Department of Labor Job Service Office will assist you in doing this.

12. Alternate work tasks to be performed, and pay during first week in case of crop delay: N/A

STATE OF NEW YORK
DEPARTMENT OF LABOR
SHELDON FARMS SALEM NY

ATTACHMENT NO. 7
ORDER NO. _____

REQUEST FOR CONDITIONAL ACCESS INTO CLEARANCE SYSTEM

NAME OF EMPLOYER Sheldon Farms Salem NY

LOCATION AND DESCRIPTION OF HOUSING

Wood frame home on the farm at 4363 State Rt 22, Salem, Washington County NY 12865.

Location: One mile North of the jct of Rte 29 and State Rte 22. (On west side of Rte 22.)

Description: Two story wooden frame house painted white, 4 bedrooms, 2 full baths, fully applianced eat-in kitchen, LR, den, porch.

I hereby request conditional access into the intrastate/interstate clearance system so that my clearance order can be transmitted to labor supply states in a timely manner for the recruitment of agricultural workers.

As a condition of placing my order into clearance, I assure that such housing will be in full compliance with the requirements of the U.S. Department of Labor and Part 15 of the New York State Sanitary Code for Migrant Labor Camps by Jan 21 which is 30 days prior to date of need.

Representatives from the New York State Department of Labor, New York State Health Department and/or U.S. Department of Labor are invited to inspect such housing at any reasonable time to verify its condition.



EMPLOYER'S SIGNATURE

01-02-2010
DATE

