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)

North Country Landscape
10680 Rt 9W
Coxsackie, NY 12051
518-731-7610

Industry Code / Código de Industria: 561730

Job Order # / No. Orden de Empleo: NY0930944

Occupational Title and Code /Titulo Ocupacional y Código
Farmworker & Laborers Crops 45-2092

Clearance Order Issue Date / Fecha de Tramite: JAN 29 2010

2. Location and Direction to Work Site / Dirección del lugar de trabajo
On Rt 9W in Coxsackie, NY

(see attachment / para más detalles vea ____)

Job Order Expiration Date / Fecha de expiración: 4/20/10

6. Anticipated Period of Employment / Periodo Anticipado de Empleo
From/ Desde 3/20/2010 TO 12/1/2010

7. No. of Worker's Requested / No. de Trabajadores Pedidos 4

3. Location and Description of Housing / Dirección y Descripción de la Vivienda
Apt at home farm on Rt 9W in Coxsackie, NY

(see attachment / para más detalles vea ____)

8. Anticipated Hours of Work per Week / Horas Anticipadas de Trabajo por Semena

Sunday / Domingo		Total:	42
Monday / Lunes	7	Wednesday / Miercoles	7
Tuesday / Martes	7	Thursday / Jueves	7
		Friday / Viernes	7
		Saturday / Sabado	7

9. Collect Calls Accepted/Se Aceptan Llamadas a Cobrar:
Employer / El Empleador: Yes ☒ No ☐
Local Office/Oficina Local: Yes ☐ No ☒

4. Board Arrangements / Arreglo de Alojamiento
Buy and prepare own food. ER will take workers shopping once a week at no cost to workers

(see attachment / para más detalles vea ____)

5. Referral Instructions / Instruciones para el Referimiento de Candidatos
Contact the employer at 518-731-7610 or go to the nearest One Stp Ctr.

(see attachment / para más detalles vea ____)

10. Job Specifications / Descripción del Trabajo [Summary of Material Job Specifications in ENGLISH must be included inside this box]

13. Manually plant, cultivate, and harvest flowers, trees, shrubs and field crops. Use hand tools, such as shovels, trowels, hoes, tampers, pruning hooks, shears, and knives. Duties may include tilling soil and applying fertilizers; transplanting, weeding, thinning, or pruning crops; applying pesticides; cleaning, packing, and loading harvested products. May construct trellises, repair fences and farm buildings, or participate in irrigation activities. Set up and operate irrigation equipment. Operate tractors, tractor-drawn machinery, and self-propelled machinery to plow, harrow and fertilize soil, or to plant, cultivate, spray and harvest crops. Repair and maintain farm vehicles, implements, and mechanical equipment. Apply pesticides, herbicides or fertilizers to crops. Inform farmers or farm managers of crop progress. Identify plants, pests, and weeds to determine the selection and application of pesticides and fertilizers. Clear and maintain irrigation ditches. Record information about crops, such as pesticide use, yields, or costs. Must have one month experience in above.

(see attachment / para más detalles vea ____)

10 a. Descripción del Trabajo / Job Specifications [Summary of Material Job Specifications in SPANISH must be included inside this box]

Manualmente la planta, cultiva, y los vehículos de la cosecha, y los cultivos en campo. Utilice las herramientas de la mano, tales como palas, paletas, azadas, pisones, ganchos de poda, esquileos, y cuchillos. Los deberes pueden incluir el suelo de labranza y los fertilizantes de la aplicación; trasplantando, escardando, enrareciendo, o cosecha de la poda; aplicación de los pesticidas; la limpieza, el embalaje, y el cargamento cosecharon productos. Los enrejados de la construcción de mayo, las cercas de la reparación y los edificios agrícolas, o participan en actividades de la irrigación. Fije y funcione el equipo de la irrigación. Funcione los tractores, la maquinaria arrastrada por tractor, y la maquinaria automotora para arar, para harrow y para fertilizar el suelo, o para plantarlo, cultive, rocíe y coseche las cosechas. Repare y mantenga los vehículos de la granja, los instrumentos, y el equipo mecánico. Coseche las frutas y verdura a mano. Aplique los pesticidas, los herbicidas o los fertilizantes a las cosechas. Informe a los granjeros o a los encargados de la granja progreso de la cosecha. Identifique las plantas, los parásitos, y las malas hierbas para determinar la selección y el uso de pesticidas y de fertilizantes. Claro y mantenga las zanjas de irrigación. Información de registro sobre cosechas, tales como uso del pesticida, producciones, o costes Debe tener una experiencia en el mes anterior.

(see attachment / para más detalles vea ____)

11. Wage Rates, Special Pay Information and Deductions / Tarifa de Pago, Información Sobre Pagos Especiales y Deducciónes (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 / Deducciónes	YES SI	NO	Pay Period Periodo de Pago
Gen Farmwork	9.76	$ n/A	n/A	Social	x		Weekly / Semanal
		$		Federal Tax Impuestos Federales	x		x
	$	$		State Tax Impuestos Estatales	x		Bi-weekly / cada 2 sem.
	$	$		Meals (comidas)		X	
	$	$		Other (specify)/ Otro		X	Other / Otro

More Details About thePay/Más Detalles Sobre el Pago : N/A
N/a

(see attachment / para más detalles vea ____)

12. Transportation Arrangements / Arreglos de Transportación (Please explain)
See attached

(see attachment / para más detalles vea ____)

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 Agícolas para reclutar, supervisar, transportar, dar vivienda, ó pagarle a los trabajadores en este/estos tipo(s) de cosecha(s)/sembrado(s)? Yes/Si ☐ 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 x~~ No X
15. Workers' compensation insurance provided / Indemnización por accidente de trabajo: Yes X No
16. Are tools provided at no charge to the workers? / ¿Se le proveen las herramientas de trabajo a los trabajadores sin cargo alguno? Yes X No

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
NONE

19. Address of Local Employment Office / Dirección de la Oficina donde [illegible] e number) / Nombre

New York State Department of Labor
One Stop Office nearest to you

New York State Department of Labor
One Stop Office nearest to you

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. Certificacion del Empleador: Esta orden de trabajo describe los términos y condiciones de trabajo y contiene todos los materials, terminus, y condiciones ofrecidos.
Employer's Signature & Title/ Firma y Titulo del Empleador

Shane Clark 1/15/2010

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 truth-fullness 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 Empleos 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, including time for reviewing instructions, searching existing data sources, gathering and reviewing the collection. Respondents obligagation to reply to these requrements are mandatory by 20 CFR 653.500. 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).

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ATTACHMENT #1

Item #11, (con't) .

May also perform any combination of tasks involved in planting, cultivating, and harvesting of fruits such as tilling soil, planting stock, pruning trees and bushes, removing suckers and runners from trees, vines, and plants. Other duties may include laying out irrigation pipe and installing sprinklers, assisting in repairing fences, unloading trucks, clearing fields, burning brush, hand thinning fruit and smudging. Will use appropriate tools such as shovels, hoes, tampers, pruning hooks and shears.

Employer will furnish to workers, without cost, all tools and equipment required in the performance of the duties assigned. Workers should report for work with their own suitable work clothing. Field temperatures may range from 30 degrees to 85 degrees with possible wet morning conditions.

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)
New York State Dept of ENV Conservation Certificate # C 4660767.
During temporary periods of time when work specified in the order is not available, the worker may be assigned any combination of the following related tasks: (Specify tasks) Dates of Activity for crop activities: (for 2 or more crops)

Crop/Activity	Dates of Activity	Tasks

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ATTACHMENT #2

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 3/5/10 . 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 H2A wage 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. Total hours worked x hourly rate = Total ie: (42 x 9.76=$409.92)

(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 3/6/10 nor later than 3/13/10 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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ATTACHMENT #3

Item #7 - (a) Employer will not accept referrals of crew leaders currently in violation of the Migrant and Seasonal Worker Protection Act (MSPA). However the employer will consider referrals of crew member and the crew leader as separate individuals.

(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 4.

Item #9 - (a) An hourly rate of not less than the Federal or State minimum wage, the prevailing hourly rate or the employers hourly rate, whichever is highest, is guaranteed to the worker for the period of employment.

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

(d) Employer will maintain adequate payroll records. Workers will be paid weekly on Friday for work through Thursday. 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).

(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 $ n/a 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, 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.

ATTACHMENT #5

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. **Transportation subsistence will be reimbursed at the rate of $9.90 per day for a maximum of $39.00.**

(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, enroute 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.

(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 of 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.

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ATTACHMENT #6

SUMMARY OF EMPLOYMENT CONDITIONS

1. Employer: North Country Landscape
2. Referral instructions: Contact employer at 518-731-7610 or go to the nerest One Stop Ctr

3. Crop/Activity/Wage Information:

Crop/Activity	Piece Rate	Production Unit (1)	Hourly Wage (2)
Gen farmwork	N/a	n/a	9.76

4. Workers will be paid weekly on Friday for work through Saturday
5. Workers required to be covered by Workers Compensation.
   Compensation Carrier: Rockdale Ins Co Policy #: RWC 3159937
   Policy holder/address .. North Country Landscape
   10680 Rt 9W Catskill, NY 12051
   Person to be notified of injury w/phone number Shane Pelato - 518-731-7610
   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.

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ATTACHMENT #6
(CONTINUED)

SUMMARY OF EMPLOYMENT CONDITIONS

10. DEDUCTIONS FROM WAGES:

Type:	Amount:
Social Security	$ As Required
Federal/State Withholding Tax	$ As Required
Meals	$ n/a
~~Other~~	$ n/a

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 3/5/10.

In order for you to be eligible for this guarantee, you must contact the Department of Labor Office during the period of 3/6/10 and 3/13/10, **at:**

NYS Department of Labor - DoES

601 Dev Ct.

Kingston, NY 12401

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:
NONE

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ATTACHMENT #7

REQUEST FOR CONDITIONAL ACCESS INTO CLEARANCE SYSTEM

NAME OF EMPLOYER North Country Landscape

LOCATION AND DESCRIPTION OF HOUSING Apt at home farm 10680 Rt 9W, Coxsackie, NY 12051

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 2/20/10 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.

[signature] 1/15/2010

EMPLOYER'S SIGNATURE DATE