

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

U.S. Department of Labor
 Employment and Training Administration
 OMB Approval No. 1205-0134, Expires 09/30/2009

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) Mammoser Farms, Inc., 3940 Hardt Rd., Eden, NY 14057. Phone: (716) 992-2457		Numbers 4, 5, 6, 7 and 8 for State use only.				
2. Location and Direction to Work Site / Dirección del lugar de trabajo 3940 Hardt Rd., Eden, NY 14057; 10507 Rt. 75, Eden, NY 14057; 14162 Dupont Rd., Collins, NY 14034; 7906 Rt. 62, S. Dayton, NY 14138 (If additional space is needed, use separate sheet of paper)		4. Industry Code / Código de Industria 11212	5. Job Order #/No. Orden de Empleo NY.0931177			
3. Location and Description of Housing / Dirección y Descripción de la Vivienda 8115 East Eden Rd., Eden, NY 14057. Two-Story, 4,320 Sq. Ft. home with 8 bedrooms, 3 baths, 2 full kitchens (2 refrigerators in each), 2 washers/dryers. (If additional space is needed, use separate sheet of paper) / Si necesita más espacio, utilice documento adicional.)		6. Occupational Title and Code / Título Ocupacional y Código Farmworker - Diversified Crop	7. Clearance Order Issue Date / Fecha de Tramite FEB 25 2010			
		8. Job Order Expiration Date / Fecha de vencimiento 4/30/10				
		9. Anticipated Period of Employment / Periodo Anticipado de Empleo 03/31/2010 From/ Desde: To/Hasta: 11/30/2010				
		10. No. of Worker's Requested / No. de Trabajadores Pedidos 10				
		11. Anticipated Hours of Work per Week / Horas Anticipadas de Trabajo por Semana. Total: 48 Sunday / Domingo 0 Monday / Lunes 8 Tuesday / Martes 8 Wednesday / Miércoles 8 Thursday / Jueves 8 Friday / Viernes 8 Saturday / Sábado 8				
		12. Collect Calls Accepted from / Se Aceptan Llamadas a Cobrar de: Employer / El Empleador Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Local Office / La Oficina Local Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
13. Board Arrangements / Arreglo de Alojamiento	Provided housing in separate fully-furnished 4,320 Sq. Ft. home. Buy/prepare own food.					
14. Referral Instructions / Instrucciones para el Referimiento de Candidatos	Applicants should be referred to Elaine Bauer at Mammoser Farms. Available for telephone inquiries/interviews from 9:00am to 5:00pm, Monday-Friday					
15. Job Specifications / Descripción del Trabajo	SEE ATTACHED ADDENDUM (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	Piece Rate / Unit(s)	Special Pay (bonus, etc.)	Deductions / YES / SI	NO	Pay Period / Periodo de Pago
General Farm Labor	\$ 10.20	\$ N/A	N/A	Social Security / Seguro Social	X	Weekly / Semanal X
	\$	\$		Federal Tax Impuestos Federales	X	
	\$	\$		State Tax Impuestos Estatales	X	Bi-weekly / cada 2 semanas
	\$	\$		Meals / Comidas		X
	\$	\$		Other (specify)/ Otro		X
More Details About the Pay / Mas Detalles Sobre el Pago						
(If additional space is needed, use separate sheet of paper. / Si necesita más espacio, utilice documento adicional.)						

C-10025-22454

17. Transportation Arrangements / Arreglos de Transportación

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.

(If additional space is needed, use separate sheet of paper. / Si necesita más espacio, utilice documento adicional.)

18. 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 área de usar Contratistas Agrícolas para reclutar, supervisar, transportar, dar vivienda, o pagarle a los trabajadores en estos tipos de cosecha(s)? Yes / Si No

If you have checked yes, what is the FLC wage for each activity? / Si contestó "Si," cual es el salario que le paga al Contratista Agrícola por cada actividad?

19. Unemployment Insurance provided? Seguro de Desempleo? Yes No

20. Workers' compensation insurance provided? Indemnización por accidente de trabajo: Yes No

21. Are tools provided at no charge to the workers? / Se le proveen las herramientas de trabajo a los trabajadores sin cargo alguno? Yes 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") / 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

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 las operaciones por parte de los empleados en el lugar de empleo. (Si no hay, indique "Ninguno")

NONE

24. Address of Order Holding Office (include Telephone number) / Dirección de la 25. Name of Local Office Representative (include direct dial telephone number)

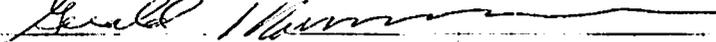
New York State Department of Labor
One Stop Office nearest to you

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

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 de trabajo, y contiene todos los materiales, términos, y condiciones ofrecidos.

Employer's Signature & Title / Firma y Título del Empleador
Gerald Mammoser, Owner



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.

Public Burden Statement

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 is obligatory by 20 CFR 653 500 and 44 U.S.C. 3501. Persons are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. Public reporting burden for this collection is estimated to average 8 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. 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.

Form ETA 790 – Summary of Material Job Specifications

Under supervision will drive tractors/trucks and perform a variety of crop raising duties various Mammoser Farms properties in Erie County. Will plow, harrow, plant, fertilize, cultivate, spray and harvest using a variety of farm machinery. Will maintain/repair farm implements, mechanical equipment, storage barns. Load/transport harvested crops from field to storage. Pick stones, clean out/repair fence line. Manure pushing/spreading, barn cleaning/maintenance. *work in all weather conditions. Random drug testing may be required at employer expense*

Conducir tractores/camiones bajo supervision, y hacer una variedad de deberes para cultivar la cosecha. Arar, escarificar, plantar, abonar, cultivar, rociar y cosechar utilizando una variedad de maquinaria. Mantener/arreglar herramientas de granja, equipo, granero de depósito. Cargar/transportar cosechas de campo a depósito. Coger piedras, limpiar/arreglar línea de cerca. Esparcir estiércol, limpiar/mantener el granero.

Attachments to ETA Form 790

Job Order Number: _____

ITEM 2 - LOCATION AND DIRECTION TO WORK SITE:

The work site is located at 3940 Hardt Rd., Eden, NY 14057 in the following county/counties: Erie The directions to the work site are: Right on NY391; L on CR470; R on CR 580; L on CR-220 (E.Eden Rd.); L on Hardt.

ITEM 3 - LOCATION AND DESCRIPTION OF HOUSING:

Location: Housing is located at 8115 East Eden Road, Eden, NY 14057

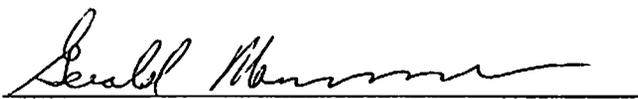
Directions to housing are Right on NY391; L on CR470; R on CR 580; L on CR-220 (E.Eden Rd.)

Description of housing: Two-story, 4,320 Sq. Ft. home with 8 bedrooms, 3 baths, 2 full kitchens (2 refrigerators in each), 2 washer/dryers.

Housing will be clean and meet applicable Federal Housing Standards. Workers will be responsible for maintaining housing in a neat, clean manner.

Housing and utilities are provided at no cost to workers who are unable to return to their place of residence the same day. If both male and female workers are hired, separate toilet, shower facilities, and rooms, will be provided by the employer.

Employer requests conditional access into the Interstate and Intrastate Clearance System and assures that the worker housing will meet the applicable Federal Standards not later than 30 days in advance of the date of need reflected on the attached ETA 790.


Signature

1/20/10
Date

Workers may be reached at the following address and phone number:

ADDRESS: 8115 E. Eden Rd., Eden, NY 14057 PHONE NUMBER: (716) 992-2457

ITEM 4 - BOARD ARRANGEMENTS: *(Check Appropriate Item(s))*

___ Employer will provide 3 meals a day and will deduct \$___ per day

XXX Employer will furnish free and convenient cooking and kitchen facilities so workers prepare their own meals. Employer will provide (on a voluntary basis) transportation to assure workers access to stores where they can purchase groceries.

ITEM 5 - REFERRAL INSTRUCTIONS: *(Include here who an applicant or State Workforce Agency Representative should contact concerning employment and how that person may be reached)*

Applicants should contact Elaine Bauer, Office Manager at (716) 992-2457.

Available for telephone inquiries and interviews from 9:00am to 5:00pm, Monday through Friday.

Applicants, Workforce Agency Personnel, Walk-ins, Gate Hires, etc. may:

XX Call for an interview during normal business hours at the number listed on the ETA 790.

___ Report to the farm office or worksite listed on the ETA 790.

___ Other (describe) _____

ITEM 8 - ANTICIPATED HOURS OF WORK:

8 hours per day is normal. The worker may be requested but not required to work
15 hours per day and/or on the Sabbath or Federal holidays depending upon the conditions in the fields or orchards, weather and maturity of the crop.

ITEM I I - WAGE RATES, SPECIAL PAY INFORMATION AND DEDUCTIONS:

(a) The Adverse Effect Wage Rate of \$ 10.20, the prevailing hourly wage rate or piece rate, or the federal minimum wage rate, whichever is greatest, will be the minimum rate of pay. Employer assures that if a change in the AEWB requires an increase in the guaranteed minimum, such increase will be paid as of the effective date of the increase. If the worker's piece rate earnings for a pay period result in average hourly earnings of less than the guaranteed minimum, the worker will be provided make-up pay to the guaranteed minimum rate. This job offer includes the following crop activities and rates of pay per unit: *(Include all crops and activities not listed on ETA 790, Item II)*

General farm labor

(b) The following deductions will be made:

XXX Taxes, if applicable under Federal, State, and local law from U.S. Workers;
 FICA Taxes FUTA Taxes Federal. Income Tax Withholding
 Advances;
 Meals;
 Willful destruction of property;
 Other (Specify) _____

No deductions will be made which would bring the employee's hourly wage below the Federal Minimum Wage.

(c) The employer will _____, will not XXX pay the worker a bonus of \$ _____ based on Quality Picking _____ End of Season _____ Other _____
Anticipated date by which payments will be made: _____

(d) Employer guarantees to offer employment for a minimum of ¼ of the workdays of the total specified period during which the work contract and all extensions thereof are in effect, beginning with the first day after worker arrives at the place of employment and ending on the expiration date specified in the work contract or extensions thereof. In Act of God termination, the ¼ guarantee period ends on the date of termination.

(e) Payroll Periods will be X Weekly: _____ Twice Monthly. Workers will be paid on Friday (day of the week) each payroll period and will be provided with an earnings statement, which contains at a minimum, the hours actually worked, total

earnings, piece rates number of units if piece rates are used), and all deductions. The statements will comply with 20CFR. 655.102(b)(8).

(f) Employer will provide a worker referred through the interstate clearance system 48 hours of work for the week beginning with the anticipated date of need, unless employer has amended the date of need by notifying the order holding 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 \$ 489.60, for the first week starting with the originally anticipated date of need. Employer will will not X require worker to perform alternative work if the guarantee cited in this section is invoked. Alternate work may be provided if the guarantee cited in this section is invoked. The alternate work and pay will be:

If a worker referred through the interstate clearance system fails to notify the order-holding office of continued interest in the job at least 5 days before the date of need, worker will be disqualified from the above-mentioned assurance.

ITEM 12 - TRANSPORTATION ARRANGEMENTS:

The employer will provide advance transportation for reasonable (most economical) common carrier or other transportation which conforms to the Interstate Commerce Commission (ICC) inbound transportation (if it is the prevailing practice). If not the prevailing practice, the employer will reimburse the worker for transportation costs and subsistence to the employer's work site when the worker completes 50% of the work period.

The employer will also provide advance subsistence at a minimum amount of \$ N/A per 24-hour period of travel from place of recruitment to the place of employment (if it is the prevailing practice).

Workers who provide receipts for meals and non-alcoholic beverages in excess of \$ N/A will be reimbursed during the first pay period, up to the maximum amount of \$ N/A per 24-hour period of travel from place of recruitment to the place of employment (if it is the prevailing practice).

Workers who voluntarily quit or are terminated for cause prior to completing 50% of the contract period will be required to reimburse the employer for the full amounts of transportation and subsistence which were advanced and/or reimbursed to the worker.

After worker has completed 50% of the work contract period, employer will reimburse worker for the cost of transportation and subsistence from the place *of recruitment* to the place of employment. Upon completion of the work contract, employer will pay reasonable costs of return transportation and subsistence (travel reimbursement subsistence will be the minimum amount of \$9.90 per 24-hour period of travel and the maximum amount will be

INJURIES: The employer will provide Workers Compensation Insurance or equivalent employer provided insurance, at no cost to the worker, covering injury and disease arising out of, and in the course of, the worker's employment. Employer's proof of insurance coverage will be provided to the ETA field office before certification is granted.

EMPLOYER OBLIGATION IF EMPLOYMENT EXTENDED: No extension 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.

TERMS AND CONDITION CHANGES: The employer will expeditiously notify the order-holding 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.

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.

CONTRACT IMPOSSIBILITY: The employer will terminate the work contract of any worker whose services are no longer required for reasons beyond the control of the employer or an act of God. In the event of such termination, the employer will be bound by the three-fourths guarantee from the first workday after arrival to the date of termination.

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.

AGRICULTURAL WORK AGREEMENT: A copy of the agricultural work agreement contract or the ETA 790 and attachments will be provided to the worker by the employer no later than on the day the work commences.

NUMBER OF WORKERS: The employer expects the total number of workers used in this occupation to be 12, of which 10 will be H-2A workers for which certification is requested, and the balance will be domestic workers. These numbers are estimates as total workforce needs are dependent upon weather, crop conditions, and worker availability.

OTHER: The employer agrees to abide by the regulations at 20 CFR 655.103, Assurances, and 20 CFR 653.501. The working conditions will comply with applicable Federal and State minimum wage, child labor, social security, health and safety, farm labor contractor registration and other employment-related laws. The employer is an Equal Employment Opportunity employer and will offer U. S workers at least the same opportunities, wages, benefits, and working conditions as those which the employer offers or intends to offer to non-immigrant workers.