

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.)	Deductions / Deducciones	YES SI	NO	Pay Period	
				Pagos Especiales (Bono, ect)				Periodo de Pago	
General Nursery Work	\$8.74	\$ N/A	N/A	NONE	Social	X		Weekly / Semanal	
	\$	\$			Federal Tax Impuestos Federales	X			X
	\$	\$			Slate Tax Impuestos Estatales	X		Bi-weekly / cada 2 sem	
	\$	\$			Meals (comidas)		X		
	\$	\$			Other (specify)/ Otro		X	Other / Otro	No

More Details About the Pay/Más Detalles Sobre el Pago--SEE ATTACHMENT #2

(see attachment / para más detalles vea #2)

12 Transportation Arrangements / Arreglos de Transportación (Please explain)--SEE ATTACHMENT #3

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, 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? ...

See Attachment #3

14 Unemployment Insurance provided / Seguro por Desempleo	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Att #1
15 Workers' compensation insurance provided / Indemnización por accidente de trabajo	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Att #1
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"/>	Att #3

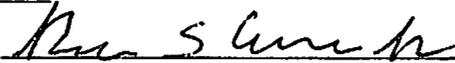
17 List any arrangements which have been made with establishment owners or agents for the payment of a commission or other benefits for sales made to workers. (If there are no such arrangements, enter "None")/Indique todo acuerdo o convenio con los propietarios del establecimiento o sus representantes 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 Radcó la Oferta (incluya número de teléfono) The application is posted on the NYS DOL website or apply at any One Stop Office	20 Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya numero de telefono)
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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: Esta orden de trabajo describe los términos y condiciones de trabajo y contiene todos los materiales, terminus, y condiciones ofrecidos.

Employer's Signature & Title/ Firma y Título del Empleador Signature Title

...  ... **Owner and Personnel Manager**

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 obligation to reply to these requirements 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)

GENERAL: (a) The terms and conditions of this Job 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 Clearance 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 regulation 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 Job 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.
- (e) Workers **will** be covered by Worker's Compensation. **Policy information presented at point of hire.**
- (f) Workers **will** be covered by Disability benefits.
- (g) Work performed under this Job Order **will** be covered by Unemployment Insurance.
- (h) The employer **will** pay overtime.
- (i) No benefits, social or economic, not specified in this Job Order, are or will be provided by the employer.
- (j) The employer shall provide a suitable burial for the worker if he/she dies during the continuance of their employment hereunder or in lieu thereof at the request of the next-of-kin pay the cost involved in the preparation and transportation of the deceased worker to the place of origin.

ITEM #4: Housing, beds, bedding and mattresses will be furnished at no cost to the workers. Employer assures that the housing will be clean and in compliance with all applicable standards during occupancy. Workers will be responsible for maintaining housing and surrounding area in a neat and clean manner.

ITEM #5: Due to the small size of agricultural operations, the employer is not always near a phone. Therefore, this employer is generally available for telephone calls and applicant reporting between the hours of **10:00a.m.** and **12:00noon**, Monday, Wednesday, and Thursday during the growing season. Contact at other times is subject to employer availability. The employer suggests that, whenever possible, Employment Service staff and/or applicant call in advance to arrange specific time of contact. **DAVID S. ERWAY, JR., Owner & Personnel Manager (716) 751-0015.** The applicant can contact any NYSDOL Local Office for disclosure of full contents of this Job Order.

ITEM #6: (a) **Starting Date:** The employer may amend the starting date of need by informing the Order Holding Office no later than **03/25/2010** 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 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 #10), is provided. Max.: \$349.60 Gross (2010 AEWR)

(a)(i) Failure of workers referred against this order to notify the Order Holding Local Office of their continued interest and/or verify the date of need no sooner than **03/26/2010** nor later than **04/02/2010** will disqualify the worker from the above assurance.

(b) **Ending Date:** No extension of employment beyond the period of employment specified in the Job Order shall relieve the employer from paying wages already earned, transportation and subsistence expenses, and bonuses if applicable.

ITEM #8: Workers are expected to work at least the number of days and hours specified on the Job Order, (ITEM #8). However, depending on weather, or other conditions, workers may be requested, but not required, to work up to **10** hours per day and/or on their Sabbath.

- (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 applicable regulations of the ICC or the Department of Labor.
Min: \$9.90 per day without receipts Max: \$39.00 per day with receipts.
- (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.
- (g) At the request of the worker, the employer will assist in making travel arrangements for the worker.
- ITEM #13: (a) Employer will not hire a crew leader currently acting in violation of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA). All referrals interested in this position will be given an interview.
- (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 Department of Labor and pay a \$100.00 crew leader registration fee in addition to any other fees that may be applicable.

ITEM #16 Employer will furnish to workers, without cost, all tools, supplies or equipment required in the performance of the duties assigned.

Workers should report for work with their own suitable work clothing including a warm jacket and waterproof work boots. Field temperatures may range from 30 degrees to 85 degrees with possible wet morning ground conditions.

REQUEST FOR CONDITIONAL ACCESS INTO CLEARANCE SYSTEM

Name of Employer: ERWAY'S LANDSCAPING

Location and description of housing: 4447 Cambria-Wilson Road; Town of Cambria; Niagara County; New York;
on State Route #425. Campsite consists of a one-and-a-half story, wood frame building; common kitchen; toilet & shower
facilities; municipal water and heat.

For the recruitment of agricultural workers, 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.

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 03/7/2010 which is 30 days prior to occupancy.

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


Employer's Signature

02/19/2010
Date

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The above request is: _____ APPROVED _____ DISAPPROVED

Regional Administrator, ETA

Date

SUMMARY OF EMPLOYMENT CONDITIONS

1. Employer: **ERWAY'S LANDSCAPING; 4202 Willow Road, Wilson, NY 14172**
2. Referral Instructions: **Applicant Holding Office to call Order Holding Office to arrange referral with the employer. Sign and return Attachment #5.**
Contact Person: **David S. Erway, Jr. Personnel Mgr., (716) 751-0015.**
3. Crop/Activity/Wage Information:

CROP	WORK TO BE DONE	WAGE RATE /UNIT
General Horticultural Work	See Item #10	AEWR \$8.74 per hour

4. Workers hired under this Job Order **will** be required to show evidence of right to work in the United States.
5. Workers **will** be paid weekly on **Thursday** for work through the preceding **Sunday**.
6. Workers **will** be covered by Workers' Compensation, as required by law.
7. Workers **will** be covered by disability benefits, as allowed by law.
8. Workers **will** be covered by Unemployment Insurance, as allowed by law.
9. Workers **will** be paid overtime, as allowed by law.
10. (a) Employer **will not** provide three meals per day and will deduct **\$0.00** 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 incidentals.
11. The following deductions will be made: FICA, Federal/State Income Taxes and garnishments as required by law, cash advances, commissary meals, if provided, and, to the extent permissible under Federal and State net wage requirements, voluntary assignments evidenced by written authorization signed by the worker.
12. Notes to Worker: Period of employment is from **04/08/2010 to 12/15/2010**. A copy of the full Job Order is available *on NYSDOL Website* The employer has guaranteed your first week wages unless he/she notifies this Department of Labor Office of a later starting date by **03/25/2010**. In order for you to be eligible for this guarantee, you must contact the Order Holding Office of the Department of Labor between **03/26/2010** and **04/02/2010** at:

New York State Department of Labor-CSC

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