

**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 09/30/2009

<p>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)</p> <p>Tassone Farms (315) 427-4293          7993 N. Vernon Rd.          Cicero, NY 13039</p>	<p><b>Numbers 4,5,6, 7 and 8 for State use only.</b></p> <p>4. Industry Code / Código de Industria: <b>111219</b></p> <p>5. Job Order # / No. Orden de Empleo: <b>NX.0934125</b></p> <p>6. Occupational Title and Code / Título Ocupacional y Código: <b>General Farmworkers 45209202</b></p> <p>7. Clearance Order Issue Date / Fecha de Tramite: <b>MAR 09 2010</b></p>														
<p>2. Location and Direction to Work Site / Dirección del lugar de trabajo</p> <p>At 9448 Whiting Rd. ,4 miles east of I-81 in Cicero, New York.</p> <p>(see attachment / para más detalles vea N/A)</p>	<p>8. Job Order Expiration Date / Fecha de vencimiento:</p> <p><b>5/16/2010</b></p>														
<p>3. Location and Description of Housing / Dirección y Descripción de la Vivienda</p> <p>One wood frame structure with barracks style housing on the farm at 9448 Whiting Rd in Cicero, NY</p> <p>Barracks/Barracas</p> <table border="1"> <thead> <tr> <th>Number/Numero</th> <th>Total Capacity/Capacidad Total</th> </tr> </thead> <tbody> <tr> <td><b>2</b></td> <td><b>20</b></td> </tr> </tbody> </table> <p>Employer assures the availability of no cost or public housing which meets the full set of applicable standards.          El patron asegure la disponibilidad de la vivienda sin costo alguno y que llena todos los requisitos del estado.</p> <p>(If additional space is needed, use separate sheet of paper. / Si necesita mas espacio, utilice documento adicional.)</p> <p>(see attachment / para más detalles vea # 1 &amp; 5)</p>	Number/Numero	Total Capacity/Capacidad Total	<b>2</b>	<b>20</b>	<p>9. Anticipated Period of Employment / Periodo Anticipado de Empleo</p> <p>From/ Desde: 4/16/10 To / Hasta: 11/15/10</p> <p>10. No. of Workers Requested / No. de Trabajadores Pedidos: <b>15</b></p> <p>11. Anticipated Hours of Work per Week / Horas Anticipadas de Trabajo por Semena</p> <table border="1"> <thead> <tr> <th></th> <th>Total:</th> </tr> </thead> <tbody> <tr> <td>Sunday / Domingo: 5</td> <td>Monday / Lunes: 6</td> </tr> <tr> <td>Tuesday / Martes: 6</td> <td>Wednesday / Miercoles: 6</td> </tr> <tr> <td>Thursday / Jueves: 6</td> <td>Friday / Viernes: 6</td> </tr> <tr> <td>Saturday / Sabado: 5</td> <td></td> </tr> </tbody> </table> <p>12. Collect Calls Accepted/Se Aceptan Llamadas a Cobrar de:</p> <p>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"/></p>		Total:	Sunday / Domingo: 5	Monday / Lunes: 6	Tuesday / Martes: 6	Wednesday / Miercoles: 6	Thursday / Jueves: 6	Friday / Viernes: 6	Saturday / Sabado: 5	
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<p>13. Board Arrangements / Arreglo de Alojamiento</p> <p><b>Yes/Si</b> Workers must buy and prepare own meals. / Los trabajadores compraran y prepararan sus propios alimentos.</p>	<p>(see attachment / para más detalles vea # 2 &amp; 6)</p>														
<p>14. Referral Instructions / Instrucciones para el Referimiento de Candidatos</p> <p>Contact Employer Directly- Sam Tassone (315) 427 4293 or Nearest One Stop Office</p>	<p>(see attachment / para más detalles vea # 2)</p>														
<p>15. Job Specifications / Descripción del Trabajo</p> <p>(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)</p> <p>Manually plant, cultivate, and harvest vegetables, fruits 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, do greenhouse work, repair fences and farm buildings, or participate in irrigation activities. Will also lay down and remove plastic mulch. Set up and operate irrigation equipment. Operate forklifts, tractors and tractor-drawn machinery to plow, harrow and fertilize soil, or to plant, cultivate, spray and harvest crops. Repair and maintain farm vehicles, implements, and mechanical equipment. Harvest fruits and vegetables by hand. 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, hedgerows. Must be able to physically lift up to 80 pounds. 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 0 to 90+ degrees (F) with possible wet morning conditions. Due to health and safety concerns relating to pesticide application and the operation of equipment on our farm, workers are required to have the ability to comprehend simple instructions in English. Employer may conduct random drug tests at employer's expense. One week of verifiable experience in the aforementioned necessary.</p>	<p>(see attachment / para más detalles vea # N/A)</p>														

**C-10055-23361**

16. 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
Farm Work	\$8.98	No	No	Social	X		Weekly / Semanal
Strawberries	<del>\$8.98</del>	\$2.50 per 8 qt flat		Federal Tax Impuestos Federales	X		
Peas	<del>\$8.98</del>	\$7.00 per 1 bu. box		State Tax Impuestos Estatales	X		Bi-weekly / cada 2 sem.
Beans	<del>\$8.98</del>	\$7.00 per 1 bu. box		Meals (comidas)		X	
Grape Tomatoes	<del>\$8.98</del>	\$6.00 per 25# box		Other (specify)/ Otro		X	Other / Otro
Cherry Tomatoes	<del>\$8.98</del>	\$4.00 per 25# box					

More Details About the Pay/Más Detalles Sobre el Pago  
 None/Ninguno (see attachment / para más detalles vea N/A)

17. Transportation Arrangements / Arreglos de Transportación (Please explain)  
 (See Attachments/Vea Anexos #3 & #4)  
 (see attachment / para más detalles vea # 4 & 5)

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 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  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 Agricola para cada actividad?

19. Unemployment Insurance provided / Seguro por Desempleo: Yes  No   
 20. Workers' compensation insurance provided / Indemnización por accidente de trabajo: Yes X 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 X 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/Ninguno

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

24. Address of Order Handling Office (include telephone number)/Dirección de la Oficina donde se manejan los pedidos New York State Department of Labor One Stop Office nearest to you	25. Name of Local Office Representative (include direct dial telephone number) / Nombre del representante de la oficina local New York State Department of Labor One Stop Office nearest to you
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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. Certification 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 Titulo del Empleador

*David Tarsen* PRES.

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.

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, Washington, D.C. 20210.

**STATE OF NEW YORK  
DEPARTMENT OF LABOR**

**ATTACHMENT NO   1    
ORDER NO. NY**

**Item # 15, 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 0 degrees to 90+ degrees with possible wet morning conditions.**

**Piece rates and production standards apply**

**Strawberries: 4- 8qt. flats per hour**

**Green Peas: 2 bushel box per hour**

**Beans: 2- 5 gall pails per hour**

**Grape Tomatoes: 3 boxes per hour**

**Cherry Tomatoes: 3.5 boxes per hour**

**Approximate dates various tasks will be performed. Exact dates depend on weather, growing and crop 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 N/A (If not applicable, insert N/A)**

**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:**

**Time Frame for crop activities: (for 2 or more crops)**

ETA 790

Item #12 – Collect calls will be accepted only from officials of Employment Service Offices.

ITEM # 13 - (a) Employer (~~will~~)(will not) provide three meals per day and will deduct \$ N/A per day. (Deductions will not depress the minimum wage).

(b) Employer (will)(~~will not~~) furnish free dishes, cooking utensils and convenient kitchen and cooking facilities.

(c) Employer (will)(~~will not~~) provide transportation to assure workers access to stores where they can purchase groceries and/or other incidentals and/or medical necessities.

Item # 14- 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 effectuate referrals.

Item # 16-(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 higher is guaranteed to the worker for the period of employment.(Item # 5).

(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 wage rate, in which case the worker will be paid the equivalent of an hourly rate of not less than the prevailing hourly rate or the employers hourly rate, whichever is highest.

(c) The employer will make the following deductions: (1) FICA (2) Federal/State tax withholdings (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 Wednesday for work through previous Sunday. A written statement showing (1) employers 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 no. 4 for payday/workweek applicable to this order).

(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.

Item # 18- (a) Employer will not contract with crew leaders currently acting in violation of the Migrant and Seasonal Worker Protection Act (MSPA).

(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 a \$200.00 crew leader registration fee in addition to any other fees that may be applicable.

**SUMMARY OF EMPLOYMENT CONDITIONS**

**10. DEDUCTIONS FROM WAGES:**

Type:	Amount:
Social Security	\$ As Required
Federal/State Withholding Tax	\$ As Required
Meals	\$ N/A
Other	\$ No

**11. NOTES TO WORKER (See Item 24 of ETA 790)**

A copy of the full job order is available for inspection at *NYS DOL website*. The employer has guaranteed your first week wages unless he notifies this Department of Labor Office of a later starting date by 4/2/10.

In order for you to be eligible for this guarantee, you must contact the Dept. of Labor Office during the period of 4/5/10 and 4/9/10 at:

Full order is available on the NYS DOL website

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

**12. Work tasks to be performed:**

Alternate and pay during first week in case of crop delay:

Addenda 1 (Part 16 crop activities-wage rates)

Corn	\$8.98
Cucumbers	\$8.98
Peppers	\$8.98
Squash	\$8.98