

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 11/30/2012

<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>Dellamano & Associates (315) 343-1323 8145 St. Rt. 104. Oswego, NY 13126</p>	<p>Numbers 4,5,6, 7 and 8 for State use only.</p> <p>4. Industry Code / Código de Industria: 111339 5. Job Order # / No. Orden de Empleo: N.Y. 0938288 6. Occupational Title and Code / Título Ocupacional y Código: Agricultural Equipment Operators 45209100 7. Clearance Order Issue Date / Fecha de Tramite: JUN 14 2010 8. Job Order Expiration Date / Fecha de vencimiento: 8/25/2010</p>										
<p>2. Location and Direction to Work Site / Dirección del lugar de trabajo</p> <p>At 8145 NY Rt. 104, 297 W. 5th St Road in Oswego, 507 Bunker Hill Rd, Oswego and 8142 Champlin Road in Sodus, NY. (see attachment / para más detalles vea N/A)</p>	<p>9. Anticipated Period of Employment / Período Anticipado de Empleo</p> <p>From/ Desde: 6/3/10 To / Hasta: 11/15/10</p>										
<p>3. Location and Description of Housing / Dirección y Descripción de la Vivienda</p> <p>Barracks style housing consisting of 1 wood frame building on NY Rt. 104 and 1 on Bunker Hill Rd. in Oswego NY and 2 mobile homes on Champlin Rd. in Sodus</p> <p>Barracks/Barracas Number/Numero Total Capacity/Capacidad Total 4 13</p> <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. (see attachment / para más detalles vea # 1 & 5)</p> <p>(If additional space is needed, use separate sheet of paper. / Si necesita más espacio, utilice documento adicional.)</p>	<p>10. No. of Workers Requested / No. de Trabajadores Pedidos: 13</p> <p>11. Anticipated Hours of Work per Week / Horas Anticipadas de Trabajo por Semana</p> <table border="1"> <thead> <tr> <th></th> <th>Total:</th> </tr> </thead> <tbody> <tr> <td>Sunday / Domingo</td> <td>7</td> </tr> <tr> <td>Tuesday / Martes</td> <td>7</td> </tr> <tr> <td>Thursday / Jueves</td> <td>7</td> </tr> <tr> <td>Saturday / Sabado</td> <td>5</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	7	Tuesday / Martes	7	Thursday / Jueves	7	Saturday / Sabado	5
	Total:										
Sunday / Domingo	7										
Tuesday / Martes	7										
Thursday / Jueves	7										
Saturday / Sabado	5										
<p>13. Board Arrangements / Arreglo de Alojamiento</p> <p>Yes/Si Workers must buy and prepare own meals. / Los trabajadores compraran y prepararan sus propios alimentos. (see attachment / para más detalles vea # 2 & 6)</p>											
<p>14. Referral Instructions / Instrucciones para el Referimiento de Candidatos</p> <p>Contact Employer Directly- Francis Dellamano (315) 343-1323 or Nearest One Stop Office (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>Drive and operate specific farm machines to grow a combination of small fruits, tree fruits and vegetables. Will drive and/or operate harvesting machines. Will attach implements and drive tractor with attached instruments to fields for cultivating, discing, and planting for asparagus, strawberries and blueberries. Will prune, thin or spray trees such as apple, pear. May apply pesticides, herbicides or fertilizers to crops. Performs light summer pruning and suckering by cutting terminal growth and water sprouts from inside of tree using hand pruner. Thins trees from orchard to eliminate diseased /non-productive trees using chain saw. May adjust and maintain farm machines. Will harvest asparagus, small fruits, apples and pears. Apples injured by bruising during picking shall not exceed 0% (WNY) for fresh and 0% (WNY) for processing. Productivity must be at least 6 Bins (120 bushels) fresh market and/or 8 Bins (160 bushels) processing fruit per day. Workers are expected to work at least the number of days and hours specified. Must be able to physically lift up to 80 pounds. 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. Workers referred against this order must have a minimum of 6 months experience in the aforementioned.</p> <p>(see attachment / para más detalles vea # N/A)</p>											

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 / Período de Pago
Orchard Work	\$10.16			Social	X		Weekly / Semanal
Harvest Work	\$10.16			Federal Tax / Impuestos Federales	X		
				State Tax / Impuestos Estatales	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

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

19. Unemployment Insurance provided / Seguro por 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/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 Holding Office (include Telephone number)/Dirección de la Oficina donde se Radicó la Oferta (Incluya número de teléfono)

Full order is available on the NYSDOL website.

25. Name of Local Office Representative (include direct dial telephone number) / Nombre

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, terminus, y condiciones ofrecidos.

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

Francis Dellamano

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 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.

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Attachment to ETA 790

Item #1: Employer Email: _____ Employer FAX: _____

Association members:

Dellamano Farms 8145 St Rt. 104 Oswego, NY 13126	Fruit Valley Orchards 507 Bunker Hill Rd. Oswego, NY 13126	Greco Family Farms 297 W. 5 th St. Rd Oswego, NY 13126	Belle Terre Farm 8142 Champlin Rd. Sodus, NY14489
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Item #3:

- a) Housing and utilities are provided at no cost to workers unable to return to their place of residence in the same day.
- b) Beds, bedding and mattresses will be furnished at no cost to the workers.
- c) Employer assures that housing will be clean and in compliance with all applicable Federal and State standards during occupancy.
- d) Workers will be responsible for maintaining housing and surrounding areas in a neat, clean manner.

Item #13:

- a) Employer **will not** provide three meals per day and will deduct \$ N/A per day.
- b) Employer **will** furnish free dishes, cooking utensils and convenient kitchen/cooking facilities.
- c) Employer **will** provide transportation to assure workers access to stores where they can purchase groceries, other incidentals and/or medical necessities.

Item #15:

- a) Workers must be able to demonstrate that they are physically able to perform the work specified in this Job Order.
- b) The employer may terminate workers' employment at any time with notification to the New York State Department of Labor (NYS DOL) 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) Job Abandonment - Absent more than one work day without prior notification to employer;
 - (4) Failure to reach productivity standards, if applicable. (See Below)
- c) The employer will provide N/A days of training and allow N/A days of work for workers to reach production standards.
- d) Production Standards: 8 Bins Process (160 Bushels) or 6 Bins Fresh (120 Bushels) per day.

Item #16:

- a) If piece rate earnings for total hours of work at a piece rate during a pay period do not result in average hourly earnings equal to the minimum hourly rate, the worker will receive make up pay to meet the guaranteed minimum wage rate.
- b) In New York State, the only deductions that can be taken from worker pay are:
 - (1) Those required by law such as Social Security, income taxes and wage garnishments;
 - (2) Those benefitting workers and authorized in writing such as insurance or savings plans.
 Any other deduction is illegal, including deductions (or deposits) for, but not limited to:
 - Tools, boots, raincoats or uniforms required for the job;
 - Cash shortages;
 - Spoilage or breakage;
 - Damages or losses of any kind.
- c) The employer guarantees to offer employment for a minimum of 3/4 of the hours in the workdays during the contract period, and all extensions thereof. 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. In Act of God terminations, the 3/4 guarantee period ends on the date of termination. Workers will not be required to work more than the number of hours specified in the job order for a workday nor on their Sabbath or Federal holidays to meet this guarantee. The worker's average hourly earnings will be used under this guarantee

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where wages are paid on a piece rate basis. Workers terminated for cause or who voluntarily abandon the job are not entitled to the 3/4 guarantee.

- d) 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.
- e) The employer will provide workers referred through the interstate clearance system 40 hours of work for the week beginning with the anticipated date of need unless employer has amended the date of need by notifying the NYS DOL no later than 10 business days before the start date. If the employer fails to notify the NYS DOL, the employer shall pay eligible workers referred through the interstate clearance system a minimum of \$406.40 for the first week starting with the originally anticipated date of need. Failure of workers referred against this order to notify the NYS DOL of their continued interest in the job at least five days prior to the date of need will disqualify the workers from the above assurance. The employer will not require workers to perform alternative work if the guarantee cited in this section is invoked.
- f) Employer will maintain adequate payroll records. Workers will be paid weekly on Friday for work through Wednesday. 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.

Item #17:

- a) Employer agrees to reimburse inbound transportation and pay \$10.64 per day subsistence expenses per day without receipts and up to \$46 per day max with receipts, 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) 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, in route from place of employment to place of recruitment, except when the worker is not returning to his place of recruitment and has subsequent employment with an employer who will bear transportation expenses.
- c) Employer will not be responsible for providing return cost of transportation and subsistence from place of employment to place of recruitment if the worker voluntarily abandons the job or is terminated for cause. Employer will also timely notify the United States Department of Labor and Department of Homeland Security of such abandonment or termination.
- d) 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.
- e) 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 #20:

Employer assures that Policy #.(See addenda 1) issued by (See addenda 1) provides the required Workers Compensation Insurance for injuries arising out of and in the course of employment. Proof of coverage will be provided by the employer to the Chicago National Processing Center prior to the granting of certification

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Item #21:

Employer will furnish all tools, supplies and/or equipment required in the performance of work at no cost.

Assurances & Requirements

- a) The employer assures 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 and 20 CFR 653.501.
- b) The employer shall notify the NYS DOL if there arise any changes to the terms and conditions of employment due to crop maturity, weather conditions, over-recruitment or other factors.
- c) Duly authorized State and Federal representatives (including outreach workers) will be allowed reasonable access to the workers as per 20 CFR 653.501 (xvi).
- d) 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.
- e) A copy of the Job Order will be provided to the workers no later than the day on which the workers begin employment.
- f) If acting as a Farm Labor Contractor or Farm Labor Contractor Employee, the employer assures that s/he has a valid Federal license.
- g) The employer (if required) assures that s/he complies with New York State Department of Labor Grower Registration requirements. Growers or Processors who are responsible for bringing five or more migrant workers (including H2A workers) into New York State must register with the New York State Department of Labor and pay a registration fee in addition to any other fees that may apply.
- h) Farm Labor Contractors anticipating employment in New York State will be required to register with the New York State Department of Labor and pay a crew leader registration fee in addition to any other fees that may be applicable.
- i) All workers hired under this order will be required to show evidence of right to work in the United States.

Addenda 1: Workers Compensation information:

Francis Dellamano	Fruit Valley Orchards	Greco Family Farms	Belle Terre Farms
State Ins. Fund	State Ins. Fund	State Ins. Fund	State Ins. Fund
S 428 043-4	Z 787 226-0	Z 1488 122-1	Z 934 675-0

Addenda # 1**Dellamano Farms, 8145 St Rt. 104 Oswego, NY 13126 (9 workers)****Work to be performed:**

Drive and operate specific farm machines to grow a combination of tree fruits. Will drive and/or operate harvesting machines. Will attach implements and drive tractor with attached instruments to fields for cultivating, discing, and planting. Will prune, thin or spray trees such as apple, pear. May apply pesticides, herbicides or fertilizers to crops. Performs light summer pruning and suckering by cutting terminal growth and water sprouts from inside of tree using hand pruner. Thins trees from orchard to eliminate diseased /non-productive trees using chain saw. May adjust and maintain farm machines. Will harvest pears

Fruit Valley Orchards, 507 Bunker Hill Rd. Oswego, NY 13126 (4 workers)**Work to be performed:**

Drive and operate specific farm machines to grow a combination of tree fruits. Will drive and/or operate harvesting machines. Will attach implements and drive tractor with attached instruments to fields for cultivating, discing, and planting. Will prune, thin or spray trees such as apple, pear. May apply pesticides, herbicides or fertilizers to crops. Performs light summer pruning and suckering by cutting terminal growth and water sprouts from inside of tree using hand pruner. Thins trees from orchard to eliminate diseased /non-productive trees using chain saw. May adjust and maintain farm machines. Will harvest apples and pears

Greco Family Farms, 297 W. 5th St. Rd, Oswego, NY 13126 (1 worker)**Work to be performed:**

Drive and operate specific farm machines to grow a combination of tree fruits. Will drive and/or operate harvesting machines. Will attach implements and drive tractor with attached instruments to fields for cultivating, discing, and planting. Will prune, thin or spray trees such as apple or pear. May apply pesticides, herbicides or fertilizers to crops. Performs light summer pruning and suckering by cutting terminal growth and water sprouts from inside of tree using hand pruner. Thins trees from orchard to eliminate diseased /non-productive trees using chain saw. May adjust and maintain farm machines. Will harvest apples.

Belle Terre Farm, 8142 Champlin Rd Sodus, NY14489 (9 workers)**Work to be performed:**

Drive and operate specific farm machines to grow a combination of tree fruits. Will drive and/or operate harvesting machines. Will attach implements and drive tractor with attached instruments to fields for cultivating, discing, and planting. Will prune, thin or spray trees such as apple or pear. May apply pesticides, herbicides or fertilizers to crops. Performs light summer pruning and suckering by cutting terminal growth and water sprouts from inside of tree using hand pruner. Thins trees from orchard to eliminate diseased /non-productive trees using chain saw. May adjust and maintain farm machines. Will harvest apples.