JUN 01 2010

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 11/30/2012

1. Employer's Name and Address (Number, Street, City, State, Zip Code, and telephone number)/ Nombre y Dirección del Empleador (Numero, calle, ciudad, código postal y teléfono)
Plummer Orchards, L.L.C. Courtney Plummer dba
1484 East Townline Road
Waterport, New York 14571-9730 (585) 765-9409

2. Location and Direction to Work Site/Dirección del lugar de trabajo
7370 Chestnut Ridge Road, 3 miles East of Lockport and 9187 Lower Lake rd., Barker, N.Y. 14012

(If additional space is needed, use separate sheet of paper)

3. Location and Description of Housing / Dirección y Descripción de la Vivienda
Camp 1 is located at 4475 Main St, Gasport, NY, it is a Wood framed, two story house with two appartments each with kitchen, full bath, dining area and living room. Upper has three bedrooms, lower is barracks style, capacity of 12. Camp 2 at7281 Chestnut Ridge Road, Lockport, is a 3 bedroom mobile home, kitchen, 2 baths, living area,and laundry area, capacity of 6. Camp 3 is a wood-framed condo located at 9541 Lower Lake Road, on the corner of Lower Lake Rd. and Haas Rd in Somerset, Apt. 1 has 2 bedrooms, 1 1/2 baths and full kitchen. Apt 2 and 3 have 3 bedrooms, 2 baths and full kitchens, capacity of 12.

Campo 1 está situado en la 4475 Main St, Gasport, NY, es una estructura de madera, casa de dos pisos con dos apartamentos con cocina, baño completo, comedor y sala de estar. Superior tiene tres dormitorios, menor es el estilo de los cuarteles, capacidad de 12. Campo 2 at7281 Chestnut Ridge Road, Lockport, es una casa móvil de 3 dormitorios, cocina, 2 baños, sala de estar y área de lavado, capacidad de 6. Campo 3 es una madera-enmarcado condominio localizado en 9541 Road Lower Lake, en la esquina de Lower Lake Rd.. and Haas en Somerset Road, conveniente. 1 tiene 2 dormitorios, baños 1 1 / 2 y cocina completa. Apto. 2 y 3 tienen 3 dormitorios, 2 baños y cocinas completas, capacidad de 12.

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

Numbers 4, 5, 6, 7 and 8 for State use only.

4. Industry Code/Código de Industria 111331

5. Job Order #/No. Orden de Empleo N.Y. 0944635

6. Occupational Title and Code /Titulo Ocupacional y Código
Farmworkers Laborers 45-2092.02

7. Clearance Order Issue Date / Fecha de Tramite JUL 08 2010

8. Job Order Expiration Date / Fecha de vencimiento 9/23/2010

9. Anticipated Period of Employment / Periodo Anticipado de Empleo
From/ Desde:8/01/2010 To/Hasta: 11/15/2010

10. No. of Worker's Requested / No. de Trabajadores Pedidos
30

11. Anticipated Hours of Work per Week/Horas Anticipadas de Trabajo por Semana. Total: 42
Sunday / Domingo 0 Monday / Lunes 7
Tuesday / Martes 7 Wednesday / Miércoles 7
Thursday / Jueves 7 Friday / Viernes 7
Saturday / Sábado 7

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

13. Board Arrangements / Arreglo de Alojamiento Workers buy and prepare their own food. Weekly trips to a grocery store provided at no cost to workers. Trabajadores de comprar y preparar sus propios alimentos. Semanal de viajes a una tienda de comestibles proporcionan sin costo alguno para los trabajadores.

14. Referral Instructions / Instrucciones para el Referimiento de Candidatos Call employer for appointment. All applicants should receive full disclosure prior to referral. Complete job order available on the NYS-DOL website or at any One-Stop or DOL office. Courtney Plummer (585) 765-9409. Llame al empleador para su nombramiento. Todos los solicitantes deben recibir información completa y antes de acudir. orden de trabajo completa disponible en la página web del estado de NY-DOL o en cualquier otro One-Stop o la oficina DOL. Courtney Plummer (585) 765-9409

15. Job Specifications / Descripción del Trabajo:

Pick apples and pears for fresh market and/or processing. Other fruit picking, if required, is shown on Attachment # 1. Productivity must be at least 3 bins per day for fresh market apples and 4 bins per day for processing apples. Workers must be physically able to pick fruit, most of which is done from ladders with lower branches picked from the ground. Picked fruit is placed in metal-framed, canvas-covered picking bucket with canvas straps that slip over the head and rest on the shoulders. The bucket, when filled, weighs up to 40 pounds and is emptied into bulk bins with capacity equal to twenty (20) 1 & 1/8 bushels. Workers are required to handle ladders up to 24 feet long and weighing about two pounds per foot. Workers may be instructed to selectively pick mature fruit according to size, color, and other USDA grade standard. May also repair boxes. All applicants must have 1 month experience in the jobs described in this job order.

recoger las manzanas y peras para mercado fresco y / o transformación. Otros recolección de frutas, si es necesario, se muestra en el Anexo N º 3. La productividad debe ser por lo menos 5 cajas por día para las manzanas mercado de productos frescos y 6 contenedores por día para las manzanas de procesamiento. Los trabajadores deben ser físicamente capaz de recoger la fruta, la mayoría de los cuales se realiza desde escaleras con las ramas inferiores recogió del suelo. Tomado de fruta se coloca en marco metálico, un cubo de lona recoger cubiertas con tiras de lona que se deslizan sobre la cabeza y el resto en los hombros. El cubo, cuando se llena, pesa hasta 40 libras y se vacía en silos con capacidad igual a veinte (20) 1 & 1 8 / bushels. Los trabajadores que manejan las escaleras hasta 24 pies de largo y un peso de cerca de dos libras por pie. Los trabajadores pueden recibir instrucciones para recoger selectivamente fruto maduro de acuerdo al tamaño, color y otros estándares del USDA. También puede reparar cajas. Todos los solicitantes deben tener una experiencia de meses en los trabajos descritos en esta orden de trabajo.

(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
	Salario por Hora	Pago por Pieza / Unidad(es)	Pagos Especiales (Bono, etc.)	Deducciones			
Apples /Fresh Market	$10.16	$0.850 / Bu.		Social Security / Seguro Social	X		Weekly / Semanal
Apples /Processing	$10.16	$0.~~600~~ / Bu. .75/Bu		Federal Tax Impuestos Federales	X		X
Apples /Drops	$10.16	$0.500 / Bu.		State Tax Impuestos Estatales	X		Bi-weekly / cada 2 semanas
Pears, Fresh Market	$10.16	$ 0.70/bu		Meals / Comidas		X	N/A
Pears Processing	$10.16	$		Other (specify)/ Otro		X	Other / Otro N/A

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.)

17. Transportation Arrangements / Arreglos de Transportación

All transportation is arranged by Florida East Coast Travel and the employer at no cost to the workers.

Todo el transporte está organizado por Florida East Coast Viajes y el empleador, sin costo para los trabajadores.

(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 contesto "Si," cual es el salario quo le paga al Contratista Agrícola por cada actividad?

19. Unemployment Insurance provided? Seguro de Desempleo? Yes ☒ No ☐
20. Workers' compensation insurance provided? Indemnización por accidence 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") / 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") Ninguno

24	25
New York State Department of Labor One Stop Office nearest to you	(incluya telephone number) / mero de teléfono) New York State Department of Labor One Stop Office nearest to you 12, Room

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 Titulo del Empleador

Lisa Plumper 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 ng 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.

ETA 790 (Rev. July 2009)

New York State Department of Labor
FORM ETA 790
Attachment 1

Job Order Number N.Y. 0944635

A: CLARIFICATION OF ITEMS ON FORM ETA 790

Item 1: E mail address clplummer66@yahoo.com

Item 3: Housing

a. Housing and utilities are provided at no cost to workers who are unable to return to their place of residence the same day.
b. Housing beds, bedding and mattresses will be furnished at no cost to the workers.
c. Housing will be clean and meet the applicable Federal and State housing standards.
d. Workers will be responsible for maintaining housing and surrounding areas in a neat, clean manner.

Item 13: Board Arrangements

a. Employer will ___ will not _X_ provide three meals per day and will deduct $ _N/A_ per day. Employer will _X_ will not ___ furnish free dishes, cooking utensils and convenient kitchen and cooking facilities.
b. Employer will _X_ will not ____ provide transportation to assure workers access to stores where they can purchase groceries and/or other incidentals and/or medical necessities.
c. Amount of meal charges will be consistent with 20 CFR 355.173.

Item 14 Referral Instructions

Workers hired under this Job Order will be required to show evidence of right to work in the United States of America.

Item 15: Job Specifications

(con't) Worker places ladder firmly against or within tree in a secure position so as not to break limbs or knock off fruit and to prevent slipping or falling. All fruit to be handled with care to avoid causing bruising. Each worker's picked fruit will be inspected according to instructions given each day by the orchard foreman. Workers will be directed to strip all fruit from tree at one picking or to spot pick (selective picking) according to size and color depending on crop conditions and state of maturity. Fruit picked as drops is never mixed with tree fruit.

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.

a. Workers must be able to demonstrate that they are physically able to perform the work as described.
b. Employer may terminate worker with notification to the New York State Department of Labor, if the worker:
   1) refuses, without just cause, to perform work for which the worker was recruited and hired;
   2) commits serious acts of misconduct; or
   3) fails, after completing any training or break-in period, to reach production standards.
c. The employer will provide _3__ days of training and/or allow_3__ days of work for worker to reach production standards if applicable.
d. Production Standards (if applicable): After completion of training or break-in period, employer will expect worker to: pick enough fruit to meet AEWR min. wage per hour.

Item 16: Wage Rates, Special Pay Information and Deductions

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 guaranteed minimum hourly rate, the worker will receive make-up pay to the guaranteed minimum wage rate.
b. In the event the DOL promulgates a new AEWR during the recruitment or work contract period which is lower than the current AEWR at the time of application, this lower AEWR will become the guaranteed minimum.
c. 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 tax, and garnishment of wages,
   2. Those that benefit workers and are authorized in writing, such as life insurance or a savings account.

   Any other deduction is illegal. This includes deductions:
   - (or deposits) for tools, boots, raincoats, or uniforms necessary for the job;
   - As fines or penalties for being late, misconduct, or quitting without giving notice;
   - For cash shortages;
   - For spoilage or breakage; or
   - For damages or losses of any kind.
d. The employer guarantees to offer employment for a minimum of ¾ of the hours in the workdays during the period of the contract, 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 ¾ 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 or 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. Workers who are terminated for cause or who voluntarily abandon their job are not entitled to this guarantee.
e. 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.
f. The employer will provide workers referred through the interstate clearance system _42_ hours of work for the week beginning with the anticipated date of need, unless employer

has amended the date of need by notifying the local office no later than 10 business days before the date of need. If the employer fails to notify the order-holding office, then employer shall pay an eligible worker referred through the clearance system $457.20 for the first week starting with the originally anticipated date of need. If worker referred fails to notify the NYS Department of Labor (preferably the order-holding office) of continued interest in the job at least 5 days before date of need, worker will be disqualified from this assurance. Employer will _X_ will not ___ require worker to perform alternative work if the guarantee cited in this section is invoked.

Alternative work: _Trim fruit trees, hand thin, weeding, hoeing, succoring, and summer thinning. May also repair boxes.

f. Employer will maintain adequate payroll records. Workers will be paid weekly on _Friday_ for work through the previous _Wednesday_.

Item 17: Transportation

a. Employer agrees to reimburse inbound transportation and subsistence expenses ($10.64 per day without receipts, max. of $46.00 per day 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, 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, in which case this employer only pays for the transportation to the next job.
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 and employer provides timely notification to the NPC and DHS.
d. The amount of the transportation payment will be equal to the most economical and reasonable similar common carrier transportation 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 worker, the employer will assist in making transportation arrangements.

The amount of daily subsistence will be in accordance with current rates published in Federal Register (for workers with and without receipts).

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: Workers' Compensation

The employer assures that Policy # R-1337115-8 issued by NYS Insurance Fund provides the required insurance for injuries arising out of and in the course of employment. Employer's proof of insurance coverage will be provided to the Chicago Processing Center before certification is granted.

Item 21: Tools and Equipment

The employer will furnish without cost all tools, supplies, or equipment required in the performance of work.

B. OTHER CLARIFICATIONS AND ASSURANCES

1. The employer agrees to abide by the regulations at 20 CFR 653.501 and 20 CFR 655.103.
2. 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 in terms and conditions of employment.
3. Outreach workers shall have reasonable access to the worker in the conduct of outreach activities pursuant to 20 CFR 653.501(xvi).
4. Where appropriate, 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.
5. A copy of the contract or this Job Clearance Order will be provided to the worker by the employer no later than on the day the work commences.
6. The employer assures that if acting as a farm labor contractor (FLC) or farm labor contractor employee (FLCE) on the order, he has a valid federal FLC certificate or FLCE identification card.
7. The applicant also assures that he/she complies with NYS registration requirements. Farm labor contractors anticipating employment contracting with growers or processors in New York State, growers or processors in New York State who use the services of a farm labor contractor, and growers or processors in New York State who, without using the services of a farm labor contractor, are responsible for bringing into the state five or more out-of-state migrant farm or food processing workers, including H-2A workers, are required to register with the New York State Department of Labor and pay a registration fee in addition to any other fees that may be applicable.