



Farm
Labor
Organizing
Committee, AFL-CIO

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July 8, 2008

Ms. Charlene Giles
Ms. Maria Christine Gonzales
Ms. Lynette Wills
United States Department of Labor
Employment & Training Administration,
Chicago National Processing Center,
844 North Rush Street, 12th Floor
Chicago, Illinois 60611

Via Federal Express
and Facsimile
(312) 886-1688

William L. Carlson, Ph.D.
Certifying Officer
Administrative Office of Foreign Labor Certification
United States Department of Labor
200 Constitution Avenue, N.W., Room C-4312
Washington, D.C. 20210

Via Federal Express
and Facsimile
(202) 693-2768

Re: Two (2) H-2A Applications of joint employer North Carolina Growers Association Inc. ("the Association" or "NCGA") and member growers filed Wednesday, July 2, 2008

Dear Ms. Giles, Ms. Gonzalez, Ms. Wills, and Dr. Carlson:

This letter is written to provide information related to the Applications of the North Carolina Growers Association, a joint employer with its member growers, for acceptance of two (2) Job Orders the Association filed on behalf of itself and its members on July 2.

Attached please find as Exhibit 1 a copy of the current Collective Bargaining Agreement ("CBA") between the Farm Labor Organizing Committee, AFL-CIO, ("FLOC") and the North

Cases C-08184-14118 and C-08184-14114
EXHIBIT I - 000001

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Carolina Growers Association Inc. ("NCGA"). Section 1.1 of Article 1 at Page 1 of the CBA specifies that NCGA "recognizes the Union as the exclusive bargaining representative for all hourly agricultural workers employed by [NCGA] Members through the services of NCGA." We recognize that NCGA is a joint employer of such hourly U.S. and H-2A workers hired through the auspices of the H-2A program.

On behalf of FLOC, I would like to state that FLOC agrees with statements that counsel for NCGA make in the attached e-mail (Exhibit 2) submitted by NCGA counsel Ann Margaret Pointer to counsel for the United States Department of Labor, ETA, ("DOL") Vincent Costantino and Harry Sheinfeld. If DOL adopted a position, departing from its practice of many years, to require each Job Order to specify specifically which crops will be planted, cultivated, and harvested by which growers, that position would have a substantial negative effect on the quantity of job opportunities available to FLOC's membership and farmworkers in general in North Carolina. As I have previously stated to Messrs. Costantino and Sheinfeld, not only would there be a reduction in the quantity of job opportunities, there would be a reduction in the amount of earnings opportunity for workers.

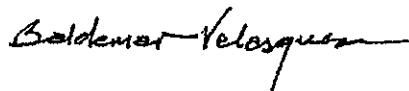
Additionally, FLOC is aware of few, if any, U.S. workers who have an exclusive interest in working in only one or two of the non-tobacco crops cited in the "Type of farmworker diversified crops II" listing of the diversified crops that NCGA has submitted in the two (2) Job

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Orders presently pending before DOL. This could be curtailing job opportunities by disrupting the transfers from one joint employer to another in successive back to back to back harvests.

This being said, FLOC is aware of many workers that it represents who desire the job opportunities that exist only because of the access that NCGA members have to the Association's joint employer system, which allows for the type of diversified economic system that sustains both the grower members of NCGA and the worker members of FLOC.

Very truly yours,



Baledemar Velasquez,
President, Farm Labor Organizing Committee,
AFL-CIO

BV
Enclosures

cc: Vincent Costantino, Esquire (Via E-Mail - Costantino.Vincent@dol.gov)
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