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July 21, 2008

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Via E-Mail
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Via E-Mail
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and U.S. Mail

Re: North Carolina Growers Association Inc. ("NCGA" or "the
Association") Job Orders —
Case No. C-08184-14118 and
Case No. C-08184-14114
carrying determination dates of July 21, 2008, and acceptance
letters dated July 18, 2008

Dears Messrs. Sheinfeld and Costantino:

Attached herewith for your convenience of reference are two (2) letters issued by the Chicago Processing Center for the Employment Training Administration in connection with the above matters and my requests for your and your client's attention and response.

1. Critical timing for approval and issuance of certifications.

As our client has separately raised directly with ETA staff on receipt today, July 21, 2008, of the above-referenced letters dated July 18, it is critically important that the Association's joint employers be able to receive workers by the start date of August 16. Based on the number of

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advertisements and other positive recruitment efforts already undertaken this season, we know no reason that the certifications cannot be issued immediately so that other processes to arrange for workers' arrival can be completed.

2. Request confirmation that joint employers' workers may reside in approved housing of any joint employer.

The first paragraphs of both acceptance letters contain the following text:

The DOL would like to take this opportunity to remind NCGA that an association filing applications as joint employers with their growers are permitted to transfer workers ONLY between employers who have sufficient housing capacity to accommodate the workers. Any transfer of workers between employers who do not have sufficient housing capacity will be treated as a violation of the terms of the certification.

Id. (Emphasis in original.) We would appreciate confirmation that ETA recognizes that workers may reside in housing owned and/or controlled by a different grower than the grower at whose work location a worker works on any given day.

3. The July 18 letter pertaining to Case No. C-08184-14118 and requests for "original" signatures by July 21.

Please note that in the ETA numbered paragraph 4 on page 2 of its July 18 letter pertaining to Case No. C-08184-14118, demand is made for submission of a "written report containing your original signature to our office no later than July 18, 2008." (Emphasis in original.) Given that the letter dated July 18 was not received by either NCGA or us as its counsel until July 21, a written report cannot be provided to anyone to meet the July 18 date.

Our client will use its best efforts to fax written recruitment reports by today, July 21, and is willing to supplement the faxed reports by overnighting information pertaining to both cases, that is, C-08184-14118 and C-08184-14114, for delivery on July 22.

July 21 is not 30 days before the date of need.

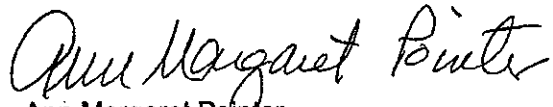
In closing, we trust that other references in both letters to the effect of July 21, 2008, being thirty (30) days before the housing is to be occupied and the date of need are oversights on behalf of ETA and do not in any respect reflect a change by ETA or an agreement by NCGA and its

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members to a change as to the August 16, 2008, date of need. We also trust that every reasonable effort will be made by ETA to issue certifications with respect to these two (2) case numbers immediately and to arrange for immediate delivery of these certifications.

Thank you for your attention to this matter.

Very truly yours,



Ann Margaret Pointer
For FISHER & PHILLIPS LLP on behalf of the
North Carolina Growers Association Inc. ("NCGA")
and Its Joint Employer Members

AMP:sjw
Enclosures

cc: Mr. C. Stan Eury, Executive Director, North Carolina Growers Association Inc. ("NCGA")
Mr. Lee Wicker, Deputy Director, North Carolina Growers Association Inc. ("NCGA")
Mr. Baldemar Velasquez, President, Farm Labor Organizing Committee, AFL-CIO, ("FLOC")
(Via E-Mail -- BVelasq@floc.com)
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