

U.S. Department of Labor Employment and Training Administration
Chicago Processing Center
844 N. Rush Street
12th Floor
Chicago, IL 60611

July 18, 2008

NCGA, INC.
230 CAMERON AVE
VASS, NC 28394

No. of Job Openings: 63
Occupation: FARMWORKER DIVERSIFIED CROP II
Period of Employment: 08/16/2008 through 11/05/2008
Case Reference Number: C-08184-14114
Determination Date: July 21, 2008

Dear Mr. Eury, Jr.:

Your application seeking temporary labor certification under the H-2A temporary agricultural program has been reviewed and accepted for processing. Your application is timely and contains the required assurances that the conditions of employment necessary to ensure that the wages and working conditions of U.S. workers similarly employed will not be adversely affected. 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. In order to receive a final determination on your temporary labor certification application, you are required to:

1. Cooperate with the applicable State Workforce Agency (SWA) to prepare a job order for local, intrastate, and interstate recruitment of U.S. workers based on information regarding the job opportunity that has been supplied by you (20 CFR 655.103(d)(1)). This job order will be managed on your behalf by the SWA and shall direct applicants to report or send resumes to the nearest local office of the SWA prior to referral to your place of employment. For applications filed by an association of agricultural producers, the SWA will prepare a single job order in the name of the association on behalf of all the employer-members duly named in the application.
2. Accomplish the following recruitment steps between now and the date that the foreign workers depart for your place of employment (20 CFR 655.105(a)):
 - A. *Local Newspaper Advertisements:* Place at least two (2) advertisements for your job opportunity(s) in a newspaper of general circulation serving the area of intended employment, which may be a daily local newspaper. If your job opportunity is located in a rural area where a newspaper with a daily edition is not available, you may use a daily edition with the widest circulation in the nearest urban area or such

other publication, including trade publications, serving the area of intended employment that you believe will most likely bring responses from U.S. farm workers.

Newspaper advertisements posted by employers must:

- a. Identify the name of the employer and location(s) of work, or in the event that an association is serving as the employer, a statement indicating that the name and location of each member of the association can be obtained through the SWA;
 - b. Provide a description of the nature and anticipated duration of the job opportunity;
 - c. Identify the wage rate required by law, or in the event that an association is serving as the employer, the range of applicable wages and a statement indicating that the rate applicable to each member can be obtained through the SWA;
 - d. State the guarantee;
 - e. If applicable, state that work tools, supplies, and equipment will be provided without cost to the worker;
 - f. State that housing will be provided without cost to workers who cannot reasonably return to their permanent residence at the end of the work day;
 - g. If applicable, state that expenses for subsistence and transportation to the worksite will be provided or paid by the employer, with payment to be made no later than completion of 50% of the work contract; and
 - h. Direct applicants to report or send resumes to the SWA for referral to you by using the following language in your advertisement: *"Apply for this job at the nearest North Carolina Employment Security Commission office using job listing number NC7264702."*
- B. *Contact Former U.S. Workers:* Establish contact with former U.S. workers employed by you in the occupation at the place of employment during the previous season and solicit their return to the job this season. You should retain documentation on efforts to contact former U.S. workers as well as any responses received and be prepared to submit such documentation only in response to a request from our office.

<p>Important Note: In accordance with Federal regulations, your obligation to engage in positive recruitment efforts <u>will terminate</u> on the date the foreign worker(s) departs from his or her place of residence for your place of work.</p>
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3. As soon as they are received by you, original newspaper pages (i.e., tear sheets) or other proof of publication (e.g., affidavit of publication, invoices or other electronic verification) furnished by the newspaper for each day the advertisement was published must be submitted to our office. Documentation providing proof of publication must be supplemented with a copy of the text of the advertisement that was published. You are not required to provide documentation that your newspaper advertisements are scheduled to run or copies of proposed advertisements.
4. Based on the results of your recruitment efforts, submit a written recruitment report containing your original signature to our office no later than July 21, 2008. The recruitment report must (a) identify each recruitment source by name, (b) state the name, address, and telephone number of each U.S. worker who applied for the job during the

recruitment period, and (c) explain the lawful job-related reason(s) for not hiring each U.S. worker. This information will allow our office to make a timely determination on whether to grant or deny the certification thirty (30) days in advance of the stated date of need.

Please remember that you must interview all U.S. workers who apply to you (or on whose behalf an application is made), including those who apply directly to you, for your job opportunity. Any U.S. worker who applies to you (or on whose behalf an application is made), but whom you reject for other than a lawful, job-related reason(s) or fail to provide with a lawful, job-related reason(s) for rejection, ~~will be considered available for work by~~ this office.

Our office must approve any amendments to your original H-2A application, such as a change in the period of employment, number of workers requested, or other minor modifications. Any request for such approval must be submitted in writing. If checked, the additional statement(s) listed below apply to your application:

You are authorized conditional entry into the interstate clearance system based upon your written request and assurance(s) that your housing will meet Department of Labor standards by at least July 21, 2008, which is thirty (30) calendar days before the housing is to be occupied. It is recommended that you schedule housing inspections thirty-five (35) days prior to your start date of employment to allow for correction of any possible deficiencies.

In order to receive a labor certification, you must submit evidence that you have obtained workers' compensation coverage for your employees. Such evidence, including the name of the insurance carrier and the policy number or proof of State law coverage, must be received in this office no later than July 21, 2008.

Do not forget to include your Case Reference Number on any correspondence sent to the Chicago Processing Center. Failure to do so may result in a delay in processing your application. Please direct any inquiries to the Chicago Processing Center at (312) 886-8000 or via electronic mail at TLC.Chicago@dol.gov and send all requested information contained herein to the following address:

U.S. Department of Labor
Employment and Training Administration
Chicago Processing Center
844 N. Rush Street
12th Floor
Chicago, IL 60611

Sincerely,

Marie Gonzalez
Certifying Officer

CC: CHESTER PILSON

GARRETT JOHNSON
GEORGE WOOTEN
KENNETH RAY WATKINS
TIMOTHY C. TUTTLE
SUPERVISOR, AGRICULTURE EMPLOYMENT SERVICES
NORTH CAROLINA EMPLOYMENT SECURITY COMMISSION
