

INFORMATION ON SURVEYS FOR PREVAILING PRACTICES

Attached are material which may assist you to prepare and design a prevailing practice survey, as well as to actually conduct prevailing practice surveys.

Page

- PP-1 [1] "What About Prevailing Practice"...Prevailing versus Common or Normal/H-2A versus Non-H-2A Employer
- PP-3 [2] Paages II-5 & II-6 of ETA Handbook No. 398, "Prevailing Practice and Related Determinations"
- PP-4 [3] Copy of Page 43123 of 9/17/92 Federal Register amending Part 655.100 (b) "Definition of terms used in this subpart" of the H-2A regulations, i.e., page II-6 of H-2A Handbook, by inclusion of definition of the term "prevailing".
- PP-5 [4] State of Oregon Prevailing Practice Survey Instrument/Questionnaire
- [5] Copies of selected findings of prevailing practice surveys reported by various State agencies:
- PP-13 (a) Oregon: cherry picking
- PP-17 (b) Florida: orange (for processing) harvest
- PP-19 (c) Georgia: vidalia onion planting
- PP-21 (d) North Carolina: tobacco transplanting
- PP-22 (e) North Carolina: pickle cucumber harvest
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- PP-26 (h) Texas: cattle ranchhand
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- PP-29 (j) H2A versus Non-H2A: Maine: apple picking
- PP-31 (k) Maine: Nursery Laborer

○ WHAT ABOUT PREVAILING PRACTICE??

PREVAILING: – USED FOR FAMILY HOUSING, USE OF FARM LABOR CONTRACTORS, FREQUENCY OF PAY, AND TRAVEL ADVANCES".

WHAT DOES "PREVAILING" MEAN?



50% OF MORE OF EMPLOYERS IN AREA AND OCCUPATION ENGAGE IN THE PRACTICE OR OFFER THE BENEFIT,

AND

THIS 50% OR MORE OF EMPLOYERS ALSO EMPLOYS 50% OR MORE OF U.S. WORKERS IN AREA AND CROP/OCCUPATION.

- ♣ REGIONAL OFFICE MAKES DETERMINATION.
- ♣ EMPLOYERS SHOULD INCLUDE BOTH H-2A AND NON H-2A EMPLOYERS FOR FAMILY HOUSING AND PAY FREQUENCY
- ♣ NON H-2A EMPLOYERS ONLY FOR ADVANCE TRANSP AND UTILIZATION OF FARM LABOR CONTRACTORS.

NORMAL, COMMON OR "NOT UNUSUAL" PRACTICES

"NORMAL OR COMMON"

**SURVEYS --- USED FOR TOOLS,
PRODUCTIVITY STANDARDS,
POSITIVE RECRUITMENT
PRACTICES, CREWLEADER
OVERRIDE, AND JOB
QUALIFICATIONS -- LESS OF A
STANDARD THAN THE "50% -50%
IN "PREVAILING"!**



**EXAMPLE: "33% OF
EMPLOYERS USE A
PRODUCTIVITY STANDARD"**

**REMEMBER -- "IF IT IS NOT REALLY
UNUSUAL, AND NOT RARE, IT MAY BE
CONSIDERED NORMAL OR COMMON"**

C. PREVAILING PRACTICE AND RELATED DETERMINATIONS

In determining the acceptability of wages, benefits, and working conditions on an employer's H-2A application, the following three basic standards apply:

- o The level of benefits being offered to U.S. workers must be no less than the same benefits the employer is offering, intends to offer, or will provide H-2A workers (and vice versa). Also, no offer may impose on U.S. workers any restrictions or obligations not imposed on H-2A workers; *vill employer se on experienced H2A workers?*
- o The minimum benefits, wages, and working conditions must be no less than those required by the regulations at 20 CFR 655.102 - 103 and 20 CFR Part 653, Subpart F; and
- o For certain job elements, the employer must offer or must conform the job offer to conditions and standards which are "prevailing" "normal" or "common" practices or standards of other employers who hire U.S. workers in the same area and in the same occupation.

In order to arrive at determinations as to whether certain factors are "prevailing", SESAs are encouraged to conduct formal surveys of employers, as time and resources permit, utilizing the sample size and data collection/analysis principles required for prevailing wage surveys in ET Handbook No. 385, with survey findings and determinations verified by the Regional Office. If a formal survey is not possible in view of time or budgetary constraints, SESAs must, to the extent that they are available: (1) utilize expert staff knowledge and experience available in the State agency; (2) informally survey local

employers; (3) contact organizations such as the Cooperative Extension Service and the Farm Bureau; and (4) consult with farmworker advocates and other informed sources in order to arrive at a reasonable determination of prevailing, common or normal practice. The criteria that must be followed in determining that a practice (or other program component) is, in fact, prevailing, is as follows:

- o A majority of employers of U.S. workers in an area (and for an occupation) engage in the practice (or offer the benefit); and
- o This majority of employers (including both criteria and non-criteria employers for family housing and frequency of payment determinations, but non-criteria employers only for advance transportation and crewleader utilization determinations) also employs a majority of U.S. workers in the occupation in the area.

SESAs must submit their findings in writing to the Regional Office in accordance with timetables established by the RA for this purpose.

If a SESA fails to arrive at a prevailing practice determination on a timely basis, or the Regional Office has reason to question the validity of the SESA's finding, the Regional Office is responsible for arriving at a threshold determination or revising the SESA determination. In so doing, the Regional Office should informally survey other informed sources in the same manner noted above for SESA informal surveys, except that the Regional Office is precluded from conducting surveys of 10 or more non-Federal sources because of Federal data collection and reporting constraints.

workers in temporary agricultural jobs in the United States (H-2A visaholders). It does not have the financial or other impact to make it a major rule and, therefore, the preparation of a regulatory impact analysis is not necessary. See Executive Order No. 12291, 3 CFR, 1981 Comp., Page 127, 5 U.S.C. 601 note.

When the proposed rule was published, the Department of Labor notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to the Regulatory Flexibility Act at 5 U.S.C. 605(b), that the rule does not have significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This document contains no paperwork requirements which mandate clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

Catalogue of Federal Domestic Assistance Number

This program is listed in the *Catalogue of Federal Domestic Assistance* as number 17.02, "Certification of Foreign Workers for Agricultural and Logging Employment."

List of Subjects in 20 CFR Part 655

Administrative practice and procedure, Agriculture, Aliens, Crewmembers, Employment, Enforcement, Forest and forest products, Guam, Health professions, Immigration, Labor, Longshore work, Migrant labor, Nurse, Penalties, Registered nurse, Reporting and recordkeeping

requirements, Specialty occupation, Students, Wages.

Final Rule

Accordingly, part 655 of chapter V of title 20, Code of Federal Regulations, is amended as follows:

PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

1. The authority citation for part 655 continues to read as follows:

Authority: Section 655.0 issued under 8 U.S.C. 1101(a)(15)(H) (i) and (ii), 1182 (m) and (n), 1184, 1188, and 1288(c); 29 U.S.C. 49 *et seq.*; sec. 3(c)(1), Pub. L. 101-238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); and 8 CFR 214.2(h)(4)(i).

Section 655.00 issued under 8 U.S.C. 1101(a)(15)(H)(ii), 1184, and 1188; 29 U.S.C. 49 *et seq.*; and 8 CFR 214.2(h)(4)(i).

Subparts A and C issued under 8 U.S.C. 1101(a)(15)(H)(ii)(b) and 1184; 29 U.S.C. 49 *et seq.*; and 8 CFR 214.2(h)(4)(i).

Subpart B issued under 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184, and 1188; and 29 U.S.C. 49 *et seq.*

Subparts D and E issued under 8 U.S.C. 1101(a)(15)(H)(i)(a), 1182(m), and 1184; 29 U.S.C. 49 *et seq.*; and sec. 3(c)(1), Pub. L. 101-238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note).

Subparts F and G issued under 8 U.S.C. 1184 and 1288(c); and 29 U.S.C. 49 *et seq.*

Subparts H and I issued under 8 U.S.C. 1101(a)(15)(H)(i)(b), 1182(n), and 1184; 29 U.S.C. 49 *et seq.*; and sec. 303(a)(8), Pub. L. 102-232, 105 Stat. 1733, 1748 (8 U.S.C. 1182 note).

Subparts J and K issued under 29 U.S.C. 49 *et seq.*; and sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

2. In § 655.100, paragraph (b) is amended by adding, between the definitions of "Positive Recruitment" and "Regional Administrator, Employment and Training Administration (RA)," a definition of "Prevailing," to read as follows:

§ 655.100 Overview of this subpart and definition of terms.

* * * * *

(b) * * *

Prevailing means, with respect to certain benefits other than wages provided by employers and certain practices engaged in by employers, that:

(i) Fifty percent or more of employers in an area and for an occupation engage in the practice or offer the benefit; and

(ii) This 50 percent or more of employers also employs 50 percent or more of U.S. workers in the occupation and area (including H-2A and non-H-2A employers for purposes of determinations concerning the provision of family housing, frequency of wage payments, and workers supplying their own bedding, but non-H-2A employers only for determinations concerning the provision of advance transportation and the utilization of farm labor contractors).

* * * * *

Signed at Washington, DC, this 11th day of September, 1992.

Lynn Martin,

Secretary of Labor.

[FR Doc. 92-22456 Filed 9-16-92; 8:45 am]

BILLING CODE 4510-30-M

EMPLOYER PREVAILING PRACTICES SURVEY

Instructions:

A. Complete one form for each crop activity/employer combination. If an employer will be hiring workers for two or more activities listed on the "List of crop activities" sheet, complete a different Prevailing Practices Questionnaire for each activity, if any practices vary. Otherwise, list all surveyed activities for which this form applies.

B. Let the employer know that they may receive a call to clarify information on this form.

C. Complete all sections of this form.

Interviewer Name and Local Office:		Interview Date:	
Name of Employer:		Address (incl. city, state, zip):	
Name of Person Interviewed:		Position of person interviewed:	Phone Number:
Method of interview contact (please circle): telephone in-person			
Crop (including variety) and Activity Surveyed:			Acres in Crop Activity:
Number of Employees represented by this questionnaire:			

HOUSING (H)

H1. Do you provide housing for your employees performing the activity specified above?
 Yes No

If yes, go to H2. If no, go to the MEALS section on the next page.

H2. Do you provide housing to:
 a) Workers only? Yes No
 b) Workers and their non-working family members? Yes No

H3. Is housing provided completely free of charge? Yes No

If yes, go to the MEALS section. If no, go to H4.

H4. What is the charge per person and/or per family for housing? (Please include units, e.g. \$5 per person per week, \$1 per day per person for electricity, \$50 per family per cabin per week, etc.)

MEALS (M)

M1. Do you provide cooking facilities for your employees:
 prior to the start of the season? Yes No
 during the season? Yes No

M2. Do you provide prepared meals to your workers? Yes No

If yes, circle the prepared meal (s) provided:

prior to the start of the season: breakfast lunch dinner
 during the season: breakfast lunch dinner

If no, go to the TOOLS, SUPPLIES, EQUIPMENT section.

M3. Are workers charged for the prepared meals? Yes No

If yes, please complete the table and M4.

If no, go to the TOOLS, SUPPLIES, EQUIPMENT section.

Meal	Charge (\$)	Unit (per day, per meal, per week, or per season)
Breakfast		
Lunch		
Dinner		
All 3 meals		

M4. Are workers required to purchase the prepared meal (s)? Yes No

TOOLS, SUPPLIES, EQUIPMENT (S)

S1. Do you provide tools, supplies or equipment needed by the workers to complete the crop activity?
 Yes No

If Yes complete the table below and question S2. If no go to TRANSPORTATION section on the next page.

Specific type of tool, supply or equipment	Is there a non-refundable charge?	Amount of non-refundable charge (\$)	Unit (per day, week, season, one time charge)	Is there a refundable deposit?	Amount of refundable deposit (\$)	Unit (per day, week, season, one time charge)

S2. If there is a refundable deposit, specify any conditions affecting full return of the deposit?

TRANSPORTATION (T)

For U.S. workers whose permanent residence is too far to commute to the place of work:

- T1: Do you advance the cost of transportation to these workers before they travel to the place of work?.....Yes No
 If yes, do you require workers to pay back the money advanced for transportation? Yes No
- T2. Do you reimburse workers who have paid the cost of transportation?..... Yes No
- T3. Do you pay the cost of return transportation to the workers' permanent residence?..Yes No
- T4. Do you advance the cost of meals to workers before they travel to the place of work?
 Yes No
 If yes, do you require workers to pay back the money advanced for meals? Yes No

FREQUENCY OF PAY

How often do you pay your workers for this crop activity? (Please circle all that apply)

Pay Period	Number of Workers Represented
a) Daily	
b) Weekly	
c) Every two weeks	
d) Monthly	
e) End of season	
f) Other (Please specify) : _____	

If more than one pay period is circled above, describe what you cover under each pay period, (e.g. regular pay weekly with an end of the season bonus, minimum wage paid daily with excess earned above minimum weekly, year round employees performing activity paid monthly, seasonal workers paid weekly, etc.)

METHOD OF RECRUITMENT

How do you recruit U.S. workers? (Please circle **all** that apply)

- a) State of Oregon Employment Department
 - b) America's Job Bank / Internet
 - c) Advertise in the local newspaper / Radio
 - d) Place signs at roadsides or on bulletin boards or in stores
 - e) Through farm labor contractors
 - f) Through traveling and recruiting outside the local area (by myself or a permanent employee)
 - g) Word-of-mouth
 - h) Hire returning workers from previous season(s)
 - i) Other (Please specify below)
-
-

PRODUCTIVITY STANDARD (P)

P1. Do you have a productivity standard for the activity being surveyed?..... Yes No

If yes, go to P2. **If no**, go to the **QUALITY STANDARD** section, page 5

P2. What is your productivity standard? (i.e. pick 3 half bins per day, pick 10 14-lb crates per day, etc)

P3. Do you have a specific time period after which you require workers to meet your productivity standard?..... Yes No

If yes, how long is this time period? (Please circle unit) _____ hours/days/weeks

P4. Are there consequences for workers who fail to meet your productivity standard within the allotted time period?..... Yes No

If yes, what are the consequences?

- a) Warning
- b) Fired
- c) Other (Please specify) _____

P5 Do you have a training period for inexperienced workers ?..... Yes No

If yes:

How long is the training period? (Please circle unit) _____ hours / days / weeks

Is the pay rate different for trainees ?..... Yes No

QUALITY STANDARD (Q)

Q1. Do you have a quality standard which your employees must maintain while working in this crop activity?

..... Yes No

If yes, what is the quality standard? (e.g. no bruises, with stems, no drops, no leaves, no rot, no more than one stem per sample, etc.)

WORK EXPERIENCE, REFERENCES (E)

E1. Do you normally require workers to have experience in this crop activity prior to hiring them?

..... Yes No

If yes, how much experience do you require? (Please circle units)

_____ Days Weeks Months Years Seasons

E2. Do you require references to verify work experience? Yes No

If yes, how many references do you require? _____

How many of these do you contact ? _____

E3. Do you require that your workers have any special skills? Yes No

If yes, what specific skills do you require? (i.e. ability to work on a 14 foot ladder, ability to use specific tools, etc.)

TEAM WORK (W)

W1. Are workers required to work in teams? Yes No

If yes, exactly how is each worker's pay determined?

- a) split equally among team members
- b) paid hourly
- c) paid for amount of crop picked
- d) other (please specify below)

What size are teams ? _____

How is team composition determined ? (e.g. workers choose teams, employer assigns teams)

If no, do you allow workers to work as a team? Yes No

If yes, how is each worker's pay determined?

AREA: Polk, Yamhill, Marion Counties

DATE: July 19, 1996

CROP: Cherries

ACTIVITY: Picking

SURVEY SAMPLE:	TOTAL #	TOTAL #
	OF GROWERS	OF WORKERS
	10	420

HOUSING

1. DOES EMPLOYER PROVIDE HOUSING?		
YES	3	150
NO	7	270
2. IF YES, IS IT PROVIDED TO		
A) SINGLES - YES	3	150
NO	0	0
B) FAMILY - YES	1	40
NO	1	45
3. IS HOUSING FREE TO WORKERS?		
YES	2	85
NO	0	0

MEALS

1. ARE COOKING FACILITIES AVAILABLE?		
YES	3	150
NO	6	245
2. DOES EMPLOYER PROVIDE PREPARED MEALS?		
YES	0	0
NO	10	420
3. IF YES, ARE WORKERS CHARGED FOR MEALS?		
YES	N/A	N/A
NO	N/A	N/A

TOOLS, SUPPLIES, EQUIPMENT

1. DOES EMPLOYER PROVIDE ALL NEEDED TOOLS AND EQUIPMENT?		
YES	8	360
NO	2	60
2. IF YES-		
A) CHARGE-		
YES	1	45
NO	7	315
HOW MUCH?	N/A	
B) DEPOSIT-		
YES	1	45
NO	8	360
HOW MUCH? \$10.00 per bucket	1	45

*Note 1 employer charges \$16.50/bucket if buckets are not returned but does not require a deposit.

TRANSPORTATION

1. DOES EMPLOYER ADVANCE COST OF TRANSPORTATION TO JOB SITE?			
YES	0	0	
NO	10	420	
2. IF YES, MUST WORKERS PAY BACK ADVANCED FUNDS?			
YES	N/A	N/A	
NO	N/A	N/A	
3. DOES EMPLOYER ADVANCE COSTS OF MEALS CONSUMED IN TRANSIT?			
YES	0	0	
NO	10	420	
4. IF YES, MUST WORKERS PAY BACK ADVANCES FOR MEALS?			
YES	N/A	N/A	
NO	N/A	N/A	
5. DOES EMPLOYER REIMBURSE WORKERS WHO HAVE PAID THE COST OF TRANSPORTATION TO JOB SITE?			
YES	0	0	
NO	10	420	
6. DOES EMPLOYER PAY COST OF RETURN TRANSPORTATION TO WORKERS' PLACE OF ORIGIN?			
YES	0	0	
NO	6	232	

FREQUENCY OF PAY:

A) DAILY	0	0
B) WEEKLY	4	224
C) TWO WEEKS	0	0
D) MONTHLY	0	0
E) OTHER	11	424
other:		
When finish field	1	15
End of harvest	7	264
Payroll draws during season	3	145

METHODS OF RECRUITMENT

A) EMPLOYMENT DEPARTMENT	0	0
B) ADVERTISE	0	0
C) FARM LABOR CONTRACTOR	0	0
D) REGULAR WORKERS RETURN	7	300
E) PERSONALLY OR FOREMAN RECRUIT	2	120
NON-LOCAL WORKERS		
F) WORD OF MOUTH	6	264
G) OTHER	1	15
Other:		
Post signs	1	15

PRODUCTIVITY STANDARD

1. DOES EMPLOYER HAVE A PRODUCTIVITY STANDARD?			
	YES	2	110
	NO	8	310
2. IF YES, WHAT IS IT?			
	Earn minimum wage	1	65
3. ARE EMPLOYEES ALLOWED A TRAINING PERIOD?			
	YES	2	110
	NO	0	0
4. IF YES, HOW LONG?			
	1 day	1	45
	3 days	1	65
5. IF EMPLOYEE FAILS TO MEET STANDARD, ARE PENALTIES IMPOSED?			
	YES	1*	45
	NO	2*	110
6. IF YES, WHAT ARE THEY?			
	May let go, may not	1	45

*Note: 1 employer is listed as YES and NO in question 5 because they answered MAYBE to this question. This same employer responded MAY LET GO, MAY NOT to question 6.

QUALITY STANDARD

1. DOES EMPLOYER HAVE A QUALITY STANDARD?			
	YES	2	111
	NO	8	309
2. IF YES, WHAT IS IT?			
	Buckets full, no stems or cracks	1	15
	5- or less without stems	1	96

WORK EXPERIENCE

1. DOES EMPLOYER NORMALLY REQUIRE WORKERS TO HAVE EXPERIENCE IN THE JOB?

YES	1	80
NO	9	340

2. IF YES, HOW MUCH? Unspecified number of DAYS

3. DOES EMPLOYER REQUIRE REFERENCES TO VERIFY EXPERIENCE?

YES	0	0
NO	10	420

4. IF YES, HOW MANY? N/A

5. ARE WORKERS REQUIRED TO HAVE SPECIAL SKILLS?

YES	3	86
NO	7	334

6. IF YES, SKILLS?

Picking skills	1	45
Ladder setting ability	1	18
Pick with stems	1	23

TEAM WORK

1. ARE WORKERS REQUIRED TO WORK IN TEAMS?

YES	0	0
NO	10	420

2. IF YES, HOW IS PAY DETERMINED? N/A

OTHER COMMENTS:

Several employers listed more than one frequency of pay and methods of recruitment.

Most of the employers reported hiring returning workers and several stated the same employees have been returning for several years.

Brenda Turner
 BREND A TURNER
 AG PREVAILING WAGE ANALYST

July 19, 1996
 DATE

WAGE REPORTING AREA Name.....Southern Region	FLORIDA DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY PREVAILING LABOR PRACTICES REPORT	STATE.....Florida
Number.....2		SURVEY PERIOD Beginning....2/3/97 Ending...2/21/97
CROP AND ACTIVITY.....Early/Mids Orange(Processing)		Date of Finding (Month, Day, Year)....4/21/97

Employers of U.S. Labor in Sample:.....11

Total Number of Domestic Workers Employed:.....2,335

1. PRACTICES FOR WHICH A PREVAILING DETERMINATION MUST BE MADE¹

Labor Practice	% of Applicable Employers in Sample Reporting Labor Practice	% of Total Domestic Workers Employed	PREVAILING?
Family Housing	27.3	22.1	NO
Frequency of Payment (Weekly)	100	100	YES
Transportation Advances	0	0	NO
Labor Contractor Utilization	0	0	NO

2. PRACTICES FOR WHICH A NORMAL/Common DETERMINATION MUST BE MADE²

Labor Practice	% of Applicable Employers in Sample Reporting Labor Practice	% of Total Domestic Workers Employed	NORMAL/Common?
Tools, Supplies/equipment	100	100	YES
Productivity Standards	9.1	2.1	NO

Positive Recruitment Practice	% of Applicable Employers in Sample Reporting Labor Practice	% of Total Domestic Workers Employed	NORMAL/Common?
Word of Mouth	81.8	88.5	YES
Job & Benefits Office	81.8	90.3	YES
Newspaper Advertisement	0	0	NO
Former Employees	54.5	64	YES
Help Wanted Sign	0	0	NO
Other (crewleader)	0	0	NO

Labor Practice	% of Applicable Employers in Sample Reporting Labor Practice	% of Total Domestic Workers Employed	NORMAL/Common?
Crew Leader Override ³			
Occupational Qualifications	0	0	NO

¹ A prevailing wage practice is one in which a majority of employers employing a majority of workers adhere to the practice.² A normal/common practice is one in which 33.3% or more of the employers employing 33.3% or more of workers adhere to the practice.³ Could not be assessed.

WAGE REPORTING AREA Name.....East Coast
Number.....3
CROP AND ACTIVITY.....Early/Mids Orange(Processing)

FLORIDA DEPARTMENT OF LABOR
AND EMPLOYMENT SECURITY

PREVAILING LABOR PRACTICES
REPORT

STATE.....Florida
SURVEY PERIOD Beginning...2/3/97 Ending...2/21/97
Date of Finding (Month, Day, Year)....4/21/97

Employers of U.S. Labor in Sample:.....11

Total Number of Domestic Workers Employed:.....562

1. PRACTICES FOR WHICH A PREVAILING DETERMINATION MUST BE MADE¹

Labor Practice	% of Applicable Employers in Sample Reporting Labor Practice	% of Total Domestic Workers Employed	PREVAILING?
Family Housing	9.1	18.7	NO
Frequency of Payment (Weekly)	100	100	YES
Transportation Advances	18.2	8.2	NO
Labor Contractor Utilization	9.1	5.7	NO

2. PRACTICES FOR WHICH A NORMAL/Common DETERMINATION MUST BE MADE²

Labor Practice	% of Applicable Employers in Sample Reporting Labor Practice	% of Total Domestic Workers Employed	NORMAL/Common?
Tools, Supplies/equipment	100	100	YES
Productivity Standards	45.5	35.4	YES

Positive Recruitment Practice	% of Applicable Employers in Sample Reporting Labor Practice	% of Total Domestic Workers Employed	NORMAL/Common?
Word of Mouth	45.5	47.8	YES
Job & Benefits Office	27.3	40.2	NO
Newspaper Advertisement	27.3	18.7	NO
Former Employees	9.1	5.7	NO
Help Wanted Sign	45.5	44.8	YES
Other (crewleader)	0	0	NO

Labor Practice	% of Applicable Employers in Sample Reporting Labor Practice	% of Total Domestic Workers Employed	NORMAL/Common?
Crew Leader Override ³			
Occupational Qualifications	45.5	39.7	YES

¹ A prevailing wage practice is one in which a majority of employers employing a majority of workers adhere to the practice.

² A normal/common practice is one in which 33.3% or more of the employers employing 33.3% or more of workers adhere to the practice.

³ Could not be assessed.

PREVAILING PRACTICES SURVEY SUMMARY REPORT (c) Georgia - Onion

Number of Employers Surveyed: 27

Survey ID#	4-13-00-01/Central	Vidalia Onion/Planting
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I. Employers providing housing: 9 33%

A. Family housing apart of facilities		4	44%
B. Family housing occupancy			
	1-5	0	0%
	6-12	1	11%
	13-20	0	0%
	21+	3	33%

II. Employers providing assistance from last place of employment: 0 0%

A. Number of workers receiving assistance	0	0%
B. Type of assistance	# of Employers	% of Total
	0	0

III. Employers setting a minimum standard of production: 0 0%

Number	Unit	Period	Percent

IV. Farm worker pay periods:

Weekly	27	100%
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V. Employers using farm labor contractors: 24 89%

A. Number of actual employees:	469	93%**
B. Crew leader Pay:		
\$0.10/100 foot	1	4%
\$0.65/100 foot	1	4%
\$2.85/100 foot	1	4%
\$3.60/100 foot	1	4%
\$100.00/Day	1	4%
\$2.65/100 foot	2	8%
\$2.50/100 foot	3	13%
\$3.50/100 foot	3	13%
\$2.75/100 foot	4	17%
\$3.00/100 foot	7	29%

C.	Crew leader pays employees from money the Crew leader receives:	21	88%
	\$2.15/100 foot	1	5%
	\$2.20/100 foot	3	14%
	\$2.50/100 foot	4	19%
	\$2.00/100 foot	6	29%
	\$2.25/100 foot	7	33%

**** Represents the number and percentage of employees working for employers who indicated using Farm labor contractors on the practice survey divided by the total number of employees, of employers contacted during the survey. This number is not related to the number of employees surveyed or interviewed.**

I.	Employers providing housing:			31	33%
	A.	Family housing apart of facilities		2	6%
	B.	Family housing occupancy	1 - 5	1	3%
			6 - 12	1	3%
			13 - 20	0	0%
			21 +	0	0%
II.	Employers providing assistance from last place place of employment:			0	0%
	A.	Number of workers receiving assistance		0	0%
	B.	Type of assistance		# of Employers	% of Total
III.	Employers setting a minimum standard of production:			0	0%
	A.	Number	Unit	Period	
IV.	Farm worker pay periods:				
		Daily	22	23%	
		Weekly	72	77%	
V.	Employers using farm labor contractors:			30	32%
	A.	Number of actual employees:	498	42% **	
	B.	Crew leader Pay:		Pay Rates	
			\$3.00 Head	1	3%
			\$5.00 Day	1	3%
			\$30.00 Day	1	3%
			\$0.75 Hour	7	23%
			\$0.50 Hour	20	67%
	C.	Crew Leader pays employees from money the Crew Leader receives	1	3%	
			Pay Rates		
			\$4.25 Hour	1	100%

** Represents the number and percentage of employees working for employers who indicated using Farm labor contractors on the practice survey divided by the total number of employees, of employers contacted during the survey. This number is not related to the number of employees surveyed or interviewed

I.	Employers providing housing:		10	30%
	A.	Family housing apart of facilities	1	10%
	B.	Family housing occupancy		
		1 - 5	0	0%
		6 - 12	1	10%
		13 - 20	0	0%
		21 +	0	0%
II.	Employers providing assistance from last place place of employment:		0	0%
	A.	Number of workers receiving assistance	0	0%
	B.	Type of assistance	# of Employers	% of Total
III.	Employers setting a minimum standard of production:		0	0%
	A.	Number	Unit	Period
IV.	Farm worker pay periods:			
		Daily	10	30%
		Weekly	23	70%
V.	Employers using farm labor contractors:		8	24%
	A.	Number of actual employees:	271	41% **
	B.	Crew leader Pay:		Pay Rates
		\$0.70 5/8 Bushel	4	50%
		\$45.00 Other	4	50%
	C.	Crew Leader pays employees from money the Crew Leader receives	4	50%
				Pay Rates
		\$0.70 5/8 Bushel	4	100%

** Represents the number and percentage of employees working for employers who indicated using Farm labor contractors on the practice survey divided by the total number of employees, of employers contacted during the survey.
This number is not related to the number of employees surveyed or interviewe

TABLE 2 METHOD OF PAY OF TEXAS VEGETABLE PRODUCERS TO HARVESTERS SEPTEMBER 1, 1995 THROUGH AUGUST 31, 1996

<u>FREQUENCY</u>	<u>NUMBER OF WORKERS</u>	<u>PERCENT OF ALL WORKERS</u>
Daily	15	.01%
Weekly	2076	99%
Bi-Weekly	0	0
Monthly	0	0
Other	0	0

TABLE 3 BENEFITS PAID TO TEXAS VEGETABLE HARVESTERS BY PRODUCERS SEPTEMBER 1, 1995 THROUGH AUGUST 31, 1996

<u>BENEFITS</u>	<u>NUMBER OF WORKERS</u>	<u>PERCENT OF ALL WORKERS</u>
DO YOU REQUIRE A MINIMUM STANDARD OF PRODUCTION?		
YES	525	25%
NO	1,566	75%
DO YOU REQUIRE PRIOR WORK EXPERIENCE OF YOUR SEASONAL FARMWORKERS?		
YES	500	24%
NO	1,591	76%
ARE YOU A CONTRACTOR OR CREWLEADER OF SEASONAL FARMWORKERS?		
YES	13	77%
NO	4	23%
ARE YOUR SEASONAL FARMWORKER PROMISED A BONUS IN ADVANCE?		
YES	0	0
NO	2091	100%
DO YOU PROVIDE FREE FOOD TO YOUR SEASONAL FARMWORKERS?		
YES	0	0
NO	2091	100%

1/Total may not add due to rounding.

BENEFITS CONT.
TABLE 3 TEXAS VEGETABLE PRODUCERS PW SURVEY/96

DO YOU PROVIDE FREE HOUSING TO YOUR SEASONAL FARMWORKERS?		
SINGLE	YES	0
	NO	2091 100%
FAMILY	YES	0
	NO	2091 100%
OTHER	YES	0
	NO	0
DO YOU PROVIDE FREE TRANSPORTATION FOR SEASONAL FARMWORKERS?		
	YES	0
	NO	2091 100%
DO YOU PROVIDE FREE TOOLS, SUPPLIES, AND EQUIPMENT SEASONAL FARMWORKERS?		
	YES	965 46%
	NO	1,126 54%

1/Total may not add due to rounding.

PRODUCERS SURVEY
 ONION STATEWIDE

Table 2 FREQUENCY OF PAY OF TEXAS SEASONAL SHEEP & GOAT WORKERS, SEPTEMBER 1, 1995 THROUGH AUGUST 31, 1996 *Statewide/employer*

<u>Frequency</u>	<u>Number Of Workers</u>	<u>Percent Of All Workers</u>
Weekly	26	6.8%
Bi-weekly	20	5.0%
Monthly	180	47.1%
Other	166	41%

TABLE 3 BENEFITS RECEIVED BY TEXAS SEASONAL SHEEP & GOAT WORKERS SEPTEMBER 1, 1995 THROUGH AUGUST 31, 1996

<u>BENEFIT</u>	<u>Number Of Workers</u>	<u>Percent Of All Workers</u>
Free housing		
Single worker	321	81.0%
Family	69	18.6%
Free meals or groceries	323	81.4%
Free tools, supplies, equipment	370	94.6%
Bonus for performance, promised	18	24.1%
Free Insurance	95	23.5%
Transportation Paid in advance	206	52.0%

TABLE 4 QUALIFICATIONS REQUIRED OF TEXAS SEASONAL SHEEP & GOAT WORKERS BY EMPLOYERS, SEPTEMBER 1, 1995 THROUGH AUGUST 31, 1996

<u>Qualification</u>	<u>Percent of Employers Requiring Qualifications</u>
Can work livestock on horseback	59.6%
Needs minimal supervision	90.4%
Willing to live and work alone on ranch	88.6%
Willing and able to work in all weather	83.3%
Available to work day and night	85.1%

NOTE: Totals may not add due to rounding

*Sheep & Goat Survey
Texas State-wide*

Table 2 FREQUENCY OF PAY OF TEXAS SEASONAL CATTLE RANCH
WORKERS, SEPTEMBER 1, 1995 THROUGH AUGUST 31, 1996

<u>Frequency</u>	<u>Number Of Workers</u>	<u>Percent Of All Workers</u>
Weekly	296	20%
Bi-weekly	92	7%
Monthly	506	55%
Other	203	18%

TABLE 3 BENEFITS RECEIVED BY TEXAS SEASONAL CATTLE RANCH
WORKERS SEPTEMBER 1, 1995 THROUGH AUGUST 31, 1996

<u>BENEFIT</u>	<u>Number Of Workers</u>	<u>Percent Of All Workers</u>
Free housing		
Single worker	818	73%
Family	269	26%
Free meals or groceries	732	71%
Free tools, supplies, equipment	1017	90%
Bonus for performance, promised	103	7%
Free Insurance	204	20%
Transportation Paid in advance	418	41%

TABLE 4 QUALIFICATIONS REQUIRED OF TEXAS SEASONAL CATTLE WORKERS
BY EMPLOYERS, SEPTEMBER 1, 1995 THROUGH AUGUST 31, 1996

<u>Qualification</u>	<u>Percent of Employers Requiring Qualifications</u>
Can work livestock on horseback	55%
Needs minimal supervision	89%
Willing to live and work alone on ranch	85%
Willing and able to work in all weather	89%
Available to work day and night	83%

NOTE: Totals may not add due to rounding

*Employer Survey
Texas Statewide*

8/15/96

AGRICULTURAL EMPLOYERS:**PREVAILING PRACTICE - SURVEY FINDINGS:**

Crop Activity: Green Tomato Harvest

AGRICULTURAL AREA: Eastern Shore Area (3-24-01)

1. Number of employers surveyed:	3
a. number responding	3
b. number employing MSFWs	1
c. number employing crew leaders	1
2. Number of employers who provided workers transportation.	0
a. advanced inbound transportation	0
b. outbound transportation	0
3. Number of employers requiring workers:	
a. meet certain minimum production standards	0
b. have previous experience	0
4. Employers who handled seasonal workers payrolls:	3
a. number using the following schedules of pay:	
daily	0
weekly	3
bi-weekly	0
b. Number of employers deducting from pay:	
social security tax	3
federal tax	3
state tax	3
futa	1
other	0
5. Number of crew leaders employed:	2
a. number receiving override pay	0
b. amount of override pay (explain)	NA
c. Number of crew leaders providing the following services:	
transporting workers	2
inbound transportation	2
ou tbound transportation	2
to and from the fields	2
supervising in the camps or fields	2
other (explain)	
6. Methods used,by these employers, to recruit seasonal workers:	

a. clearance orders	0
b. local employment service offices	2
c. previous workers	0
d. notices placed in newspapers etc.	0
e. crew leaders	2
f. word of mouth	0

SEASONAL MIGRANT WORKERS HOUSING SURVEY FINDINGS:

1. Number of employers providing housing for migrant seasonal workers:	1
2. Number providing housing for seasonal migrant worker families.	1
a. Is there a limit on the number of couples?	NO
b. Is there a limit on the number of children?	NO
3. Number of housing units provided (total)	10
a. number for single workers	10
b. number for families	10
4. Number of beds provided (total)	296
a. number for single workers	296
b. number for families	296
5. Were any families housed this year?	YES

H-2A	
Non-H-2A	X

1992 SURVEY OF PREVAILING PRACTICES BY APPLE GROWERS

NUMBER OF EMPLOYERS IN SURVEY: 10

1. Please enter the number of U.S. workers employed for picking apples during the payroll week ending September 26, 1992. 77
2. Did you provide available housing for U.S. workers? Yes 1
If yes, No 9
 - a. Was available housing provided for the family of the U.S. worker? Yes 0
If yes, how many family units? No 1
 - b. Was available housing provided for the single U.S. worker (barracks housing)? Yes 1
If yes, how many single units? No 0
 - c. Were workers required to supply their own bedding? Yes 0
No 1
3. Did you bring in U.S. workers from beyond the normal commuting area? Yes 1
If yes, No 9
 - a. Did you provide a one time advance or reimbursement for their transportation? Yes 1
No 0
4. Did you offer meal reimbursement costs? Yes 0
No 10
5. How often did you pay U.S. workers?
 Daily Weekly Every Two Weeks End of Harvest
6. Did you contract with an agent to recruit U.S. workers out of state? Yes 1
No 9
7. Which of the following recruiting methods did you use for hiring U.S. workers for apple picking?
 - New England Apple Council
 - Maine Job Service
 - "Help Wanted" sign on or near your property
 - Advertise in the newspaper
 - Word of mouth
 - Other (explain) Hired former pickers

(Please continue on reverse side)



H-2A	X
Non-H-2A	

1992 SURVEY OF PREVAILING PRACTICES BY APPLE GROWERS

NUMBER OF EMPLOYERS IN SURVEY: 14

1. Please enter the number of U.S. workers employed for picking apples during the payroll week ending September 26, 1992. 81
2. Did you provide available housing for U.S. workers? Yes 14
If yes, No 0
 - a. Was available housing provided for the family of the U.S. worker? Yes 0
If yes, how many family units? No 14
 - b. Was available housing provided for the single U.S. worker (barracks housing)? Yes 14
If yes, how many single units? No 0
 - c. Were workers required to supply their own bedding? Yes 0
No 14
3. Did you bring in U.S. workers from beyond the normal commuting area? Yes 1
If yes, No 13
 - a. Did you provide a one time advance or reimbursement for their transportation? Yes 0
No 1
4. Did you offer meal reimbursement costs? Yes 0
No 14
5. How often did you pay U.S. workers?
 Daily Weekly Every Two Weeks End of Harvest
6. Did you contract with an agent to recruit U.S. workers out of state? Yes 0
No 14
7. Which of the following recruiting methods did you use for hiring U.S. workers for apple picking?
 - 5 New England Apple Council
 - 14 Maine Job Service
 - 8 "Help Wanted" sign on or near your property
 - 11 Advertise in the newspaper
 - 12 Word of mouth
 - 1 Other (explain) Contacted former workers

(Please continue on reverse side)



**SURVEY OF PREVAILING PRACTICES BY COMMERCIAL NURSERIES
FOR NURSERY LABORERS**

Firm Name _____ Date 8-8-97
 Employers Signature _____ Title _____
 Contact Signature Eva Smith (Eva Smith)

The following questions are about U.S. workers only.

1. How many U.S. nursery laborers did you employ during the payroll week including May 3, 1997 159

2. Was housing available for these workers? Yes 2
 No 15

IF YES How many workers were housed during the survey week? 35

Was housing available for families as well? Yes
 How many family units? 0 No 2

Did you provide barracks housing for single workers? Yes 1
 How many barracks? 3 No 1

Did workers provide their own bedding? Yes
 No 2

3. Were workers recruited from beyond the normal commuting distance? Yes 1
 No 16

IF YES Do you pay one-time transportation costs? Yes 1
 No 1

4. Do you offer meal reimbursement costs? Yes
 No 17

5. How often do you pay your workers? Daily
 Weekly 15
 Every two weeks 2
 Monthly

6. If you recruited workers from other states, did you contract with an agent? Yes 1
 No 16

(PLEASE CONTINUE SURVEY ON OTHER SIDE)



(SURVEY CONTINUED)

Questions are about U. S. workers only

7. What ways do you use to recruit your workers?

Maine Job Service . 2
Help Wanted Sign . 1
Newspaper Ad . 9
Word of Mouth . 13

If other, please identify _____

8. Did you use a farm labor crewleader to recruit your workers?

Yes
No 17

IF YES Did you pay the crewleader any kind of override?

Per Worker .
Per Unit .
Meals .
Housing .

If other, please identify _____

9. What qualifications must your workers have?

Nothing specific 14
Education (years) . 1
Experience (weeks) . 2

If other, please identify _____

10. Do you supply the tools, supplies and equipment needed to do the work?

Yes 17
No

IF NO What must the worker provide? _____

11. Do you have a productivity standard workers must meet?

(for example...dig, prune, transplant, mulch so many shrubs/ trees/plants per day)

Yes 4
No 13

IF YES What is the productivity standard? nonspecific evaluation

What is the training or break in time allowed to meet the standard?

1/2 day .
1 day .
2 days . 1
1 week . 1
2 weeks . 2

If other, please identify _____

Thank you for your help