

VIRGINIA EMPLOYMENT COMMISSION

MEMORANDUM TO:

DATE 7/28/2010

Florida <u>X</u>	North Carolina <u>X</u>	Kentucky <u>X</u>	Pennsylvania <u>X</u>
Texas <u>X</u>	South Carolina <u>X</u>	West Va. <u>X</u>	Maryland <u>X</u>
Georgia <u>X</u>	Puerto Rico <u>X</u>	Delaware <u>X</u>	Other <u>Alabama</u>

FROM: Rural Services Manager
Virginia Employment Commission
P. O. Box 1358
Richmond, Virginia 23211

SUBJECT: Request for Extension of Clearance Order No. VA 170151

Extension is requested for the 1 cop(ies) of the order which is/are attached,
dated 7/28/2010 for 2, Cook's Helper 35-2019-99
(No. of Openings) (Occupational Title and Code)

to be sent to the offices of your choice.

COMMENTS: Please indicate below the action taken by your office.

Michelle Abraham
(signature)

* * * * *

DATE _____

The above request has been reviewed and action taken as indicated below:

ACCEPTED _____ Location(s) to which extend:

REJECTED _____ Reason for Rejection: _____

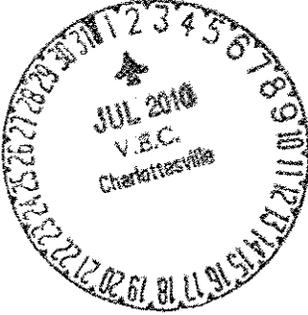
COMMENTS:

Number of additional copies required: _____

(signature)

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 (Número, calle, ciudad, código postal y teléfono) Frederick County Fruit Growers 801 Fairmont Ave Winchester, VA 22604 (540) 667-1396	Numbers 4, 5, 6, 7 and 8 for State use only.
2. Location and Direction to Work Site/Dirección del lugar de trabajo 801 Fairmont Ave, Winchester, VA. Nearest cross street is Independence St. (If additional space is needed, use separate sheet of paper)	4. Industry Code/Código de Industria 722211
3. Location and Description of Housing / Dirección y Descripción de la Vivienda Cinder Block buildings with a capacity of 1044 at 801 Fairmont Ave, Winchester, VA	5. Job Order #/No. Orden de Empleo 170151
(If additional space is needed, use separate sheet of paper) / Si necesita más espacio, utilice documento adicional.)	6. Occupational Title and Code / Título Ocupacional y Código Cooks Helper 35-2019-99
	7. Clearance Order Issue Date / Fecha de Tramite 7/28/10
	8. Job Order Expiration Date / Fecha de vencimiento 10/7/10
	9. Anticipated Period of Employment / Periodo Anticipado de Empleo From/ Desde: 9/1/10 To/Hasta: 11/12/10
	10. No. of Worker's Requested / No. de Trabajadores Pedidos 3
	11. Anticipated Hours of Work per Week/ Horas Anticipadas de Trabajo por Semana. Total: 44 Sunday / Domingo 8 Monday / Lunes 8 Tuesday / Martes 8 Wednesday / Miércoles 8 Thursday / Jueves 8 Friday / Viernes 8 Saturday / Sábado 4
	12. Collect Calls Accepted from/ Se Aceptan Llamadas a Cobrar de: Employer / El Empleador Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Local Office / La Oficina Local Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

13. Board Arrangements / Arreglo de Alojamiento (See attach 1/para mas detalles vea 1)
Employer is responsible for making arrangements for feeding workers or providing kitchen for preparing meals

14. Referral Instructions / Instrucciones para el Referimiento de Candidatos (See attach 1/para mas detalles vea 1)
Referral of workers will be made through the Winchester office of the VA Employment Commission.

15. Job Specifications / Descripción del Trabajo **Prepare and cook West Indian style meals as directed for approximately 300 farm workers in labor camp. Kitchen operates 7 days per week. Hour(s) may vary from day to day.** (See attachment 1/para mas detalles vea 1)

(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			
Cook Assistant	\$9.59	\$		Social Security / Seguro Social	X*		Weekly / Semanal X
		\$		Federal Tax Impuestos Federales	X*		
	\$	\$		State Tax Impuestos Estatales	X*		Bi-weekly / cada 2 semanas
	\$	\$		Meals / Comidas	X		
	\$	\$		Other (specify)/ Otro		X	Other / Otro

More Details About the Pay / Mas Detalles Sobre el Pago
 * if applicable, excludes H-2A workers (See attachment 2/para mas detalles vea 2)

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

17. Transportation Arrangements / Arreglos de Transportación

Employer will reimburse individual workers for reasonable transportation expenses and subsistence expenses from the worker's place of recruitment to Winchester, Va, who continues under employment for 50% of the employment period.

Transportation from the worker's employer provided housing to the place where the work will be performed each day, will be provided by the employer without cost to the worker.

(See attachment 3&4/para mas detalles vea 3&4)

(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 X

If you have checked yes, what is the FLC wage for each activity? / Si contesto "Si," cual es el salario que le paga al Contratista Agrícola por cada actividad?

19. Unemployment Insurance provided? Seguro de Desempleo? Yes No X

20. Workers' compensation insurance provided? Indemnización por accidente de trabajo: Yes X 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 X 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") /

Enumere toda huelga, paro o interrupción de las operaciones por parte de los empleados en el lugar de empleo. (Si no hay, indique "Ninguno")

None/Ninguno

24. Address of Order Holding Office (include Telephone number)/Dirección de la Oficina donde se Radico la Oferta (incluya numero de teléfono)

VA Employment Commission
100 Premier Place
Winchester VA, 22602 (540) 722-3415

25. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya numero de teléfono)

Ken Shaver (434) 984-7640

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

Carol Burke General Manager

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 existing 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.

Virginia Employment Commission

Clearance Order Attachment # 1
Order # VA

Item 3. Workers will be housed without charge in facilities of the Frederick County Fruit Growers' Association at 801 Fairmont Avenue, Winchester, VA or housing owned or leased by the Frederick County Fruit Growers' Association or housing owned by the employer. The Frederick County Fruit Growers' housing facilities are shared with the other grower members, or pro rata share thereof. All housing complies with applicable Federal housing regulations. Housing consists of cinder block structures. Beds, mattresses, electricity, hot and cold water for bathing and laundry, flush toilets, showers and kitchen facilities are provided without charge by the employer.

For workers recruited under this job order, the owner of the housing shall within 48 hours of occupancy by the worker post a legible notice in a prominent place at the housing site, with a copy thereof furnished to the local office of the Virginia Employment Commission, stating the particular days and times of the day or week that the housing premises will be open and available for qualified social workers to enter thereon to offer and provide the services to which the workers are entitled. Such notices shall not be unreasonably restrictive in its content. The purpose of said notice is twofold:

1. To inform agencies of times they may expect to find workers at the housing site.
2. To inform workers when to expect agencies to appear to furnish them services to which they are entitled.

The employer shall provide a suitable burial for the worker if he or she dies during the continuance of the worker's employment hereunder, or in lieu thereof at the request of the next of kin, pay the cost involved in the preparation and transportation of the deceased to the place of origin

Item 11. The employer guarantees to offer the worker employment for at least three fourths of the work days of the total period of employment and all extensions thereof are in effect beginning with the first work day after the arrival of the worker at the place of employment and ending on the termination date specified in the job order or in its extensions if any. The worker is covered by worker's compensation, which is provided by the employer.

Workers are paid weekly by individual check. The employer will furnish each worker on payday an itemized accounting of earnings and of all legal and authorized deductions. The employer is subject to Federal minimum wage laws.

Item 14. Referral of individuals shall be made through the Winchester Office of the Virginia Employment Commission in order to ascertain current employment and housing information and to enable proper arrangements to be made. It will be the responsibility of the applicant office to inform applicants of the terms and conditions of the Clearance Order. When possible, a translator will be made available. The employer, Carol Burke, will be available for interviews between the hours of 9:00 A.M. and 4:00 P.M. Monday through Friday.

The Clearance Order does not constitute an agreement or contract between the employee and employer until such time the employee has actually worked and has been placed on the payroll of the employer.

Employer agrees to provide each worker hired under this Clearance Order, no later than the first day of work, a copy of the complete work contract between the employer and employee.

Item 15. Prepare and cook West Indian style meals as directed for approximately 250 harvest workers. Keep kitchen and dinning area clean and sanitary. Must be able to lift pots that weigh up to 45 pounds when full. One year experience in cooking West Indian style food, related sanitation and food handling required. Food handler's certificate required. Kitchen operates 7 days a week. Hours may vary from day to day.

Virginia Employment Commission

Clearance Order Attachment #2
Order # 170151

The employer maintains the right to refuse to accept an obviously unqualified worker or to discharge a malingering or recalcitrant worker who is physically able but does not demonstrate the willingness to perform the job.

All tools, supplies and equipment required to perform the duties assigned the cook's assistant will be provided by the employer without charge, including deposit charge.

All terms and conditions included in this job order will apply equally to all workers, domestic and foreign, employed under this job order.

Item 17. The employer agrees to reimburse individual workers for reasonable transportation expenses and no less than ~~19.59~~ per day for subsistence expenses from the worker's place of recruitment to Winchester, Virginia, who continues under employment for 50% of the employment period. Those workers paying the transportation and reasonable subsistence expenses from the place of recruitment to Winchester, Virginia who are unable to complete the minimum employment of legitimate medical reasons sustained or contracted after arrival, shall also be reimbursed for the same. If, before the expiration date specified in the work contract, services of the worker are no longer required for reasons beyond the control to the employer due to fire, hurricane, or other act of God which makes the fulfillment of the contract impossible the employer may terminate the work contract. In the event of such termination of a contract, the employer shall fulfill the three-fourths

guarantee for the time that has elapsed from the start of the work contract to its termination. In such cases the employer will make efforts to transfer the worker to other comparable employment acceptable to the worker. If such transfer is not affected, the employer shall:

- (i) Offer to return the worker, at the employer's expense to the place from which the worker, disregarding intervening employment, came to work for the employer.
- (ii) Reimburse the worker for full amount of any deductions made from the worker's pay by the employer for transportation and subsistence expenses to the place of employment, and
- (iii) Notwithstanding whether the employment has been terminated prior to completion of 50% of the work contract period originally offered by the employer, pay the worker for costs incurred by the worker for transportation and daily subsistence from the place from which the worker, without intervening employment, has come to work for the employer at the place of employment. The amount of transportation payment shall be no less (and shall not be required to be more than the most economical and reasonable similar common carrier transportation charges for the distance involved.

In the case of a medical termination or in case of termination as a result of an act of God, as certified by the Regional Administrator, the employer will also provide or pay the cost of return transportation and subsistence enroute from place of employment to the place of recruitment, except when the worker is not returning to the place of recruitment and subsequent employment with an employer who will bear transportation expenses. The employer shall provide living accommodation and subsistence for the worker from the date of termination of work opportunity, other than for cause, until pursuant to arrangements made by the employer, the worker leaves the place of employment for his return journey to the place of recruitment. If the worker completes his employment, the employer will provide or pay the cost of return transportation and subsistence enroute from the place of employment to the place of recruitment except when the worker is not returning to the place of recruitment, and subsequent employment with an employer who will bear transportation expenses, in any case reimbursement will not exceed inbound cost. If the worker voluntarily abandons his employment, or is terminated for cause prior to completion of the period of employment, the employer will not be responsible for providing or paying the cost of return transportation and subsistence enroute from the place of employment to the place of recruitment. All transportation provided by the employer will be by common carrier or other transportation facilities which confirm to applicable regulations of the Interstate Commission

CORRECTION APPROVED BY
NATIONAL PROBATION CENTER
ON 7/28/2010
DATE

7/27/2010
10 64 CB
7/21/2010
CB

Virginia Employment Commission

Clearance Order Attachment #3
Order #

Transportation from the worker's on-the-job living quarters to the place where the work is to be performed will be provided by the employer without cost to the worker.

I, Frederick County Fruit Growers as the employer agree to abide by the regulations at 20CFR 655.103, Assurances and 20CFR 653.501.

I hereby request permission for conditional entry into the intra/interstate clearance system so that my job order can be transmitted to labor supply states in a timely manner to facilitate the recruitment of supply workers. My housing was in compliance in 2009, but because of disuse, cannot meet applicable standards at this time.

As a condition to placing my job order into clearance I, certify that 30 days prior to occupancy my housing will meet standards of the U.S. Department of Labor.

I also authorize representatives of the State Employment Service, the State Health Department and/or U.S. Employment and Training Administration to inspect the housing I am offering at a reasonable time to verify its condition.

I expect my housing to be occupied by 9/1/10

Carol Burke
Agent

4/23/2010
Date

Theresa B. Baker
E. S. Representative

6/23/10
Date

Recruitment Plan 2010

Regulations require recruitment to be done "to an extent no less than that of non-H-2A agricultural employers of comparable or smaller size, in the area of employment."

Based on information received from the Virginia Employment Commission staff and area non-H-2A agricultural employers, the general recruitment policies are:

Either contact last year's workers and/or crewleaders or are contacted by those workers and/crewleaders.

Those growers who use crewleaders work with the same people yr to year. Some growers place an ad in the local newspapers

Based on this information, we are submitting the following plan:

1. Last year's workers and/or crewleader are being/will be contacted.
2. Employment Service office in labor surplus areas, as designated by DOL, are being/will be contacted.
3. Large ads will be placed in two area newspapers.
4. Regular contact will be kept with local and state employment offices.
5. New sources of labor will be explored as information is received.

Total Workers on This Request 02 Total of Labor Force Required 02

03

PK

03

PK

Virginia Employment Commission
Winchester Local Office

Virginia Comision de Empleo
La Oficina de Winchester

Summary of Employment Conditions
Specified on Job Order

Sumario de las Condiciones de Empleo Que Son
Especificadas en el Orden de Trabajo

1. Order Number: VA 170151
2. Name of Employer: Frederick Co Fruit Growers
3. Location of Employer and Directions:
801 Fairmont Ave in Winchester, VA
4. Period of Employment:
From 09/01/10 To 11/12/10
5. Work Schedule: 8 hours per day, 5 days per week
Plus 4 hours on Saturday
6. Crop and Pay:

<u>Crop:</u>	<u>Apples</u>
<u>Hourly Wage:</u>	<u>\$9.59</u>
<u>Unit of Production</u>	<u>_____</u>
<u>Piece Rate</u>	<u>_____</u>
<u>Estimated Hourly Wage</u>	<u>_____</u>

1. Numero de la Orden: VA 170151
2. Nombre Del Empleador: Frederick Co Fruit Growers
3. Lugar y Direccion del Empleador:
801 Fairmont Ave in Winchester, VA
4. Periodo de Empleo:
Del 09/01/10 Al 11/12/10
5. Horario de Trabajado: Horas por dia 8, numero
de dias por semana 5 y 4 horas Sabado
6. Cosecha Y Pago:

<u>Cosecha</u>	<u>Manzanas</u>
<u>Sueldo Por Hora</u>	<u>\$9.59</u>
<u>Unidad de Produccion:</u>	<u>_____</u>
<u>Pago por Unidad</u>	<u>_____</u>

Calculo anticipado de las ganancias por hora _____

7. Work Tasks To Be Performed:

Regular: Prepare and cook West Indian style meals as directed for approximately 300 farm workers in labor camp. Kitchen operates 7 days per week. Hour(s) may vary from day to day. (See Item 15)

7. Labores a Desempenar en el Trabajo:

Normales: Preparar y cocinar comidas al estilo indio del oeste como se indica para unos 300 trabajadores agricolas en el campo laboral. Cocina cuenta con 7 dias a la semana. Hora (s) puede variar de dia en dia. (Véase el punto 15));

8. Transportation Provided: From Labor Camp to Orchard and Return X Yes _____ No

8. Transportacion Provista: Del Encampamento al la huerta y Vuelta X Yes _____ No

9. Housing can Accommodate 1044 People
 Individuals
 Families

10. Meals: (Central Mess)

Provided: Yes No

If yes: Cost per day \$10.64
(See Item 13 in Job Order)

Workers may do their own cooking:

Yes No

11. Deductions:

Type	Amount
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Social Security	<input checked="" type="checkbox"/>
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Income Tax	<input checked="" type="checkbox"/>
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Meals: See Paragraph 13 of Job Order

Transportation	<input type="checkbox"/> None
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Tools/Equipment	<input type="checkbox"/> None
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Crew leader Charges	<input type="checkbox"/> None
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12. Notes to Workers:

A copy of the full job order is available for inspection in this office.

The employer has guaranteed your first week's wages unless he/she notifies this Job Service of a later starting date by 08/18/2010

In order for you to be eligible for this guarantee, you must contact the Job Service at:

Virginia Employment Commission
100 Premier Place
Winchester, VA 22602
540-722-3415

During the period 08/19/10 to 08/25/10
Any Job Service office will assist you in doing this.

9. Vivienda Disponible Para 1044 Personas
 Individuos
 Familias

10. Comidas Provistas: (Cocina)

Si No

Si so provistas, el costo por día es \$10.64
(Vea Numero. 13 en el Orden de Trabajo)

Los trabajadores tienen que cocinar sus comidas:

Yes No

11. Deduccions:

Clase	Cantidad
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Seguro Social	<input checked="" type="checkbox"/>
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Impuestos Sobre Ingresos	<input checked="" type="checkbox"/>
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Comidas: Vea Numero 13 en la Orden de Trabajo

Transportacion	<input type="checkbox"/> Nada
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Herramientas/Maquinaria	<input type="checkbox"/> Nada
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Suma Cobrada por el Contratista de Trabajadores Agricolas	<input type="checkbox"/> Nada
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12. Notas Para los Trabajadores:

Una copia del orden completa esta disponible en la oficina par su inspeccion:

El empleador ha garantizado el pago por su primera semana de empleo, a menos que este notifique al Servicio de Empleos que la fecha de comenzar a trabajar sera atrasada, y que tal notification sea a mas a tardar el 08/18/2010

Para que Ud. pueda tener derecho a esta garantía de pago, tendra que ponerse en contacto con:

Virginia Comision de Empleo
100 Premier Place
Winchester, VA 22602
540-722-3415

Durante el periodo del 08/19/10 al 08/25/10
Cualquier Oficina del Servicio de Empleos le asistira

**Virginia Employment Commission
Community Services for Frederick and Clarke Counties**

Maintains Health Clinic at the Frederick County Fruit Growers Labor Camp, 801 Fairmont Ave. Winchester, Virginia.

Shenandoah Valley Medical Sys
P.O. Box 3236
Martinsburg, WV 25401
540 722-2369

Administers Programs in the Prevention of Tuberculosis & Venereal Disease. Medical Services & Advice for Expectant Mothers and Newborns.

Winchester/Frederick County Health Department
150 Commercial Street
Winchester, VA 22601
540 722-3470

Clarke County Department of Health
21 S. Church Street
Berryville, VA 22611
540 955-1033

Available For a Full Range of Medical Services

Winchester Medical Center
1840 Amherst Street
Winchester, VA 22601
540 722-8000

Provides Medical Assistance

Free Clinic
E. Cork Street
Winchester, VA 22601
540 662-4067

Provides Day Care Assistance

U. S. Department of Labor
Winchester Migrant Head Start
100 Pegasus Court, Suite 102
Winchester, VA 22602
540 662-4357

These Agencies May Provide Meals/Overnight Lodging & Other Emergency Assistance.

Salvation Army
300 Fort Collier Road
Winchester, VA 22602
540 667-4777

Winchester Rescue Mission
301 N. Cameron Street
Winchester, VA 22601
540 667-8460

C-CAP
415 N. Cameron Street
Winchester, VA 22601
540 662-4318

Provides Food Pantry Housing Assistance and Other Emergency Services

May Provide Legal Assistance to Worker

The VA Justice Center for Farm & Immigrant Workers
Charlottesville, VA 22902
800 763-7323

Provides Services to Qualifying Persons & Refers to Support Svcs

Winchester Dept Social Services
33 E. Boscawen Street
Winchester, VA 22601
540 662-3807

Northern Shenandoah Valley Immigrant Resource Center
300 Fort Collier Road
Winchester, VA 22603
540 476-0635

Clarke County Social Services
32 E. Main Street
Berryville, VA 22611
540 955-3700

Area Education Departments

Migrant Education
100 Cedarmeade Avenue
Winchester, VA 22601
540 662-7656

Frederick County Schools
1415 Amherst Street
Winchester, VA 22601
540 662-3888

Clarke County Public Schools
309 W. Main Street
Berryville, VA 22611
540 955-6102

Winchester Public Schools
12 N. Washington Street
Winchester, VA 22601
540 667-4253

These Agencies Also Provide Assistance to Workers

United States Dept of Justice
Immigration & Naturalization
Arlington, VA 22203
202 307-1504 or 202 307-1626

VA Department of Labor
P.O. Box 77
Verona, VA 24482
540 248-9280

Social Services Administration
12 Ricketts Drive
Winchester, VA 22601
540 667-1512 or 800 722-1213

VA Department of Labor
Wage & Hour Division
201 Lee Highway
Verona, VA 24482
540-248-9280