

Agricultural and Food Processing Clearance Order
Pedido de Empleados para Agricultura y Procesamiento de Alimentos

1. Employer's Name and Address (Number, Street, City, State, Zip Code, and telephone number)/ Nombre y Dirección del Empleador (Numero, calle, ciudad, código postal y telefono) R. Hart Hudson Farms 338 Tobacco Lane South Hill, VA 23970 434-689-2326	Numbers 4, 5, 6, 7 and 8 for State use only.	
	4. Industry Code/Código de Industria <u>111910</u>	5. Job Order #/No. Orden de Empleo <u>189382</u>
2. Location and Direction to Work Site/ Dirección del lugar de trabajo 338 Tobacco Lane, South Hill, VA 23970. From So. Hill take So Hill Ave. from US 58/1 (Danville St) follow So Hill Ave to St Road 903 (Goodes Ferry Rd) approximately 3 miles, turn right on St Road 773 (Tobacco Lane) Go to sign R. Hart Hudson Farms on the right. Office is located at the back of the house. (If additional space is needed, use separate sheet of paper)	6. Occupational Title and Code /Titulo Ocupacional y Código <u>Farmworker, Tobacco 45-2092</u>	
	7. Clearance Order Issue Date / Fecha de Tramite <u>12-1-2010</u>	
	8. Job Order Expiration Date / Fecha de vencimiento <u>6-16-2011</u>	
3. Location and Description of Housing / Dirección y Descripción de la Vivienda 338 Tobacco Lane, South Hill, VA 23970 Miles Creek Camp, Capacity 35, barracks type wood and block building. Home Camp Capacity 16, barracks type wood and block building Type of family/single/non married. Gas heat, electricity and housing supplied at no cost to the worker who is unable to return to their place of residence the same day. Housing will be clean and in compliance with ETA CFR 564 Housing standards. Workers will be responsible for maintaining housing in a neat and clean manner. Reasonable repair cost of damage other than normal wear and tear will be charged to the to the responsible worker. (If additional space is needed, use separate sheet of paper). / Si necesita mas espacio, utilice documento adicional.)	9. Anticipated Period of Employment / Periodo Anticipado de Empleo From/ Desde: <u>01/15/2011</u> To/Hasta: <u>11/15/2011</u>	
	10. No. of Worker's Requested / No. de Trabajadores Pedidos <u>15</u>	
	11. Anticipated Hours of Work per Week/Horas Anticipades de Trabajo por Semana. Total: <u>40</u> Sunday / Domingo <u>varies</u> Monday / Lunes <u>8</u> Tuesday / Martes <u>8</u> Wednesday / Miercoles <u>8</u> Thursday / Jueves <u>8</u> Friday / Viernes <u>8</u> Saturday / Sabado <u>varies</u>	
	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 Worker will purchase ingredients and prepare own meals Employer will furnish convenient cooking and kitchen facilities so worker may prepare own meals including cooking and serving utensils. Transportation to local grocery stores will be provide by the employer to purchase groceries.		
14. Referral Instructions / Instrucciones para el Referimiento de Candidatos Referrals will be made to the South Hill office of the Virginia Employment Commission at P.O Box 485, 910 Mecklenburg Ave, South Hill, VA Phone 434-447-8700. The VEC will complete the I-9 for applicants and verify eligibility identification. Appointment will be made for walk-ins at the farm office.		
15. Job Specifications / Descripción del Trabajo Duties included in tobacco production: Greenhouse preparation, cleaning and cutting around fields, cultivating, bedding rows, fertilizing, spraying, topping, suckering, loading and unloading green and cured tobacco. See Attachment 1 Page 1.		

(If more space is needed, summary of Material Job Specifications in ENGLISH can be included in separate documentation, 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			
Tobacco	\$9.59	N/A	N/A	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 The current Adverse wage rate (AEWR) of \$9.59 per hr. in effect at the time the work is performed is the prevailing hourly rate, or the federal or State Minimum Wage Rate whichever is highest, is guaranteed to all workers. In the event the US Department of Labor promulgates a new AEWR during the recruitment or work contract period that is lower than the Current AEWR at the time of the application, this lower AEWR becomes the guaranteed wage rate at the discretion of the employer. See Attachment 1 Page 4

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

17. Transportation Arrangements / Arreglos de Transportación

Employee does not advance transportation or subsistence pay from the place of residence to the place of employment. The employer will reimburse worker upon completion of the 50% of the work contract for transportation and subsistence (not less than \$10.64 per day) from the residence of the worker to the place of employment See attachment ! page 5

(If additional space is needed, use separate sheet of paper. / Si necesita más espacio, utilice document 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, supervisor, transportar, dar vivienda, o pagarle a los trabajadores en estos tipos de cosecha(s)? Yes / Si No

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

20. Workers' compensation insurance provided? Indemnización por accidente trabajo:

Yes 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 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

<p>24. Address of Order Holding Office (include Telephone number)/Dirección de la Oficina donde se Radico la Oferta (incluya numero de teléfono)</p> <p>Virginia Employment Commission, 910 Mecklenburg Ave, South Hill VA 23970</p>	<p>25. Name of Local Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya numero de teléfono)</p> <p>Ms Eve Bagley 434-447-8700</p>
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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 this 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 Título del Empleador

R. Hart Hudson / President Date 11-19-10

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 employees 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.

Greenhouse preparations for five greenhouses will include replacing plastic flooring, cleaning and sterilizing Styrofoam plant trays, seeding trays, applying pesticides and fertilizer to plants at the proper time. The workers will be maintaining and monitoring temperatures inside the greenhouse to promote plant growth. The workers will also clip the plants several times before transporting and transplanting them in the field.

Workers will prepare tobacco fields by disking the fields to turn under the cover crop. They will cultivate fields, bed rows for planting, and plant tobacco.

Workers will remove plants tops by hand or machine and will remove suckers by hand. Tobacco plants will be sprayed by machine with chemicals to stop the growth of additional suckers, and sprayed with chemicals to kill insects and tobacco worms.

When tobacco leaves are mature for harvesting, the leaves will be removed from the stalk by hand or machine. Each field must be harvested at least three times each season as it matures. Leaves will be transported to barns and will be placed in the barns for curing. After curing the leaves, workers will bale the tobacco and transport the bales to the warehouse for sale. Tobacco bales weigh around eight hundred pounds and are lifted by an electric hoist and loaded on trucks.

Work days usually begin at sunrise or shortly after, working conditions vary, from excessive heat, slightly over 100 degrees at times, rain or wet humid conditions, or cold temperatures, slightly under 30 degrees. Workers will be supplied with rain gear when necessary and at no cost to the worker. Worker will be standing much of the time doing repetitive tasks. A great deal of stooping and bending is required to harvest the ground leaves of the tobacco stalk. Workers should be strong enough to lift, pull, push, or carry heavy objects. Working with a hoe to chop grass in the tobacco fields is also required. Workers will use a bush axe, sling blade, saws, shovel or whatever tool is needed to cut bushes, small trees, and tall weeds and grasses from around the ponds, and fields. Clearing the right of ways is necessary to allow irrigation systems to be brought to the ponds for irrigating tobacco and roads must be maintained to allow trucks and harvesters to reach the fields.

OTHER CONDITIONS OF EMPLOYMENT:

Termination: The employer may terminate the worker with notification to the Employment Service Local Office if the worker (a) refuses without justified cause to perform work for which the worker was recruited and hired or (b) commits serious acts of misconduct.

In the event of termination resulting from an Act of God, the employer will provide or pay reasonable cost of return transportation and subsistence to the place of recruitment and reimburse worker for reasonable costs of transportation and subsistence incurred by the worker to the place of employment.

Training: The only work standards required of any alien or U.S. worker will be after a three (3) day training period each worker possess the physical capabilities to work in the production of tobacco.

Injuries: Worker will be covered by Workers Compensation Insurance or equivalent employer provided insurance for injuries arising out of and in the course of employment. Employer's proof of insurance coverage will be provided to the Regional Administrator before certification is granted

Tools, Supplies and Equipment: Employer will provide without charge all tools, supplies and equipment to the worker.

Employer Obligation if Employment is Extended: No extension of employment beyond the period of employment specified in the job order shall relieve the employer from paying the wages already earned, or if specified in the job order as a term of employment, providing transportation or paying return transportation expenses to the worker.

Employer Notification of Changes in Employment Terms and Conditions: Employer will expeditiously notify the Order Holding Office or State Agency by telephone immediately upon learning that a crop is maturing earlier or later, or weather conditions, over recruitment or other factors have changed the terms and conditions of employment.

Outreach Workers: Outreach workers shall have reasonable access to the worker in the conduct of outreach activities. The employer agrees to comply by all assurances of the Federal Register.

Work Agreement: The employer will provide a copy of the contract or Job Clearance Order to the worker no later than the day the work commences.

Wage Statements: Employer will furnish the worker on or before each pay period written statements showing the hours actually worked by the worker, the worker's hourly

rate of pay, the hours of employment offered including those above the guarantee and total earnings for the pay period. All deductions will be itemized.

Other: Worker must have necessary documents to complete INS Form I-9 upon hiring but not prior to the interview. Workers will have up to three (3) days from date of hire to provide I-9 documents.

The employer's anticipated work force equals (20) workers.

WAGE RATE, SPECIAL PAY INFORMATION AND DEDUCTIONS

The employer guarantees to offer employment for a minimum of three quarters (3/4) of the workdays of the total specified period during which the work contract and all extensions thereof are in effect beginning with the first workday after workers' arrival at the place of employment and ending on the expiration date specified in the work contract or extensions thereof. In Act of God terminations, the three quarters (3/4) guarantee period ends on the date of termination. The worker is not required to work more than eight (8) hours per day except when otherwise stated in the job order or on the worker's Sabbath or federal holiday to meet the guarantee period. The employer guarantees the worker the amount the worker would have earned had the worker in fact worked for the guaranteed number of days.

Payroll periods will be weekly.

The employer will provide worker who is referred through the Interstate Clearance System forty (40) hours of work for the week beginning with the anticipated date of need by notifying the Local Office no later than ten (10) days before the date of need. If the employer fails to notify the order holding office, then the employer shall pay an eligible worker who is referred through the Clearance System, the wage determination, of the Federal Register the current Federal minimum wage rate of \$ 9.59 per hour for the first week starting with the originally anticipated date of need. The employer will require the worker to perform alternative work if the guarantee cited in this section is involved. The alternative work and pay will be the wage determination, of the Federal Register, the current Federal wage rate of \$9.59 per hour preparing barns, drainage of fields, preparing land for planting and other work related to growing tobacco and operating a farm. If worker who is referred fails to notify the order holding office of continued interest in the job at least five (5) days before the date of need, worker will be disqualified from the above-mentioned assurance. The worker will be guaranteed pay of 40 hours the first week at \$9.59, which amounts to \$383.60

The employer will make the following deductions: FICA Federal Taxes State Taxes Advances Meals Willful destruction of property

Eight (8) hours per day is normal. The worker may be requested but not required to work more hours per day and/or on the Sabbath depending upon conditions in the fields. The employer will designate time for lunch and breaks. Worker may be requested to work Saturday and Sunday during peak tobacco harvest but not required. This requirement pertains to both alien and U.S. workers (as per instructions in H2A Program Information Booklet.)

TRANSPORTATION:

All payment aforesaid shall be due on a day no later than the first day subsequent to the completion of the minimum employment period. In case of termination as a result of an Act of God, 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 has subsequent employment with an employer who will bear transportation expenses.

If the worker completes his contract, the employer will provide or pay the cost of return transportation and subsistence enroute from the workplace to the place of recruitment except when the worker is not returning to the place of recruitment and has subsequent employment with an employer who will bear transportation expenses.

If the worker voluntarily abandons his employment or is terminated for cause prior to completion of his contract, the employer will not be responsible for providing or paying the cost of return transportation and subsistence enroute to the place of recruitment. All transportation provided by the employer will be by common carrier or other transportation facilities that conform to applicable regulations of the Interstate Commerce Commission. The employer will provide worker transportation from the living quarters to the work site and back each day at no cost to the worker.

COMMUNITY SERVICES

MECKLENBURG COUNTY HEALTH DEPARTMENT

Boydton, VA 23917

Telephone: (434)738-6545

(434) 447-7636 – South Hill Residents Toll Free

1. Protection: Environmental control of water, sewage, milk, rodents and vector control.
2. Prevention: Immunization, investigation of communicable disease, food poisoning, tuberculosis, venereal disease control
3. Home Health Services: Visiting nurse services
4. Clinic: X-ray, prenatal, immunization, pre-school clinics

DEPARTMENT OF SOCIAL SERVICES

Boydton, VA

Telephone: (434) 738-6138

South Hill Residents Toll Free

(434 447-7636

EMERGENCY SERVICES

Southside Rescue Squad

South Hill, VA

Telephone: (434) 447-3226

FIRE DEPARTMENT

South Hill Fire Department

South Hill, VA

Telephone: (434) 447-3226

SHERIFF

Mecklenburg County Sheriff's Department – Emergency Only

Danny Fox, Sheriff

Boydton, VA

Telephone: Emergency Only

(434) 738-6171

Non Emergency -South Hill Residents Toll Free

(434) 447-7636

VIRGINIA STATE POLICE

Highway 1, North, South Hill, VA

Telephone: (434) 447-4121

Toll Free: 800-553-3134

COMMUNITY MEMORIAL HOSPITAL

125 Buena Vista Circle

South Hill, VA 23970

Provides inpatient and outpatient emergency
Care, emergency room service, surgery and
Intensive care unit

THE VIRGINIA JUSTICE CENTER FOR FARM AND IMMIGRANT

WORKERS

Tim Freilich – Managing Attorney

1000 Preston Avenue, Suite A

Charlottesville, VA 22903

Phone 434-977-0553

Fax 434-977-0558

Toll-free 800-578-8111

International 1-800-892-1751

REQUEST FOR CONDITIONAL ENTRY INTO CLEARANCE SYSTEM

I, R. Hart Hudson, hereby request permission for conditional entry into the intrastate/interstate Clearance System so that my job order can be transmitted to labor supply states in a timely manner to facilitate the recruitment of workers.

As a condition to placing my order into Clearance System, I certify that thirty (30) days prior to occupancy my housing will meet standards of the U. S. Department of Labor. I also authorize representatives of the Virginia Employment Service, the Virginia Health Department and/or the U. S. Employment and Training Administration to inspect the housing that I am offering such workers at any reasonable time to verify its condition.

I expect my housing to be occupied by January 15, 2011


R. Hart Hudson, Employer

Date: Nov. 10, 2010