

## Request for Extension of Clearance Order

## Virginia Employment Commission

1. To: Puerto Rico North Carolina South Carolina Georgia Florida	3. Job Order Number:  VA 225927	4. Date of acceptance by CNPC:  7-22-11
2. From:  Rural Services Manager Virginia Employment Commission P.O. Box 1358 Richmond, VA 23219	5. Employer Name:  WESTWOOD FARM	
6. OES Job Code, Title and Number of Positions Available 45-2092.02 FARMWORKER, Full 10 positions		

7. Please note the following concerning the above job order:

The attached H-2A job order has been accepted by U.S. DOL for Interstate Clearance

8. By: (Typed Name of ES Agency Representative) Jason Padgett	Title: Rural Services Manager	Telephone Number: 804-786-8714
Signature: 		Date Signed: 7-29-11
9. Receiving State Office: ("X" one) <input type="checkbox"/> Accepted (If accepted, list local offices extended to.) <input type="checkbox"/> Rejected (If rejected, provide reasons.)		

Comments:

10. By: ES Agency Representative)	Telephone Number:	Date Signed:
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**U.S. Department Labor  
Employment and Training Administration**

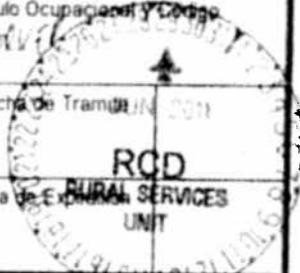
OMB Control No. 1205-0134  
Expiration Date: November 30, 2012

**Agricultural and Food Processing Clearance Order ETA Form 790  
Pedido de Empleados para Agricultura y Procesamiento de Alimentos**

1. Employer's Name and Address (Number, Street, City, State, and Zip Code)  
Nombre y Dirección del Empleador (Número, Calle, Ciudad, Estado y Código Postal)

WESTWOOD FARM INC  
83 BUNGALOW LANE  
BERRYVILLE VA 22611

Nos 4 - 8 for STATE USE ONLY Numeros 4 a 8 para USO ESTATAL	
4. Industry Code/Código Industrial <u>11331</u>	5. Job Order No /Num de Orden de Empleo <u>VA 225927</u>
6. Occupational Title and Code /Título Ocupacional y Código <u>45 2992 02 FARM WORKER FRT</u>	
7. Clearance Order Issue Date / Fecha de Tramitación <u>7-6-11</u>	
8. Job Order Expiration Date / Fecha de Expiración <u>9-21-11</u>	



Telephone number/Teléfono: 540-955-5086 Fax: NA

2. Location and Direction to Work Site/ Ubicación y Dirección al Lugar de Trabajo  
83 BUNGALOW LANE BERRYVILLE VA 22611

9. Anticipated Period of Employment / Periodo Anticipado de Empleo  
From/ Desde: 8/29/11 To/Hasta: 10/15/11

10. No. of Workers Requested / Num. de Trabajadores Solicitados  
10

11. Anticipated Hours of Work per Week/Horas Anticipadas de Trabajo por Semana. Total: 44

Sunday / Domingo \_\_\_\_\_ Monday / Lunes 8  
Tuesday / Martes 8 Wednesday / Miércoles 8  
Thursday / Jueves 8 Friday / Viernes 8  
Saturday / Sábado 4

12. Collect Calls Accepted from/ Aceptan Llamadas por Cobrar de:

Employer / Empleador Yes/Si  No   
Local Office / Oficina Local Yes/Si  No

NATIONAL TRAINING CENTER

If additional space is needed, use separate sheet of paper/ Si necesitas más espacio, utilices otra hoja de papel)

3. Location and Description of Housing / Dirección y Descripción de la Vivienda  
~~801 FAIRMONT AVE, WINCHESTER VA 22604~~

83 Bungalo Lane Berryville, VA 22611

*BB June 16, 11*

Modular units with a capacity of 12

Housing is Barracks  , single rooms

number of rooms  , capacity 1044

wood frame  , block or concrete

floors are concrete  , wood

*BB June 16 11*

If additional space is needed, use separate sheet of paper Si necesitas más espacio, utilices otra hoja de papel)

13. Board Arrangements / Arreglo de Alojamiento

Housing will be clean and meet the applicable Federal and State Housing Standards. Workers will be responsible for maintaining housing in a neat, clean manner. Reasonable repair cost of damage, other than that caused by normal wear and tear, may be billed to workers found to have been responsible for damage to housing or furnishing. Housing and utilities are provided at no cost to workers who are unable to return to their place of residence the same day.

No tenancy in employer-provided housing is created by this arrangement. The employer retains possession and control of the housing premises at all times. Workers provided housing under the terms of this Clearance Order shall vacate the housing promptly upon termination of employment with the employer.

Employer will not provide 3 meal per day  . Employer will provide 3 meals per day  and charge \_\_\_\_\_ a day. If meals are not provided then the employer will furnish free cooking facilities so workers may prepare their own meals. Free transportation will be provided once a week to grocery store so workers can purchase their groceries.

JY 7/21/14

14. Referral Instructions / Instrucciones sobre cómo Referir Candidatos

The applicant holding office to refer all able, willing and qualified applicants through the order holding office or the applicants can contact the farm directly at the phone number listed in item 1 on this page, during normal business hours 9 am to 4 pm Monday to Friday, to request an interview. Also applicants may chose to mail applications to the address listed in item 1 on this page.

CORRECTION CENTER  
11077221

15. Job Specifications / Especificaciones del Trabajo

Pick fruit from trees and, when necessary. The average length of a ladder runs from 16 ft to 24 ft the average weight 50 lbs. Fruit picked must be placed in picking bags or buckets, which attached to the body with a shoulder harness and weigh between 30-50 lbs when full. When filled with fruit the bags or buckets are to be emptied into field bins by an opening at the bottom of the bag or bucket. Workers may be required to pick the entire tree or to spot pick the fruit. Primary duty will be to harvest fruit. When using ladders the worker will place the ladder firmly against or within the tree in a secure position so as not to break limbs or knock off fruit and to prevent slipping and falling. Each worker's trees will be picked according to instructions given each day by the employer or supervisor. Additional harvest related duties may be offered including related tasks involving the operation of tractors or other harvest related duties.

(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	Hourly Wage	Piece Rate / Unit(s)	Special Pay (bonus, etc.)	Deductions	Yes/Si	No	Pay Period
Cultivos	Salario por Hora	Pago por Pieza / Unidad(es)	Pagos Especiales (Bono, etc.)	Deducciones			Periodo de Pago
apples	\$9.30	\$.62	per 2419cu in box	Social Security / Seguro Social	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Weekly / Semanal
	\$	\$		Federal Tax Impuestos Federales	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	\$	\$		State Tax Impuestos Estatales	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bi-weekly / Quincenal
	\$	\$		Meals / Comidas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	59 7/21/11 <input type="checkbox"/>
	\$	\$		Other (specify)/ Otro (especifica)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other / Otro <input type="checkbox"/>

More Details About the Pay / Mas Detalles Sobre el Pago  
 Workers will be paid for all hours worked at the Wage Rate in effect at the time the work is performed, required at 20 CRF 655.122 (l) and 655.120 (a). The required wage may be different than it is at the time of filing this job offer.

(If additional space is needed, use separate sheet of paper. / Si necesitas más espacio, utilice otra hoja de papel) attachment 1 item 1 a,b,c,d,e

17. Transportation Arrangements / Arreglos de Transportación

After the worker has completed 15 days or 50% of the work contract period, whichever comes first, the employer shall reimburse the worker for cost of transportation and subsistence from the place from which the worker has come to work for the employer. Upon completion of the work contract employer will pay reasonable costs of return transportation and subsistence, currently \$10.73 per day, to the place from which the worker departed to work for the employer, as required at 20 CFR 655.122(h), except when the worker will not be returning to the place of recruitment, due to subsequent employment with another employer who agrees to pay such cost, in which case this employer only pays for the transportation to the next job. The amount of the transportation payment will be equal to the most economical and reasonable similar common carrier transportation charges for the distance involved, "except that any worker protected pursuant to the Fair Labor Standards Act will be paid in compliance with the FLSA beginning in the first workweek."

(If additional space is needed, use separate sheet of paper. / Si necesitas más espacio, utilices otra hoja de papel)

18. Is it the prevailing practice to use Farm Labor Contractors (FLC) to recruit, supervise, transport, house, and/or pay work ers for this (these) crop activity (ies)? ¿ Es la práctica habitual de usar Contratistas de Trabajo Agrícola para reclutar, supervisar, transportar, dar vivienda, y/o pagarle a los trabajadores para este(os) tipo(s) 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 pagas al Contratista de Trabajo Agrícola por cada actividad?

19. Unemployment Insurance provided? Seguro de Desempleo? Yes/Si  No

20. Workers' compensation insurance provided? Se le provee seguro de compensación/indemnización al trabajador: Yes/Si  No

21. Are tools provided at no charge to the workers? / Se les proveen herramientas sin costo alguno a los trabajadores? Yes/Si  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") / Enumere todos los acuerdos o convenios hechos con los propietarios del establecimiento o sus agentes para el pago de una comisión u otros beneficios por ventas hechas a los trabajadores. (Si no hay ningún acuerdo o convenio, indique "Ninguno")

NONE

FORM ETA 790 AND ETA 9142 ATTACHMENTS

ATTACHMENT 1

JOB ORDER TO BE PLACED IN CONNECTION WITH A FUTURE APPLICATION FOR TEMPORARY CERTIFICATION FOR H-2A WORKERS.\*

The employer assures that the working conditions comply with applicable Federal and State minimum wage, child labor, farm labor, contractor registration and other employment related laws.

CLARIFICATIONS OF ITEMS ON FORM ETA 790 AND 9142

I request that my order be granted conditional entry into the Interstate and Intrastate Clearance System. assure that the worker housing will meet the applicable Federal Standards not later than 7/28/2011 Which is at least 30 days in advance of my date of need reflected in the attached ETA 9142 and ETA 790.

~~Item 1. Workers will be housed without charge in facilities of the Frederick County Fruit Growers' Association at 801 Fairmont Avenue, Winchester, Virginia or housing owned or leased by the Frederick County Fruit Growers' Association or housing owned by the employer. All housing complies with applicable Federal housing regulations.~~

JY  
7/21/11

Item 2. Workers may be offered more than 8 hours work per day and, in an emergency, a worker may be requested, but not required, to work on his/her Sabbath.

~~Item 3. Employer is responsible for making arrangements for feeding workers or for providing a kitchen for cooking. Worker will purchase and prepare meals in designated kitchen unless a dining hall is available. The charge for three meals per day must not exceed the cost to provide said meals. Meals will be available on a weekly basis in the central dining hall at a cost of \$40.73.~~

JY 7/21/11

Item 4. When necessary, fruit may be picked from 16-24 foot ladders or 10-12 foot stepladders. All fruit must be picked and handled carefully to avoid bruising for fresh market. Workers may be required to selectively pick according to the size and state of maturity of fruit as directed by the employer or supervisor. When picking fruit the worker will be expected to pick bruise free to meet fresh market requirements. The definition of bruise free picking is the U.S.D.A. Standard for U.S. Extra Fancy Grade Packing Fruit. Some apple varieties, such as Ginger Gold, require special care when picking due to their extremely light/thin skin. All fruit must be picked into picking bags or buckets, which are attached to the body with a shoulder harness and weigh approximately 30-50 pounds when full. When filled with fruit, the bags or buckets must be carefully emptied into field bins by releasing an opening at the bottom of the bag or bucket. When using ladders the worker will place the ladder firmly against or within the tree in a secure position so as not to break limbs or knock off fruit and to prevent slipping and falling. Each worker's trees will be picked according to instructions given each day by the employer or supervisor.

Additional harvest related duties may be offered including related tasks involving the operation of tractors or hand operated equipment. Individual workers are supervised by the employer or his agent, who provides daily transportation, training, job instruction and who keeps payroll records.

The employer or employer's agent will demonstrate to the worker proper picking techniques and will periodically monitor the worker's performance. Additional instruction will be provided as necessary during the 24 hour training period. The employer maintains the right to dismiss a worker who, after the 24 hour training period, continues to exhibit, upon inspection, excess bruising.

DATE  
ON  
NATIONAL PROCESSING CENTER  
APPROVED BY  
CORRECTION

attachment X

The employer agrees to abide by the regulations at 20CFR 655.122, (20 CFR 655.135) 20  
CFR 653.501,654.403.

JY 7/31/11

If at the end of the pay period, the piece rate does not result in average hourly piece rate earnings during the pay period at least equal to the amount the worker would have earned had the worker been paid at the appropriate hourly rate of ~~[insert applicable hourly rate]~~, \$9.30 the worker's pay must be supplemented at the time so that the worker's earnings are at least as much as ~~[insert applicable hourly rate]~~ for each hour worked.

\$9.30

CORRECTION APPROVED BY  
NATIONAL PROCESSING CENTER  
M-ON 7/25/11  
DATE

**SUMMARY OF EMPLOYMENT CONDITIONS  
SPECIFIED ON JOB ORDER**

**SUMARIO DE LAS CONDICIONES DE EMPLEO QUE  
SON EXPECIFICADAS EN LA ORDEN DE TRABAJO**

1. ORDER NUMBER: 225927  
2. NAME OF EMPLOYER: Westwood Farm Inc  
3. LOCATION OF EMPLOYER AND DIRECTIONS:  
83 Bungalow Lane, South of Rt 340 in Berryville, Va

1. NUMERO DE LA ORDER: 225927  
2. NOMBRE DEL EMPLEADOR: Westwood Farm Inc  
3. LUGAR Y DIRECCION DEL EMPLEADOR:  
83 Bungalow Lane, Sur en Rt 340 of Beryville, Va

**PERIOD OF EMPLOYMENT**

FROM: 8/29/2011 TO: 10/15/2011

**4. PERIODO DE EMPLEO:**

DEL: 8/29/2011 AL: 10/15/2011

5. WORK SCHEDULE: 8 hours per day, 5 days per week  
Plus 4 hours on Saturday

5. HORARIO DE TRABAJO: 8 horas por dia, 5 dias a la semana.  
Más 4 horas el sábado

6. PAY: HOURLY WAGE: \$9.30  
PIECE RATE: \$0.62

- PAGO: SUELDO POR HORA: \$9.30  
PAGA POR UNIDAD: \$0.62

**7. WORK TASKS TO BE PERFORMED:**

Harvest fruit from trees using 24 ft. ladders.  
All Fruit must be picked and handled carefully  
to avoid bruising for fresh market. Workers  
may be required to selectively pick according to size  
and state of maturity of fruit, as instructed by  
employer or supervisor. Alternate tasks and pay  
during first week in case of crop delay.

**7. LABORES A DESEMPEÑAR IN EL TRABAJO:**

Piscar fruta de arboles trabajando en escaleras y llevando cubo.  
Piscar toda o seleccionar siguiendo instrucciones del empleador.  
Labores alternativas y pago por la primera semana en caso do  
demora en la cosecha. Vea Numero 12 en el Orden.

**8. TRANSPORTATION PROVIDED:**

FROM LABOR CAMP TO WORK SITE: Yes  
AND RETURN: Yes

**8. TRANSPORTACION PROVISTA:**

DESDE EL ENCAMPAMIENTO HASTA EL LUGAR: Si  
DE TRABAJO Y DE VUELTA: Si

**9. HOUSING CAN ACCOMMODATE**

PERSONS  
INDIVIDUAL 12  
FAMILY

**9. VIVIENDA DESPONIBLE PARA**

PERSONAS  
INDIVIDUOS 12  
FAMILIAS

10. MEALS: PROVIDED: No  
IF YES: COST PER DAY  
(See item 13 on Job Order)  
WORKERS MAY DO THEIR OWN COOKING: Yes

10. COMIDAS: PROVISTAS: No  
SI SON PROVISTAS, EL COSTO POR DIA SERA  
(Vea Num. 13 en la Orden de Trabajo)  
LOS TRABAJADORES TIENEN QUE CONCINAR SUS COMIDAS: Si

**11. DEDUCTIONS:**

TYPE	AMOUNT
SOCIAL SECURITY	x
INCOME TAX	x
TRANSPORTATION	None
TOOLS & EQUIPMENT	None
CREWLEADER CHARGES	None

**11. DEDUCCIONES:**

CLASE	CANTIDAD
SEGURO SOCIAL	x
IMPUESTOS SOBRE INGRESOS	x
TRANSPORTACION	Nada
HERRAMIENTAS Y MAQUINARIA	
SUMA COBRADA POR EL CONTRATISTA	Nada
DE TRABAJADORES AGRICOLAS	Nada

**12. NOTES TO WORKERS:**

A copy of the full job order is available for inspection in this office.  
The employer has guarenteed your first week's wages unless  
he/she notifies this job service of a later starting  
date by: 8/17/2011

**12. NOTAS PARA EL TRABAJADOR:**

La copia de la orden completa esta disponible en la oficina para  
su inspection. El empleador da 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  
sen a mas tardar el: 8/17/2011

In order for you to be eligiible for this guarentee, you must contact  
the Job Service at:

Para que Ud. Pueda tener derecho a esta garantia de pago, tendra  
que ponerse en contacto con la Oficina del Servicio de Empleados  
en el:

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

La Oficina de Winchester  
100 Premier Place  
Winchester, VA 22602  
540 - 722 - 3415

During the period of: 8/18/2011 to 8/23/2011  
Any Job Service office will assist you in doing this.

Durante el periodo el 8/18/2011 al 8/23/2011  
Cualquier Oficina del Servicio de Empleados le asistira en hacerlo.