

VIRGINIA EMPLOYMENT COMMISSION

MEMORANDUM TO:

DATE 7/16/2007

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>

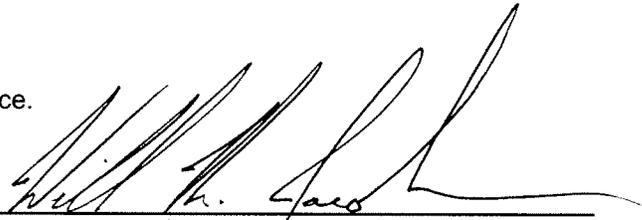
FROM: Rural Services Manager  
Virginia Employment Commission  
P. O. Box 1358  
Richmond, Virginia 23211

SUBJECT: Request for Extension of Clearance Order No. VA 7070852

Extension is requested for the 1 cop(ies) of the order which is/are attached,  
dated 7/16/2007 for 2, Cooks' Helper 315.361-010  
(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.

  
\_\_\_\_\_  
(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)

**U.S. Department Labor    Employment and Training Administration**  
Atlanta Processing Center  
Harris Tower  
233 Peachtree Street, Suite 410  
Atlanta, GA 30303

July 16, 2007

CAROL BURKE  
P. O. BOX 1358  
RICHMOND, VA 23211

No. of Job Openings: 2  
Job Title: COOK HELPER  
Period of Employment: 09/01/2007 - 11/16/2007  
Case Number: A-07192-04485  
Determination Date: August 02, 2007

**RE: FREDERICK COUNTY FRUIT GROWERS**

Dear Ms. Burke,

This is to notify you that the captioned temporary alien agricultural labor certification has been accepted for consideration.

Your application is timely and contains the conditions of employment that will not adversely affect U.S. workers similarly employed. Furthermore, we have reviewed your positive recruitment plan, and find that it is acceptable. In order to receive temporary alien agricultural labor certification determination by August 02, 2007, you are required to:

1. Carry out your positive recruitment plan.
2. Cooperate with the Workforce system in recruiting workers identified through clearance of your job order throughout Virginia and the nation. *A valid test of the domestic labor market must include sharing the agricultural job order accepted for processing with (a) no fewer than three proximate states, (b) at least one of the traditional labor supply states – Texas, Florida, California, or Puerto Rico, and (c) any other state(s) where the SWA believes a significant number of qualified U.S. workers would be available for work.*
3. Interview all U.S. workers, including Farm Labor Contractors (FLC), if applicable, referred by the State Workforce Agency. Any U.S. worker who has applied to you (or on whose behalf an application has been made), but whom you reject for other than lawful, job-related reasons or whom you have not provided with a lawful, job-related reason for rejection, will be counted as available.
4. Document all referrals, interviews, and results, and, if a worker is not hired, state the reason(s).
5. Place at least two (2) advertisements in a daily local newspaper. The newspaper ad should not be less than 2" x 2" in size. The newspaper and radio advertisement must include the following information:
  - a. A description of the nature and anticipated duration of the job opportunity;

- b. Employer name and location of employment;
- c. The wage rate, including the adverse effect wage rate;
- d. The 3/4 guarantee;
- e. The work tools, supplies, and equipment are provided without cost to the worker, if applicable;
- f. Free housing is provided to workers who cannot reasonably return to their permanent residence at the end of the work day;
- g. Transportation and subsistence expenses to the worksite will be provided or paid by the employer upon completion of the 50% of the work contract, or earlier, and;
- h. Workers interested in the job should contact the local office of the State Workforce Agency:

Prior to placing the ads and to expedite the processing of your application, the employer should contact Mac Munoz at 540-722-3415 to obtain the job order number that must be referenced in the ads.

**Provide documentation that newspaper ads are scheduled to run, and copies of the proposed ads. Original newspaper tear sheets showing the masthead and dates of publication must be submitted when the ads have run.**

- 6. Contact former U.S employees, and solicit their return to the job. All actions and responses should be documented.
- 7. Report all hires from Workforce Agency referrals as well as any other sources of referral activity to this office and the Workforce Agency by name.

This office must approve any amendments to your original H-2A application, such as change in date of need, number of workers requested, or other minor modifications. A request for such approval must be submitted in writing. No amendment to the application is effective unless approved by this office.

If the request for a change in the date of need is made after the U.S. workers have departed for your place of employment, a change will only be approved upon written verification that all such U.S. workers will be provided free housing and subsistence without charge until work becomes available.

You must advise this office in writing not later than August 01, 2007, of the results of your recruitment efforts, so that we can make a determination on whether to grant or deny the certification thirty (30) days in advance of the stated date of need. At a minimum, the employer must submit proof that advertising has been contracted for the Job Order by submitting the text of the contracted ad. As soon as the tear sheets are received, they should be forwarded to this office. In the event that your report is not received by this date, we may be unable to make the certification determination requested in your application.

If checked, the additional statement(s) listed below apply to your application:

  X   You are authorized conditional entry into the interstate clearance system based upon your written request and assurances that your housing will meet Department of Labor standards by at least August 02, 2007, which is thirty (30) calendar days before the housing is to be occupied. It is recommended that you schedule the housing inspection 35 days prior to your start date to allow for correction of any possible deficiencies.

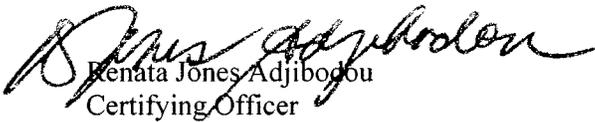
  X   In order to receive a labor certification, you must submit evidence that you have obtained workers' compensation coverage for your employees. Such evidence, including the name of the insurance carrier and the policy number or proof of State law coverage, must be received in this office no later than August 01, 2007.

The Fair Labor Standards Act (FLSA) prohibits the employer from taking deductions from a worker's pay or otherwise driving the worker's wages below the FLSA minimum wage by imposing on the worker an expense that is primarily for the benefit of the employer. Under the circumstances of the H-2A program, such employer-benefit expenses ("business expenses") include the costs of travel to the worksite by both U.S. and H-2A employees hired at a distant location, including in particular those employees hired through the State Workforce Agency. Therefore, the employee may not be required to bear the cost of travel expenses to the extent that such expenses would infringe on the employee's receipt of the FLSA minimum wage. The employers' obligation to pay the full FLSA minimum wages for all pay periods is not overridden by the H-2A program's regulation at 20 CFR 655.102(b)(5)(i), under which the employer is required to reimburse the worker's inbound travel expenses once the worker has completed 50% of the work contract originally offered.

Include your case number on any correspondence sent to the regional office. Failure to do so may result in a delay in processing your application. Direct inquiries to Raymond Thompson at 404-893-4769, please send the requested information to the following address no later than August 01, 2007.

U.S. Department of Labor  
Employment and Training Administration  
Atlanta Processing Center  
Harris Tower  
233 Peachtree Street, Suite 410  
Atlanta, GA 30303

Sincerely,

  
Penata Jones Adjibodou  
Certifying Officer

CC: FREDERICK COUNTY FRUIT GROWERS  
VIRGINIA EMPLOYMENT COMMISSION  
RURAL SERVICES DIVISION

## NOTICE

Your application indicates that you intend to operate as the sole employer and/or joint employer with the entities described in the application. If you have already, or at anytime in the future, enter into an arrangement with any other entity which will exercise or share any element of employment including the authority to hire, pay, fire, supervise, or otherwise control the workers for whom certification is being sought and which is not fully disclosed within this application, it is essential that you notify this office immediately. Failure to do so may result in rejection of future H-2A applications. You are also reminded that misrepresentations made to a federal agency may result in potential civil and/or criminal penalties under various federal statutes.

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11. Wage Rates, Special Pay Information and Deductions / Tarifa de Pago, Información Sobre Pagos Especiales y Deducciones (Rebajas)							
Crop Activities / Cultivos	Hourly Wage Salario por Hora	Piece Rate / Unit(s) Pago por Pieza / Unidad(es)	Special Pay (bonus, etc.)	Deductions / Deducciones	YES SI	NO	Pay Period Periodo de Pago
			Pagos Especiales (Bono, ect.)				
Cook Assistant	\$ 9.02	\$		Social	X		Weekly / Semanal
	\$	\$		Federal Tax Impuestos Federales	X		
	\$	\$		State Tax Impuestos Estatales	X		Bi-weekly / cada 2 sem.
	\$	\$		Meals (comidas)		X	
	\$	\$		Other (specify)/ Otro		X	Other / Otro
More Details About the Pay/Más Detalles Sobre el Pago				X If Applicable, excludes H2A workers.			
(see attachment / para más detalles vea 1&2)							
12. Transportation Arrangements / Arreglos de Transportación (Please explain)							
(see attachment / para más detalles vea 2)							
13. 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 area de usar Contratistas Agricolas para reclutar, supervisar, transportar, dar vivienda, ó pagarle a los trabajadores en este/estos tipo(s) de cosecha(s)/sembrado(s)? Yes/Si <input type="checkbox"/> No <input checked="" type="checkbox"/> 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 para cada actividad?							
14. Unemployment Insurance provided / Seguro por Desempleo:					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
15. Workers' compensation insurance provided / Indemnización por accidente de trabajo:					Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
16. Are tools provided at no charge to the workers? / ¿Se le proveen las herramientas de trabajo a los trabajadores sin cargo alguno?					Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
17. 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		
18. 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 todo huelga, paro o interrupción de las operaciones por parte de los empleados en el lugar de empleo. (Si no hay, indique "Ninguno")					None/Ninguno		
19. Address of Order Holding Office (include Telephone number)/Dirección de la Oficina donde se Radicó la Oferta (incluya número de teléfono) Virginia Employment Commission 100 Premier Place, Winchester, VA 22602 540 722-3415				20. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (incluya numero de telefono) Mac Munoz 540 722-3415			
21. 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, terminus, y condiciones ofrecidos. Employer's Signature & Title/ Firma y Título del Empleador <i>Carol Burke General Manager</i>							
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 truth-fullness 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. LEASE CUIDADOSAMENTE: En vista de su función básica establecida estatutariamente el Servicio de Empleo es un intercambio gratis de trabajo para juntar a los empleadores y trabajadores que buscan empleo, ni ETA ni las agencias del estado pueden garantizar la verdad y certeza de la información contenida en la Orden de Trabajo sometida por el Empleador. Tampoco, ninguna orden de trabajo aceptada o reclutada por el Servicio de Empleos constituye una oferta contractual de la cual ETA ni la agencia del Estado son parte							
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 are mandatory by 20 CFR 653.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing the burden can be sent to the U.S. Department of Labor, Office of Workforce Investment, Room S-4321, Washington, D.C. 20210 (Paperwork Reduction Project 1205-0134).							

U.S. DEPARTMENT OF LABOR  
Employment and Training Administration

**APPLICATION  
FOR  
ALIEN EMPLOYMENT CERTIFICATION**

**IMPORTANT: READ CAREFULLY BEFORE COMPLETING THIS FORM**  
PRINT legibly in ink or use a typewriter. If you need more space to answer questions in this form, use a separate sheet. Identify each answer with the number of the corresponding question. SIGN AND DATE each sheet in original signature.

To knowingly furnish any false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a felony punishable by \$10,000 fine or 5 years in the penitentiary, or both (18 U.S.C. 1001)

PART A. OFFER OF EMPLOYMENT											
1. Name of Alien (Family name in capital letter, First, Middle, Maiden) <b>Unknown (Worker to be recruited in Jamaica or Mexico if approved)</b>											
2. Present Address of Alien (Number, Street, City and Town, State ZIP code or Province, Country) <b>Jamaica, West Indies or Mexico</b>										3. Type of Visa (If in U.S.) <b>N/A</b>	
The following information is submitted as an offer of employment.											
4. Name of Employer (Full name of Organization) <b>Frederick County Fruit Growers</b>										5. Telephone <b>(540) 667-1396</b>	
6. Address (Number, Street, City and Town, State ZIP code) <b>P. O. Box 2735, Winchester, VA 22604</b>											
7. Address Where Alien Will Work (if different from item 6)											
8. Nature of Employer's Business Activity <b>Growers' Association</b>			9. Name of Job Title <b>Cook's Helper 315.361-011</b>			10. Total Hours Per Week a. Basic <b>44</b> b. Overtime		11. Work Schedule (Hourly) 8:00 a.m. 4:30 p.m.		12. Rate of Pay a. Basic \$ <b>9.02</b> per Hour b. Overtime \$ per hour	
13. Describe Fully the job to be Performed (Duties) <b>Prepare and cook West Indian style meals as directed for approximately 300 employees. Keep kitchen and dining area clean and sanitary. Must be able to lift pots that weigh up to 45 pounds when full. One year experience in preparing/cooking West Indian style food, related sanitation and food handling required.</b>											
14. State in detail the MINIMUM education, training, and experience for a worker to perform satisfactorily the job duties described in item 13 above.						15. Other Special Requirements <b>Worker should be able to perform the duties described in Item # 13 above.</b>					
EDUCATION (Enter number of years)		Grade School	High School	College		College Degree Required (specify)					
N/A		N/A			Major Field of Study						
TRAINING		No. Yrs.	No. Mos.	Type of Training							
EXPERIENCE		Job Offered		Related Occupation		Related Occupation (specify)					
		Yrs.	Mos.	Yrs.	Mos.						
16. Occupational Title of Person Who Will Be Alien's Immediate Supervisor		17. Number of Employees Alien Will Supervise									
ENDORSEMENTS (Make no entry in section - for Government use only)											
Date Forms Received											
L.O.						S.O.					
R.O.						N.O.					
Ind. Code						Occ. Code					
Occ. Title											

18. COMPLETE ITEMS ONLY IF JOB IS TEMPORARY			19. IF JOB IS UNIONIZED (Complete)		
a. No. of Openings To Be Filled By Aliens Under Job Offer  2	b. Exact Dates You Expect To Employ Alien		a. Number of Local	b. Name of Local  N/A	
	From	To		c. City and State	
	09/01/07	11/16/07			
20. STATEMENT FOR LIVE-AT-WORK JOB OFFERS (Complete for Private Household ONLY)					
a. Description of Residence		b. No. Persons residing at Place of Employment		c. Will free board and private room not shared with anyone be provided? ("X" one)	
("X" one) ___ House ___ Apartment	Number of Rooms	Adults	Children		___ YES NO
			BOYS	Ages	
			GIRLS		
21. DESCRIBE EFFORTS TO RECRUIT U.S. WORKERS AND THE RESULTS. (Specify Sources of Recruitment by Name)					
Clearance Orders have been filed with the Virginia Employment Commission. Employer will contact previous workers where possible. Advertisements will be placed in area publications. See attached Recruitment Plan.					
22. Applications require various types of documentation. Please read Part II of the instructions to assure that appropriate supporting documentation is included with your application.					
23. EMPLOYER CERTIFICATIONS					
By virtue of my signature below, I HEREBY CERTIFY the following conditions of employment.					
a. I have enough funds available to pay the wage or salary offered the alien.		b. The wage offered equals or exceeds the prevailing wage and I guarantee that, if a labor certification is granted, the wage paid to the alien when the alien begins work will equal or exceed the prevailing wage which is applicable at the time the alien begins work.		c. The wage offered is not based on commissions, bonuses, or other incentives, unless I guarantee a wage paid on a weekly, bi-weekly, or monthly basis.	
d. I will be able to place the alien on the payroll on or before the date of the alien's proposed entrance into the United States.		e. The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.		f. The job opportunity is not:	
				(1) Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage.	
				(2) At issue in a labor dispute involving a work stoppage.	
		g. The job opportunity's terms, conditions and occupational environment are not contrary to Federal, State or local law.		h. The job opportunity has been and is clearly open to any qualified U.S. worker.	
24. DECLARATIONS					
DECLARATION OF EMPLOYER		Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury the foregoing is true and correct.			
SIGNATURE <i>Carol Burke</i>				DATE 7/9/09	
NAME (Type or Print) Carol Burke			TITLE General Manager		
AUTHORIZATION OF AGENT OF EMPLOYER		I HEREBY DESIGNATE the agent below to represent me for the purposes of labor certification and I TAKE FULL RESPONSIBILITY for accuracy of any representations made by my agent.			
SIGNATURE OF EMPLOYER				DATE	
NAME OF AGENT (Type or Print) Carol Burke			ADDRESS OF AGENT (Number, Street, City, State, ZIP code) 801 Fairmont Avenue Winchester, VA 22601		

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 5. 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 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 10. as directed for approximately 300 harvest workers. Keep kitchen and dining 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. Hour(s) may vary from day to day.

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 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.

Without prejudice to the employment guarantee for opportunity of doing not less than 75% of full time work during the total employment period, the employer shall provide sufficient work to enable the

worker, being willing and able to work, and reporting for work at the job site during specified hours work is available, to earn a sum not less than the sum of \$84.00 (hereinafter referred to as "the stipulated minimum earnings") in respect of each period of two weeks or pay the worker and allowance of a sum which together with the sum earned by the worker during such period will equal the stipulated earnings; or if the worker has no opportunity to earn any wages during such period, the employer shall pay to the worker a sum in the amount of the stipulated minimum earnings.

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 12. The employer agrees to reimburse individual workers for reasonable transportation expenses and no less than \$9.25 per day for subsistence expenses from the worker's place of recruitment to Winchester, Virginia, who continues under employment for a period of (15) consecutive calendar days, or 50% of the employment period, whichever is shorter. 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 competes 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 conform to applicable regulations of the Interstate Commission 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 Co. 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 2006, 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 \_\_\_\_\_.

Carol Burk  
Agent

7/9/07  
Date

[Signature]  
E.S. Representative

7/9/07  
Date

**Recruitment Plan 2007**

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 year 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 2    Total # of Labor Force Required 2.**

CB

Virginia Employment Commission  
Winchester Local Office

Summary of Employment Conditions  
Specified on Job Order

1. Order Number: VA7070852
2. Name of Employer: Frederick County Fruit Growers
3. Location of Employer and Directions:  
801 Fairmont Avenue, Winchester, VA
4. Period of Employment:  
From 09-04-07 To 11-16-07
5. Work Schedule: 8 hours per day, 5 days per week  
Plus 4 hours on Saturday

6. Crop and Pay:

Hourly Wage: NA

Estimated Hourly Wage \$9.02

7. Work Tasks To Be Performed:

Regular: Prepare and cook West Indies style meals as directed for approximately 400 employees. Keep kitchen clean and sanitary. (See Item 12)

8. Transportation Provided: NA
9. Housing can accommodate 1044 workers.  
 Individuals  
 Families
10. Meals: (Central Kitchen)  
Provided:  Yes  No  
If Yes: Cost per day is \$9.25 (See item 13)  
Workers may do not do their own cooking.

11. Deductions:

Type	Amount
Social Security	<input checked="" type="checkbox"/> X
Income Tax	<input checked="" type="checkbox"/> X
Meals (See Job Order)	
Transportation	None
Tools/Equipment	<input checked="" type="checkbox"/> X

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: 08-27-07

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 08-20-07 to 08-27-07  
Any Job Service office will assist you in doing this.

Virginia Comision de Empleo  
La Oficina de Winchester

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

1. Numero de el Orden: VA7070852
2. Nombre Del Empleador: Frederick County Fruit
3. Lugar y Direccion del Empleador:  
801 Fairmont Avenue, Winchester, VA
4. Periodo de Empleo:  
Del 09-04-07 Al 11-16-07
5. Horario de Trabajado: Horas por dia 8, numero de dias por semana 5 y 4 horas Sabado

6. Cosecha Y Pago:

Sueldo Por Hora \$9.02

7. Labores a Desempenar en el Trabajo:

Prepara y cocinar comida de West Indies, por 400 trabajadores. Limpar cosina.

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

9. Vivenda Disponible Para 1044 Personas  
 Individuos  
 Familias

10. Comidas Provistas: (Cocina)

Si  No

Si so provistas, el costo por dia es \$9.25

(Vea Numero. 13 en la Orden de Trabajo)

Los trabajadores no pueden cocinar sus comidas:

11. Deduccions:

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

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 08-27-07

Para que Ud. pueda tener derecho a esta garantia 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 08-20-07 al 08-27-07  
Cualquier Oficina del Servicio de Empleos le asistira.

**U.S. DEPARTMENT OF LABOR**  
 Employment and Training Administration  
**EMPLOYER FURNISHED HOUSING AND FACILITIES**  
 (See Instructions on Reverse)

1. EMPLOYERS NAME AND ADDRESS  
 Frederick Co Fruit Growers Association  
 801 Fairmont Avenue  
 Winchester, VA 22601

2. HOUSING LOCATION

801 Fairmont Avenue  
 Winchester, VA 22601

3. HOUSING DESCRIPTION

Cinder block rooms/barracks/crew kitchens/  
 toilet/shower/central kitchen and mess hall

4. SLEEP ROOMS

(No & Measure)	a. Dormitory Type				b. Family Type				ES USE ONLY		
	1.	2.	3.	4.	1.	2.	3.	4.			
Length	15'	24'7"	30'9"	30'9"	30'8"	30'8"	30'8"	13"	5. CAPACITY (Adults) 1044		
Width	10'8"	11'4"	10'7"	13'4"	31'4"	30'11"	39'7"	10'5"	6. REGULATIONS COMPLIANCE ("X" in proper box) Yes No		
Ceiling Height	8 1/2'	8 1/2'	8 1/2'	8 1/2'	8 1/2'	8 1/2'	8 1/2'	8 1/2'	Water	X	
Square Feet	160'	278'	325'	408'	960'	948'	1213'	135'	Electricity	X	
No. of Rooms	72	1	6	5	6	11	2	1	Site	X	
No. of Beds, single	0	0	0	0	0	0	0	0	Screening	X	
No. of Beds, or Bunks, Double	144	3	24	25	72	121	30	1	Heating	X	

7. FACILITIES (Number of each)

Flush Toilets 91	Privy 0	Urinals 9 6FT/8 Small	Lav. Or washbasins 62 w/101 faucets	Showerheads 93
Bathtubs 0	Movable bathtubs 0	Laundry machines 0	Fixed laundry tubs 28 Double	Moveable laundry tubs 0
Cook stoves 166 Burners	Refrigerators 24 Plus 1 Cooler	Garbage containers 119*	First-aid kits 21	Fire extinguishers (No. & type) 31 DC**

8. Comments

\*Seven (8 CU YD Bin Units) supplied by Browning Ferris

\*\*Plus 4 ABC and 5 Water Units

EMPLOYER'S CERTIFICATION:

I CERTIFY THAT I have reviewed the housing regulations of the U.S. Department of Labor,  OSHA  ETA, and that the housing described herein  meets  does not meet such standards. I hereby authorize representatives of the State Employment Service office and/or Employment and Training Administration regional office to inspect the above housing at any reasonable time.

Employer's Signature <i>Carol Burke</i>	Typed Name and Title Carol Burke Agent	Date 7/9/07
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10. HOUSING INSPECTED BY:

Signature of Authorized Official <i>Mac M. Munoz</i>	Typed Name and Title Mac M. Munoz Farm Placement Specialist	Date 07/09/07
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11. APPROVAL: Housing approved for occupancy by workers recruited interstate

Signature of Authorized Official <i>Eugene Schultz</i>	Typed Name and Title Eugene Schultz Manager	Date 7-9-07
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**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**

Telamon  
20 East Piccadilly St. Rm15  
Winchester, VA 22601  
540 722-2507

**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

CB