

VIRGINIA EMPLOYMENT COMMISSION

MEMORANDUM TO:

DATE 11/18/2008

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. 118891

Extension is requested for the 1 cop(ies) of the order which is/are attached,  
dated 11/18/2008 for 15, Farmworker, Field Crop 45209999  
(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.

*Richard 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)



11. Wage Rates, Special Pay Information and Deductions / Tarifa de Pago, Información Sobre Pagos Especiales y Deducciones (Rebajas) (see attachment / para más detalles vea )

Crop Actividades / Cultivos	Hourly Wage Salario por Hora	Piece Rate / Unit(s) Pago por Pieza / Unidad(es)	Special Pay (bonus, etc.) Pagos Especiales (Bono, ect.)	Deductions / Deducciones	YES SI	NO	Pay Period Período de Pago
Tobacco*	\$ 8.85	\$ n/a	n/a	Social	x		Weekly / Semanal
	\$	\$		Federal Tax Impuestos Federales	x		Bi-weekly / cada 2 sem. x
	\$	\$		State Tax Impuestos Estatales	x		
	\$	\$		Meals (comidas)		x	
	\$	\$		Other (specify) Otro		x	Other / Otro

More Details About the Pay/Más Detalles Sobre el Pago  
 All work provided in this job order will be compensated at either the current AEWR (Adverse Effect Wage Rate) of \$8.85 per hour, the federal or state minimum wage, or the prevailing wage, whichever is highest. In the event that the Department of Labor promulgates a new AEWR during the recruitment or contract period, which is lower than the AEWR in effect at the time of application, this lower AEWR becomes the guaranteed wage rate, at the discretion of the employer. (see item 2, block 11, page 2)

12. Transportation Arrangements / Arreglos de Transportación (Please explain) (see attachment / para más detalles vea 2)

The employer does not advance transportation or subsistence pay from place of employment. The employer will reimburse worker upon completion of 50% of the work contract for transportation and daily subsistence (not less than \$9.90 per day) from the place from which the worker without intervening employment will come to work for the employer. In addition, those workers paying such transportation and subsistence expenses and who are terminated by the employer as a result of an act of God (an act of God shall mean frost, hail, stones, flood or natural calamity of such character as to make fulfillment of this contract possible.) and the RA certifies or as a result of mutual agreement by worker and employer shall remain the same (see item 3, block 12, page 3.)

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 área de usar Contratistas Agricolas para reclutar, supervisar, transportar, dar vivienda, o pagarle a los trabajadores en este/estos tipo(s) de cosecha(s)/sembrado(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 para cada actividad? (see attachment / para más detalles vea 3)

14. Unemployment insurance provided / Seguro por Desempleo: Yes  No   
 15. Workers' compensation insurance provided / Indemnización por accidente de trabajo: Yes  No   
 16. Are tools provided at no charge to the workers? / Se le proveen las herramientas de trabajo a los trabajadores sin cargo alguno? Yes  No

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

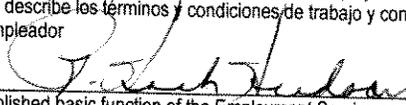
18. List any strike, work stoppage, slowdown, or interruption of operation by the employees at the place where the workers will be employed. (If there are no such incidents, enter "None")/Enumere todo huelga, paro o interrupción de las operaciones por parte de los empleados en el lugar de empleo. (Si no hay, indique "Ninguno")  
 None

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  
 P O Box 485  
 910 North Mecklenburg Ave  
 South Hill, VA 23970  
 Phone 434-447-8700

20. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya número de teléfono)  
 Ms. Eve Bagley Phone 434-447-8700

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



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).

**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

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 \$ 8.85 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 \$8.85 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 employer will make the following deductions: FICA (X) Federal Taxes (X) State Taxes (X) Advances ( ) Meals ( ) Willful destruction of property (X)

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 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 from 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.

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.

OTHER CONDITION OF EMPLOYMENT

Page 4

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 CFR 653.107, 20 CFR 653.501 and 20 CFR 655.103.

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 nineteen (19) workers.

**U.S. Department of Labor**

**Employment and Training Administration**

844 N. Rush Street

12th Floor

Chicago, IL 60611



**R. HART HUDSON FARMS**

**338 TOBACCO LANE**

**SOUTH HILL, VA 23970**

Thank you for using the H-2A Online System to prepare your Application for Alien Employment Certification (ETA Form 750). Please find enclosed a copy of the ETA Form 750. Your H-2A application will not be processed by a DOL Analyst until you have mailed a signed copy of the ETA Form 750, the ETA Form 790 (Agricultural and Food Processing Clearance Order), and all other supporting documentation and attachments to the DOL National Processing Center serving your area of employment. Please keep a copy of all signed ETA Forms (750/790) in your files. To process your H-2A application, mail the application package (ETA Forms 750, 790, and attachments) to the DOL National Processing Center listed below.

**U.S. Department of Labor**

**Employment and Training Administration**

844 N. Rush Street

12th Floor

Chicago, IL 60611

Thank you.

Enclosures (ETA 750)

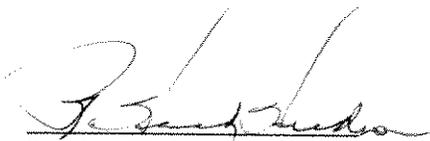
ETA Case Number **C-08294-15169**

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 5, 2009



R. Hart Hudson, Employer

Date: October 30, 2009

Agency VEC

Agencia Estatal VEC

SUMMARY OF EMPLOYMENT CONDITIONS SPECIFIED ON JOB ORDER				SUMARIO DE LAS CONDICIONES DE EMPLEO QUE SON ESPECIFICADAS EN LA ORDEN DE TRABAJO				
Order Number: <u>118891</u>				1. Numero de la Orden: <u>118891</u>				
Name of Employer: <u>R HART HUDSON</u>				2. Nombre del Empleador: <u>R HART HUDSON</u>				
Location of Employer and Directions: <u>398 Tobacco Lane From S. Hill</u> <u>with Hill Ave to RR 903 (Goodes Ferry</u> <u>3 miles to R on tobacco lane to R HART</u> <u>HUDSON farm office in back of house</u>				3. Lugar y Direccion del Empleador: <u>398 Tobacco Lane</u>				
Period of Employment: From <u>01/05/09</u> To <u>11/1/09</u>				4. Periodo de Empleo: Del <u>1/5/09</u> Al <u>11/1/09</u>				
Work Schedule: Hours per day <u>8</u> Days per week <u>5</u>				5. Horario del Trabajo: Horas por dia <u>8</u> Numero de dias por semana <u>5</u>				
Crop and Pay:				6. Cosecha y Pago:				
<u>crop</u>	<u>Hourly Wage</u>	<u>Unit of Production</u>	<u>Piece Rate</u>	<u>Estimated Hourly Wage</u>	<u>Cosecha</u>	<u>Sueldo por Hora</u>	<u>Unidad de Produccion</u>	<u>Pago por unidad</u>
<u>tobacco</u>	<u>885</u>				<u>tobacco</u>	<u>885</u>		
Notes:				Calculo Anticipado del Sueldo por Hora _____				
Work tasks to be performed: Regular: <u>PREPARE PLANT + PREPARE</u> <u>FIELDS FOR PLANTING</u> <u>HARVEST TOBACCO</u> <u>BY HAND</u>				7. Labores a desempenar en el trabajo: Normales: <u>PREPARAR LAS CAMAS, LA</u> <u>TIERRA plantar, cultivar, y</u> <u>PISCAR el tobacco a mano</u>				
Interim tasks and pay during first week in case of crop delay (see item 12) _____				Labores alternativas y pago por la primera semana en caso de demora en la cosecha (vease punto numero 12): <u>PREPARAR LA TIERRA, LA GRANJA</u> <u>limpiar la labor, mantener</u> <u>la cerca y cualquier otro</u> <u>labores</u>				
<u>PREPARE FIELDS + BENS</u> <u>moving staves from fields</u> <u>REPAIRING fences + OTHER</u> <u>relating work to the farm</u>								

8. Transportation provided: yes <input checked="" type="checkbox"/> no <input type="checkbox"/>	8. Transpportacion Proveida: si <input checked="" type="checkbox"/> no <input type="checkbox"/>																												
9. Housing can accomodate _____ number of people individual <input checked="" type="checkbox"/> family <input type="checkbox"/>	9. Viviendas disponibles para _____ persona individuos <input checked="" type="checkbox"/> familias <input type="checkbox"/>																												
10. Meals: Provided: yes <input type="checkbox"/> no <input checked="" type="checkbox"/> If yes: Cost per day _____ Workers must do their own cooking yes <input checked="" type="checkbox"/> no <input type="checkbox"/>	10. Comidas Proveidas: si <input type="checkbox"/> no <input checked="" type="checkbox"/> Si son proveidas, el costo por dia sera _____ Los trabajadoras tienen que cocinar sus comidas si <input checked="" type="checkbox"/> no <input type="checkbox"/>																												
11. Deductions: <table border="0"> <thead> <tr> <th>Type</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Social Security</td> <td><u>YES</u></td> </tr> <tr> <td>Income Tax</td> <td><u>YES</u></td> </tr> <tr> <td>Meals</td> <td><u>No</u></td> </tr> <tr> <td>Transportation</td> <td><u>No</u></td> </tr> <tr> <td>Tools &amp; Equipment</td> <td><u>No</u></td> </tr> <tr> <td>Crewleaders charges</td> <td><u>XX</u></td> </tr> </tbody> </table>	Type	Amount	Social Security	<u>YES</u>	Income Tax	<u>YES</u>	Meals	<u>No</u>	Transportation	<u>No</u>	Tools & Equipment	<u>No</u>	Crewleaders charges	<u>XX</u>	11. Deduciones: <table border="0"> <thead> <tr> <th>Clase</th> <th>Cantidad</th> </tr> </thead> <tbody> <tr> <td>Seguro Social</td> <td><u>SI</u></td> </tr> <tr> <td>Impuestos Sobre Ingresos</td> <td><u>SI</u></td> </tr> <tr> <td>Comidas</td> <td><u>No</u></td> </tr> <tr> <td>Transportacion</td> <td><u>No</u></td> </tr> <tr> <td>Herramientas y Maquinarias</td> <td><u>No</u></td> </tr> <tr> <td>Sumas Cobradas por el Contrastista de Trabajadores Agricolas</td> <td><u>XXX</u></td> </tr> </tbody> </table>	Clase	Cantidad	Seguro Social	<u>SI</u>	Impuestos Sobre Ingresos	<u>SI</u>	Comidas	<u>No</u>	Transportacion	<u>No</u>	Herramientas y Maquinarias	<u>No</u>	Sumas Cobradas por el Contrastista de Trabajadores Agricolas	<u>XXX</u>
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12. NOTES TO WORKER

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 notifies the Job Service of a later starting date by 12-22-08. In order for you to be eligible for this guarantee, you must contact the Job Service office at

Virginia Employment Commission  
910 N. Mecklenburg Avenue  
PO Box 485  
South Hill, VA 23970  
Phone: 434-447-8700  
Fax: 434-447-5842

during the period of 12-24-08 - 12-29-08  
any Job Service office will assist you in doing this.

12. NOTAS PARA EL TRABAJADOR

Una copia de la orden completa esta dispon en esta oficina gara su inspeccion.

El empleador ha garantinado al pago por su primera semana de empleo, a menos que el notifique al Servicio de Empleos que la fec de comenzar a trabajar sera atrasada, y 'que tal notificacion sea a mas tardar el 12-22-08. Para que Ud. pueda ten derecho a esta garantia de pago, tendra que comunicarse cen la Oficina del Servicio de Empleos en el

Virginia Employment Commission  
910 N. Mecklenburg Avenue  
PO Box 485  
South Hill, VA 23970  
Phone: 434-447-8700  
Fax: 434-447-5842

durante el periodo del 12-24-08 al 12-29-08  
Cualquier Oficina del Servicio de Empleos le asistira en hacerlo.