VIRGINIA EMPLOYMENT COMMISSION

MEMORANDUM TO: DATE 2/26/2009

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

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

SUBJECT: Request for Extension of Clearance Order No. 125972

Extension is requested for the 1 cop(ies) of the order which is/are attached,

dated 2/26/2009 for 36 (No. of Openings), FARMWORKER, FIELD CROP 45-2092 (Occupational Title and Code)

to be sent to the offices of your choice.

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

Michelle Abraham
(signature)

* *

DATE _____

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

ACCEPTED _____ Location(s) to which extend:

REJECTED _____ Reason for Rejection: _____

COMMENTS:

Number of additional copies required. _____

_____
(signature)

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

U.S. Department of Labor
Employment and Training Administration

O.M.B. Approval No. 1205-0134, Expires 08/31/2009

1. Employer's Name and Address (Number, Street, City, State, Zip Code, and telephone number)
Nombre y Direccion del Empleador (Número, calle, ciudad, código postal y teléfono)
R. Hart Hudson Farms Phone 434-689-2326
338 Tobacco Lane,
South Hill, VA 23970

Industry Code / Código de Industria: 111998
Job Order # / No. Orden de Empleo: 1259772
Occupational Title and Code /Título Ocupacional y Código: 45 2092
Clearance Order Issue Date / Fecha de Tramite: 2/26/09

2. Location and Direction to Work Site / Dirección del lugar de trabajo
Location: 338Tobacco Lane, South Hill, VA 23970 Directions from So. Hill, take So. Hill Ave. from US/1 (Danville St), follow So. Hill Ave. to State Rd. 903 (Goodes Ferry Rd.) approximately (3) miles, turn right onto State Rd. 773 (Tobacco Lane). Go to Sign "R. Hart Hudson Farms" on the right. Office is located at the back of the house

(see attachment / para más detalles vea ____)

Job Order Expiration Date / Fecha de expiración: 5-1-09

6. Anticipated Period of Employment / Periodo Anticipado de Empleo
From/ Desde: 04/01/2009 To / Hasta 11/01/2009

7. No. of Workers Requested / No. de Trabajadores Pedidos 36

3. Location and Description of Housing / Dirección y Descripción de la Vivienda
Location: 338 Tobacco Ln., So. 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 worker who is unable to return to their place of residence the same day. Housing will be clean and in compliance with ETACFR 564 Housing Standards. Worker will be responsible for maintaingin housing in a neat and clean manner. Reasonable repair cost of damage other than normal wear and tear will be deducted from earnings of workers who are found responsible for damage to housing and furnishings. (see item 1, block 3, page 1)

(see attachment / para más detalles vea 1)

8. Anticipated Hours of Work per Week / Horas Anticipadas de Trabajo por Semena — Total: 40

Sunday / Domingo		Wednesday / Miercoles	8
Monday / Lunes	8	Thursday / Jueves	8
Tuesday / Martes	8	Friday / Viernes	8
		Saturday / Sabado	

9. Collect Calls Accepted/Se Aceptan Llamadas a Cobrar:
Employer / El Empleador Yes ☒ No ☐
Local Office/Oficina Local Yes ☐ No ☒

4. Board Arrangements / Arreglo de Alojamiento
Worker will purchase ingredients and prepare own meals. Employer will furnish convenient cooking and kitchen facilities so that worker may prepare own meals. Cooking and serving utensils are include at no cost to the worker. Employer wil provide transportation to assure worker access to stores where they can purchase groceries.

(see attachment / para más detalles vea ____)

5. Referral Instructions / Instruciones para el Referimiento de Candidatos
The referral under this job order is to be made to the South Hill office of the Virginia Employment Commission. The address of that office is Virginia Employment Commission, P.O. Box 485, 910 Mecklenburg Ave. South Hill, VA 23970 Phone (434) 447-8700.

(see attachment / para más detalles vea ____)

10. Job Specifications / Descripción del Trabajo [Summary of Material Job Specifications in ENGLISH must be included inside this box]
To prepare greenhouses by replacing plastic flooring, cleaning and seeding trays,applying fertilizer and pesticides, monitor and maintain temperatures according to plant growth. Cultivate fields, bed rows,and plant tobacco. Remove tops and suckers from plants by hand. Mature leaves will be harvested, transported and placed in tobacco barns, when cured, worker will remove tobacco and bail, the tobacco will be transported to the warehouse. Worker may be required to work in periods of light rain and will be provided with rain gear at no cost. Worker should be in good physical condition, able to stand for long periods of time, considerable stooping and kneeling are required, worker should have no allergies to noxious plants or insect control sprays. Worker may be required to work in temperature ranges from slightly below 30 degrees and slightly above 100 degrees. Job duties may change back and forth depending upon stages and conditions of the crop.

(see attachment / para más detalles vea ____)

10 a. Descripción del Trabajo / Job Specifications [Summary of Material Job Specifications in SPANISH must be included inside this box]

(see attachment / para más detalles vea R11111)

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.) Pagos Especiales (Bono, ect.)	Deductions / Deducciónes	YES SI	NO	Pay Period Periodo de Pago
Tobacco	$ ~~[illegible]~~ 7.25	$ ~~[illegible]~~	N/A	Social	x		Weekly / Semanal
	$	$		Federal Tax Impuestos Federales	x		X
	$	$		State Tax Impuestos Estatales	x		Bi-weekly / cada 2 sem.
	$	$		Meals (comidas)		x	
	$	$		Other (specify)/ Otro		x	Other / Otro

More Details About thePay/Más Detalles Sobre el Pago

All work provided in this job order will be compensated at either the current AEWR (see CFR 655.108 (F) wage determination, page 77233 of the Federal Register), the federal or state minimun wage, or the prevailing wage, whichever is highest. In the event that the Department of Labor promulgates a newer AEWR during the recruitment on 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)

(see attachment / para más detalles vea 2)

12. Transportation Arrangements / Arreglos de Transportación (Please explain)

The employer does not advance transportation or subsistence pay from the US Consulate in Monterery Mexico to the 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 US Consulate in Monterery MX, without intervening, employee will come to work for the employer. In addition, those workers paying such transportation and subsistenceexpenses and who are terminiated by the employer as a result of an Act of God (an Act of God shall mean any frost, hail, stones, flood or natural calamity of such character as to make further fulfillment of this contract possible), and the RA certifies or as a result of mutual agreement by worker and employer shall be reimbursed the same. (see item 3, block 12, page 3.)

(see attachment / para más detalles vea 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 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 ☐ 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 Agricola para cada actividad?

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 486
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 numero de telefono)

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.
Certificacion del Empleador: Esta orden de trabajo describe los terminos y condiciones de trabajo y contiene todos los materials, terminus, y condiciones ofrecidos.

Employer's Signature & Title/ Firma y Titulo del Empleador

R. Hart Hudson Owner/President

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-fulness 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 obligagation 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).

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 (see CFR 655, 108 (F) wage determination, page 77233 of the Federal Register) 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 (See CFR 655, 108 (F) wage determination, Page 77233 of the Federal Register)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.)

OTHER CONDITION OF EMPLOYMENT

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 CFR655.103.

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 (51) workers.

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 US Consulate in Monterey MX except when the worker is not returning to the US Consulate in Monterey MX 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 US Consulate in Monterey MX, except when the worker is not returning to the US Consulate in Monterey MX 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 US Consulate in Monterey MX. 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.

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 April 1, 2009

R. Hart Hudson, Employer

Date: Feb 15, 2009

ATTACHMENT 1 ITEM 1 BLOCK 3

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

Virginia Employment Commission	Virginia Comision de Empleo
South Hill Local Office	**La Oficina de South Hill**
Summary of Employment Conditions Specified on the Job Order	Sumario de las Condiciones de Empleo Que Son Especificadas en el Orden de Trabajo
1. Order Number: 125972	1. Numero de el Orden: 125972
2. Name of Employer:	2. Nombre del Empleador:
R HART HUDSON FARM	R. HART HUDSON FARM
3. Location of Employer & Directions:	3. Lugar y Direccion del Empleador:
(See ETA 338)	(Mira el papel ETA 338)
4. Period of Employment:	4. Periodo de Empleo:
From 04/01/09 to 11/01/09	Del 04/01/09 to 11/01/09
5. Work Schedule: Minimum of 7 hrs per Day, 5 days per week & 5 on Saturday	5. Horario de trabajado: Horas por dia 7 De dias por semana 5 y 5 horas Sabado
6. Work to be performed: Horticultural	6. El trabajo: Horticola
Hourly Wage: $ TBD by CNPC	Sueldo por Hora: $ TBD via CNPC
7. Transportation provided: From labor camp to work site & return: ✓ Yes ____ No	7. Transportacion provista: del encampamento al la huerta y vuelta: ✓ Yes ____ No
8. Housing & Accommodations: 8 Individual 0 Family	8. Vivenda Disponsible para: 8 Individuos 0 familias
9. Meals Provided: No Workers may do their own cooking: Yes	9. Comidas provistas: No Los trabajadores tienen que cocinar sus Comidas: Si
10. Deductions: Type & Amount: Social Security: XXXX Income Taxes: XXXX Transportation None Tools & Equipment: None Crewleader Charges: None	10. Deduccions: Clase & Cantidad Seguro Social XXXX Impuestos sobre ingresos: XXXX Transportacion: Nada Herramientas/maquinaria: Nada Cobrada por el contratista: Nada

11. 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 notifies this job service office of a later starting date by: 3-23-09 In order for you to be eligible for this guarantee, you must contact the job service at: Virginia Employment Commission 910 Mecklenburg Avenue South Hill, VA 23970 434-447-8700	11. 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 astrasda, y que tal notificacion sea a mas a tardar el 3-23-09 Para que ud pueda tener a esta garantia de pago, tendra que ponerse en contacto con: Virginia Comision de Empleo 910 Mecklenburg Avenue South Hill, VA 23970 434-447-8700
During the period of 3-23-09 to 3-27-09, _____, any job service will assist you in doing this.	Durante el periodo del 3-23-09 al 3-27-09, cualquier oficina del servicio de empleos le asistira.