The Agricultural Recruitment System (ARS) provides agricultural employers a mechanism to recruit qualified US workers for temporary or seasonal agricultural work (less than a year-round basis). ARS is a process for handling of local, intrastate and interstate agricultural job orders through the New York State Career Center. An employer can request to use the ARS system at any time, however, the employer should be cognizant of the time frame workers will be needed for the season. Employers should request workers no later than 10-12 weeks prior to the date of need to provide enough time to go through the entire process (Local, Intrastate, and Interstate recruitment).

LOCAL

Employer submits a local job order with the local Career Center/AgLS staff. If housing is provided, it must be inspected and approved by the appropriate agency. Approval of the job order is the responsibility of the Career Center or AgLS staff. The local job order is then entered into the One Stop Operating System (OSOS) for local recruitment.

INTRASTATE

If labor needs not met through local efforts, the employer has the option to clear the job order to extend recruitment area by filing an Intrastate Clearance Order (ICO). This allows employers to recruit outside of the local workforce area but recruit only within the state of NY. Employer along with the Career Center or AgLS staff assistance, fills out the ETA 790 Form requesting permission to recruit outside the local workforce area.

Employer must agree to some assurances to participate in the ARS process. The following language is included in the job order and the employer must agree to:

1. Pay highest rate of pay among state, federal or prevailing practice wage.
2. Register with state as a Farm Labor Contractor.
3. Provide Outreach workers reasonable access to workers.
4. Provide housing for workers unable to return home the same day.
5. Provide or pay transportation cost.
6. The Intrastate job order is then forwarded to and approved by the NY State Monitor Advocate (SMA).

INTERSTATE

If Intrastate recruitment is unsuccessful, the employer can request to expand the search for workers to supply states, this is known as the Interstate Clearance Order (ICO). Employer requests the job order be submitted to the next level. The ETA 790 form includes everything mentioned above under Intrastate Clearance Order. The SMA submits the signed ETA 790 to Regional Monitor Advocate (RMA) for review and approval. RMA has 10 days to approve or deny the job order.

FREQUENTLY ASKED QUESTIONS

HOW IS THE H-2A PROCESS DIFFERENT FROM ARS?

The ARS, a free program, is intended to recruit only US domestic workers. The H-2A foreign guest worker program allows employers to expand recruitment to workers internationally. Under the H-2A foreign guest worker program, employers pay an application fee and pay costs associated with recruiting workers from other countries.

HOW DO I SUBMIT A LOCAL JOB ORDER?

Employers can submit a job order at a Career Center nearest them. The Agricultural Job Order Form may be used at the Career Center to post a job order. Employers can also worker with their local AgLS who will fill out the AL515 ARS Job Order Form and place the job order on NYS Job Bank.

CAN I USE THE ARS PROCESS AND SUBMIT AN H-2A JOB ORDER AT THE SAME TIME?

Although the H-2A process and the ARS look similar, they cannot be used at the same time. The moment an employer decides to supplement labor with the H-2A guest worker program, additional steps and paper work must be completed. The ETA 790 Form is submitted to NYSDOL's Foreign Labor Certification Unit for processing and sent to USDOL's Office of Foreign Labor Certification for approval. However, the ARS can be used prior to applying under the H-2A program to test for domestic worker availability in the area of intended employment or surrounding supply states.

IS THERE A COST TO USING THE ARS?

Although, there no required fees or costs that must be paid by the employer to use ARS, there are required assurances that may have a financial impact on worker recruitment. For example, the employer may have to pay to repair worker housing prior to inspection or pay for worker transportation.

DOES THE SWA SCREEN APPLICANTS FOR WORK AUTHORIZATION?

Career Center and AgLS staff do not verify work authorization. Staff match available job seekers currently registered in OSOS and refer qualified candidates to your job order. It is the responsibility of the employer to complete the required Federal and State paperwork to successfully onboard workers.

AM I REQUIRED TO HIRE REFERRALS FROM THE NYSDOL?

No, an employer is not required to hire a referral from the NYSDOL. However, if a screened applicant is not hired, we may follow-up with the employer to determine the reason for not hiring a referral.

WHO SHOULD I CONTACT IF I HAVE QUESTIONS?

Contact the State Monitor Advocate (SMA) with any questions regarding the ARS process. The SMA can be reached at **labor.sm.State.Monitor.Advocate@labor.ny.gov**.

The New York State Department of Labor is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.