



Agricultural and Food Processing Clearance Order ETA Form 790

Pedido de Empleados para Agricultura y Procesamiento de Alimentos

1. Employer's Name and Address (Number, Street, City, State, Zip Code)/  
Nombre y Dirección del Empleador (Numero, calle, ciudad, código postal)  
**Joe Czajkowski, Owner**  
**86 Comins Road**  
**Hadley, MA 01035**  
Telephone number/tele'fono: (413) 237-2615 Fax: 413-549-7629

2. Location and Direction to Work Site/Dirección del lugar de trabajo  
FOLLOW RT 47 N ABOUT 5 MILES TO COMINS RD. TAKE RIGHT ONTO COMINS RD. FARM ABOUT .8 MILES ON LEFT.  
(86 COMINS RD., HADLEY, MA 01035)  
(if additional space is needed, use separate sheet of paper)

3. Location and Description of Housing/Dirección y Descripción de la Vivienda  
13 HAWLEY ROAD, HADLEY, MA  
RT 47 ABOUT 1.7 MILES, RIGHT ONTO HUNTINGTON FOR .5 MILE. TAKE BREAKENRIDGE WHICH BECOMES MT. WARNER RD. LEFT ONTO HAWLEY

4. Industry Code/Código de Industria 45-2092

5. Job Order #/No. Orden de Empleo 996112

6. Occupational Title and Code/Título Ocupacional y Código  
Farm Workers & Laborers; Crop

7. Clearance Order Issue Date/ Fecha de Tramite 4/25/2011

8. Job Order Expiration Date/ Fecha de vencimiento 9/14/11

9. Anticipated Period of Employment/Periodo Anticipado de Empleo  
From/ Desde: 06/01/2011 To/Hasta: 12/15/2011

10. No. of Workers Requested/No. de Trabajadores Pedidos  
4

11. Anticipated Hours of Work per Week/Horas Anticipadas de Trabajo por Semana. Total: 48  
Sunday /Domingo \_\_\_\_\_ Monday/Lunes 8  
Tuesday/Martes 8 Wednesday/Miércoles 8  
Thursday/Jueves 8 Friday/Viernes 8  
Saturday/Sabado 8

12. Collect Calls Accepted from/Se Aceptan Llamadas a Cobrar de:  
Employer/El Empleador Yes  No   
Local Office/La Oficina Local Yes  No

13. Board Arrangements/Arreglo de Alojamiento  
Employer will will not  provide 3 meals per day. (SEE ATTACHMENT 1, ITEM 3, C) FOR MORE INFORMATION)

14. Referral Instructions / Instrucciones para el Referimiento de Candidatos  
Applicant holding office to refer all Qualified applicants through order holding office or applicants can apply directly to the farm during normal business hours.

15. Job Specifications/ Descripción del Trabajo  
Work may include but not limited to, (SEE ATTACHMENT A FOR COMPLETE JOB SPECIFICATIONS)  
(If more space is needed, summary of Material Job Specifications in ENGLISH can be included in separate document, and may also be included in SPANISH)

16. Wage Rates, Special Pay Information and Deductions/ Tarifa de Pago, Información Sobre Pagos Especiales y Deducciones (Rabajas)

Crop Activities / Cultivos	Hourly Wage Salario por Hora	Piece Rate/Unit(s) Pago por Pieza/ Unidad(es)	Special Pay (bonus, etc.) Pagos Especiales (Bono, etc.)	Deductions/ Deducciones	YES/ SI	NO	Pay Period Periodo de Pago
					<input type="checkbox"/>	<input type="checkbox"/>	
SQUASH	\$ <u>10.16</u>	\$ <u>10.25 per 3.4</u>		Social Security / Seguro Social	<input checked="" type="checkbox"/>		Weekly/Semanal
CABBAGE	\$ <u>10.16</u>	\$ <u>10.25 per 3.4</u>		Federal Tax Impuestos Federales	<input checked="" type="checkbox"/>		X
CORN	\$ <u>10.16</u>	\$ <u>10.25 per 3.4</u>		State Tax Impuestos Estatales	<input checked="" type="checkbox"/>		Bi-weekly/ cada 2 semanas
GOURDS	\$ <u>10.16</u>	\$ <u>10.25 per 3.4</u>		Meals /Comidas		<input checked="" type="checkbox"/>	
PUMPKINS	\$ <u>10.16</u>	\$ <u>10.25 per 3.4</u>		Other (specify)/ Otro		<input checked="" type="checkbox"/>	

More Details About the Pay/Mas Detalles Sobre el Pago  
Workers will be paid on an hourly basis for all hours worked, (SEE ATTACHMENT 1, ITEM 16 A))  
(if additional space is needed, use separate sheet of paper/Si necesita más espacio, utilice documento adicional.)

**17. Transportation Arrangements /Arreglos deTransportacion**

After the worker has completed 15 days or 50% of the work contract period, whichever comes first, the employer shall reimburse the worker for cost of transportation and subsistence from the place from which the worker has come to work for the employer. Upon completion of the work contract employer will pay reasonable costs of return transportation and subsistence, currently \$10.64 per day, to the place from which the worker departed to work for the employer, as required at 20 CFR 655.122(h), except when the worker will not be returning to the place of recruitment, due to subsequent employment with another employer who agrees to pay such cost, in which case this employer only pays for the transportation to the next job. The amount of the transportation payment will be equal to the most economical and reasonable similar common carrier transportation charges for the distance involved, "except that any worker protected pursuant to the Fair Labor Standards Act will be paid in compliance with the FLSA beginning in the first workweek."

(Additional space is needed. use separate sheet of paper./Si necesita mas espacio, utilice documento adicional.)

18. 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 Agrícolas para reclutar, supervisar, transportar, dar vivienda, o pagarte a los trabajadores en estos tipos de cosecha?  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 por cada actividad?

19. Unemployment Insurance provided? Seguro de Desempleo?

Yes  No

20. Workers' compensation insurance provided? Indemnización por accidente de trabajo:

Yes  No

21. Are tools provided at no charge to the workers?/Se le proveen las herramientas de trabajo a los trabajadores sin cargo alguno?

Yes  No

22. List any arrangements which have been made with establishment owners or agents for the payment of a commission or other benefits for sales made to workers. (If there are no such arrangements, enter "None")/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**

23. 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 toda huelga, paro o interrupción de las operaciones por parte de los empleados en el lugar de empleo. (Si no hay, indique "Ninguno")

**NONE**

24. Address of Order Holding Office (include Telephone number)/Direccion de la

Oficina donde se Radica la Oferta (Incluya numero de teléfono)  
DIVISION OF CAREER SERVICES  
CHARLES F. HURLEY BUILDING  
19 STANIFORD ST  
BOSTON MA 02114

25. Name of Local Office Representative (include direct dial telephone

number)/ Nombre del Representante de la Oficina Local (incluya numero de teléfono) **DOLLY RAJA**  
617-626-5078

26. 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, términos, y condiciones ofrecidos.

Employees Signature & Title/ Firma y Título del Empleador

Date:

3/29/11

**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 jobseekers, neither the ETA nor the State agencies are guarantors of the accuracy or truthfulness 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.**

**Public Burden Statement**

Public reporting burden for the ETA Form 790, which is required to obtain or retain benefits (44 USC 3501), is estimated to be 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and reviewing the collection. The public need not to respond to this collection of information unless it displays a currently valid OMB Control Number. This is public information and there is no expectation of confidentiality. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to the U.S. Department of Labor, Migrant and Seasonal Farmworker Program, Room S4209, 200 Constitution Avenue, NW, Washington, DC 20210.

**FORM ETA 790 AND ETA 9142 ATTACHMENTS**

**\*JOB ORDER TO BE PLACED IN CONNECTION WITH A FUTURE APPLICATION FOR TEMPORARY CERTIFICATION FOR H-2A WORKERS.\***  
Attachment 1.

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

A. CLARIFICATIONS OF ITEMS ON FORM ETA 790 AND 9142  
Item 3 - Housing:

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

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

c) Employer will  will not  provide 3 meal per day. Employer will charge 0 a day. If meals are not provided then the employer will furnish free cooking facilities so workers may prepare their own meals. Free transportation will be provided once a week to grocery store so workers can purchase their groceries.

d) I request that my order be granted conditional entry into the Interstate and Intrastate Clearance System. I assure that the worker housing will meet the applicable Federal Standards not later than 04/15/2011 Which is at least 30 days in advance of my date of need reflected in the attached ETA 9142 and ETA 790.

e) The housing is barracks  single rooms  number of rooms X capacity 11. The construction is wood frame  block or concrete  the floors are concrete  wood

Item 10 -Number of workers requested:

Employer is seeking certification for 4 H-2A workers. The total number of workers (both H-2A and non H-2A) employer expects to hire for the work activities listed in this job order during the contract is 4. These numbers are estimates only as total workforce needs are dependent on weather, crop conditions, worker availability and other factors.

Item 11 - Anticipated Hours of Work:

8 hours per day is normal. The worker may be requested but not required to work 12 hours per day and/or the Sabbath depending upon the conditions at the worksite, weather, and maturity of the crop.

Item 16 - Wage Rates, Special Pay Information and Deductions:

a) Workers will be paid on an hourly basis for all hours worked at the Wage Rate in effect at the time the work is performed, required at 20 CFR 655.122 (I). The required wage may be higher or lower than it is at the time of filing this job offer.

The rate is based on: AEW ~~10.16~~ Prevailing Wage \_\_\_\_\_ Employer's offer \_\_\_\_\_

10.25  
per day

# ATTACHMENT A

## JOB SPECIFICATIONS

Workers may perform any combination of tasks related to the planting, cultivating, and processing of fruit and vegetables, including but not limited to planting, pruning, weeding, thinning, harvesting, grading, packing. ~~Workers must be able to lift 80 pounds.~~ Workers may be required to use hand tools such as shovel, pruning saw, and hoe. Work is performed out of doors in extreme conditions of heat, cold, and rain. *Pen J.Y.*

*Pen J.Y.*  
One month experience in duties listed is required.

Los trabajadores pueden realizar ninguna combinación de tareas relacionadas al plantar, cultivar, y procesando de fruta y verduras, inclusive pero no limitados a plantar, podar, la escarda, afinar, cosechar, graduación, empacando. Los trabajadores deben poder levantar 80 libras. Wokers puede ser requerido a utilizar herramientas manuales como pala, podar vio, y azadona. El trabajo es realizado al aire libre en condiciones extremas de calor, del frío, y de la lluvia.

Una experiencia de mes en deberes listó es requerida.