



Agricultural and Food Processing Clearance Order ETA Form 790
Orden de Empleo para Obreros/Trabajadores Agrícolas y Procesamiento de Alimentos

(Print or type in each field block – To include additional information, go to block # 28 – Please follow Step-By-Step Instructions)
(Favor de usar letra de molde en la solicitud – Para incluir información adicional vea el punto # 28 – Favor de seguir las instrucciones paso-a-paso)

1. Employer's and/or Agent's Name and Address (Number, Street, City, State and Zip Code / Nombre y Dirección del Empleador/Patrón y/o Agente (Número, Calle, Ciudad, Estado y Código Postal):

Apple Bin Farm Market (AB)
Peter Scatarro
810 Broadway
Ulster Park, NY 12487

~~Apple Bin Farm (SG)
Dominick Sorbello
Highland, NY 12528~~

Agent
Steven McKay
H2 Express
3007 County Route 20
Hudson, NY 12534

a) Federal Employer Identification Number (FEIN) / Número federal de Identificación del Empleador:
AB: 14-180 5719
~~SG: 14-166 7059~~

b) Telephone Number / Número de Teléfono:
AB: 845-339-7229
~~SG: 845-691-8118~~

c) Fax Number / Número de Fax:
AB: 845-338-3991
~~SG: 845-691-4948~~

E-mail Address / Dirección de Correo Electrónico:
AB: pscatarro@hvc.rr.com
SG: dominicksorbello@yahoo.com

2. Address and Directions to Work Site / Domicilio y Direcciones al lugar de trabajo:

AB: 810 Broadway, Ulster Park, NY 12487 (owned by Peter Scatarro)
SG: 170 Martin Ave., Highland, NY 12528 (leased from father)

3. Address and Directions to Housing / Domicilio y Direcciones al lugar de vivienda:
59 Esopus Ave., Ulster Park, NY 12487 (see map)

a) Description of Housing / Descripción de la vivienda: Wooden house,; 3 bedrooms, living room, bathroom, kitchen, dining nook; fully furnished including all appliances; electric, gas; capacity:6; Kingston Hospital is nearest medical site, Planet Fitness gym, dishnet TV, biking for recreation. No additional charges.

Nos. 4 through 8 for STATE USE ONLY
Números 4 a 8 para USO ESTATAL

4. SOC (O*NET/OES) Occupational Code / Código Industrial:
45209100

5. Job Order No. / Num. de Orden de Empleo:

a. SOC (ONET/OES) Occupational Title / Título Ocupacional
Agricultural Equipment Operator

NY1122476

6. Address of Order Holding Office (include Telephone number) / Dirección de la Oficina donde se radico la oferta (incluya el número de teléfono):

877-466-9757

a. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya el número de teléfono de su línea directa).

877-466-9757

7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo:

3/30/2015

8. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo:

8/31/2015

9. Anticipated Period of Employment / Período anticipado o previsto de Empleo:

From / Desde: 05/01/2015 To / Hasta: 12/31/2015

10. Number of Workers Requested / Número de Trabajadores Solicitados:
~~Three (3)~~ two(2)

11. Anticipated Hours of Work per Week / Horas Anticipadas/Previstas de Trabajo por Semana. Total: 35

Sunday / Domingo _____ Thursday / Jueves 7
Monday / Lunes 7 Friday / Viernes 7
Tuesday / Martes 7 Saturday / Sábado _____
Wednesday / Miércoles 7

12. Anticipated range of hours for different seasonal activities: / Rango previsto de horas para las diferentes actividades de la temporada:

Planting: 35/wk
Maintain plants: 20- 35/wk
Maintain greenhouse plants 35/wk
Farm maintenance: 20/wk
Harvesting: 35/week

13. Collect Calls Accepted from: / Aceptan Llamadas por Cobrar de:
Employer / Empleador: Yes / Si No XX

14. Describe how the employer intends to provide either 3 meals a day to each worker or furnish free and convenient cooking and kitchen facilities for workers to prepare meals / Describa cómo el empleador tiene la intención de ofrecer, ya sea 3 comidas al día a cada trabajador, o proporcionar gratuitamente instalaciones para cocinar.

Transportation provided weekly to purchase food; beneficiaries will buy and prepare their own food in fully furnished kitchen.

15. Referral Instructions and Hiring Information / Instrucciones sobre cómo Referir Candidatos/Solicitantes - (Explain how applicants are to be hired or referred, and the Employer's/Agent's available hour to interview workers / Explique cómo los candidatos serán contratados o referidos, y las horas disponibles del empleador/agente para entrevistar a los trabajadores). See instructions for more details / Vea las instrucciones para más detalles.

Apply at: 810 Broadway, Ulster Park, NY 12487, or call 845-339-7229 to arrange for interview with Peter Scatarro. Generally available 8:00 am – 5:00 pm, M-F for calls.

Or apply through nearest NYS DOL One Stop Career Center, Columbia Greene, 877-466-9757

16. Job description and requirements / Descripción y requisitos del trabajo: Use manual and powered equipment to plant (25%), maintain (30%) , and harvest (25%) fruits (apples pears ,peaches, apricots, plums) vegetables (squash, pumpkins, flowers, tomatoes, peppers, beans, melons, beets). Maintain plants in greenhouse (10%). Maintain fences, equipment, and farm buildings (10%).

Equipment operated: Farm tractor, rototiller, mower, chain saw, fork lift, powered pole saw.

Workers will comply with procedures for ladder safety as instructed and follow other instructions of supervisor. Workers will follow rules that assure food safety as instructed which include hand washing, use of restrooms and handling of fruit. Tools paid for by employer;.

1. Is previous work experience preferred? / Se prefiere previa experiencia? Yes / Si No If yes, number of months preferred: / Si es así, numero de meses de experiencia: 6

2. Check all requirements that apply:

- XX Employer Will Train / Empleador entrenará o adiestrará
- XX Exposure to Extreme Temp. / Expuesto a Temperaturas Extremas
- XX Frequent Stooping / Inclinandose o agachándose con frecuencia
- XX Lifting requirement / Levantar o Cargar 75lbs./libras
- XX Repetitive Movements / Movimientos repetitivos

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

Crop Activities	Hourly Wage	Piece Rate / Unit(s)	Special Pay (bonus, etc.)	Deductions*	Yes/Si	No	Pay Period / Periodo de Pago
Cultivos (apples, pears, plums, peaches, apricots, flowers, pumpkins, squash, tomatoes, peppers, beans, melons, beets)	Salario por Hora	Pago por Pieza / Unidad(es)	Pagos Especiales (Bono, etc.)	Deducciones			/ /
Plant crops	\$11.26	n/a	n/a	Social Security / Seguro Social	xx <input type="checkbox"/>	<input type="checkbox"/>	Weekly / Semanal
Maintain crops	\$11.26	n/a	n/a	Federal Tax / Impuestos Federales	xx <input type="checkbox"/>	<input type="checkbox"/>	xx <input type="checkbox"/>
Greenhouse work	\$11.26	n/a	n/a	State Tax / Impuestos Estatales	xx <input type="checkbox"/>	<input type="checkbox"/>	Bi-weekly / Quincenal
Harvest	\$11.26	n/a	n/a	Meals / Comidas	<input type="checkbox"/>	xx <input type="checkbox"/>	<input type="checkbox"/>
Maintenance	\$11.26	n/a	n/a	Other (specify) / Otro (especifica)	<input type="checkbox"/>	xx <input type="checkbox"/>	Monthly/Mensual
							Other/Otro
							<input type="checkbox"/>

More Details About the Pay / Mas Detalles Sobre el Pago: payment in cash or by check, detailed wage statement provided weekly by farmer, tax deduction option elected by employee

18. Transportation Arrangements / Arreglos de Transportación

Employer agrees to reimburse inbound transportation and subsistence expenses (\$11.86 per day for a maximum of \$46.00 as specified by regulations) to each worker and any person, government agency, or private organization which on behalf of the worker has paid or advanced such transportation and subsistence expenses from the residence, place of last employment, or place of recruitment to the job site after the worker has completed 50% of the stipulated period of employment, from initial date of need or from the day after actual arrival of worker if later than the stated date to report. Return expenses also paid.

19. Is it the prevailing practice to use Farm Labor Contractors (FLC) to recruit, supervise, transport, house, and/or pay workers for this (these) crop activity (ies)? / ¿Es la práctica habitual usar Contratistas de Trabajo Agrícola para reclutar, supervisar, transportar, dar vivienda, y/o pagarle a los trabajadores para este(os) tipo(s) de cosecha(s)? Yes / Si No XX

If you have checked yes, what is the FLC wage for each activity? / Si contesto "Si," cuál es el salario que le paga al Contratista de Trabajo Agrícola por cada actividad?

20. Are workers covered for Unemployment Insurance? / ¿Se le proporcionan Seguro de Desempleo a los trabajadores? Yes/Si No XX

21. Are workers covered by workers' compensation? / ¿Se le provee seguro de compensación/indemnización al trabajador: Yes/Si XX No

22. Are tools, supplies, and equipment provided at no charge to the workers? / ¿Se les proveen herramientas y equipos sin costo alguno a los trabajadores?

Yes/Si XX No

23. 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".) / Enumere todos los acuerdos o convenios hechos con los propietarios del establecimiento o sus agentes para el pago de una comisión u otros beneficios por ventas hechas a los trabajadores. (Si no hay ningún acuerdo o convenio, indique "Ninguno".) None

24. 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 operaciones de trabajo por parte de los empleados en el lugar de empleo. (Si no hay incidentes de este tipo, indique "Ninguno".) None

25. Is this job order to be placed in connection with a future Application for Temporary Employment Certification for H-2A workers? / ¿Esta orden de empleo ha sido puesta en conexión con una futura solicitud de certificación de empleo temporal para trabajadores H-2A?

Yes/SÍ No

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 del empleo que se le ofrece, y contiene todos los términos y condiciones materiales ofrecidos.

~~Peter Scaturro Owner and Frank Sorbello Owner~~ Dominick R Sorbello
Employer's Printed Name & Title / Nombre y Título en Letra de Noche del Empleador


Employer's Signature / Firma y Título del Empleador 03/26/2015
Date / Fecha

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 Employment and Training Administration (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 American Job Center constitute a contractual job offer to which the American Job Center, ETA or a State agency is in any way a party.

LEA CON CUIDADO. En vista de la función básica del Servicio de Empleo establecida por ley, como una entidad de intercambio laboral sin comisiones, es decir, como un foro para reunir a los empleadores y los solicitantes de empleo, ni ETA ni las agencias del estado pueden garantizar la exactitud o veracidad de la información contenida en las órdenes de trabajo sometidas por los empleadores. Ni ninguna orden de trabajo aceptado o contratado en el Centro de Carreras (American Job Center) constituyen una oferta de trabajo contractual a las que el American Job Center, ETA o un organismo estatal es de ninguna manera una de las partes.

PUBLIC BURDEN STATEMENT
The public reporting burden for responding to ETA Form 790, which is required to obtain or retain benefits (44 USC 3501), is estimated to be approximately 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and reviewing the collection. The public need not 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, Employment and Training Administration, Office of Workforce Investment, Room C-4510, 200 Constitution Avenue, NW, Washington, DC 20210.

DECLARACIÓN DE CARGA PÚBLICA
La carga de información pública para responder a la Forma ETA 790, que se requiere para obtener o retener beneficios (44 USC 3501), se estima en aproximadamente 60 minutos por respuesta, incluyendo el tiempo para revisar las instrucciones, buscar fuentes de datos existentes, recopilar y revisar la colección. El público no tiene por qué responder a esta recopilación de información a menos que muestre un número de control OMB válido. Esta información es pública y no hay ninguna expectativa de confidencialidad. Envíe sus comentarios acerca de esta carga o cualquier otro aspecto de esta colección, incluyendo sugerencias para reducir esta carga, al U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, Room C-4510, 200 Constitution Avenue, NW, Washington, DC 20210.

27. Use this section to provide additional supporting information (including section Box number). Include attachments, if necessary. / Utilice esta sección para proporcionar información adicional de apoyo; incluya el número de la sección e incluya archivos adjuntos, si es necesario. None

**20 CFR 653.501
Assurances**

INTRASTATE AND INTERSTATE CLEARANCE ORDER

The employer agrees to provide to workers referred through the clearance system the number of hours of work per week cited in Item 10 of the clearance order for the week beginning with the anticipated date of need, unless the employer has amended the date of need at least 10 working days prior to the original date of need by so notifying the Order-Holding Office (OHO). If the employer fails to notify the OHO at least 10 working days prior to the original date of need, the employer shall pay eligible workers referred through the intrastate/interstate clearance system the specified hourly rate or pay, or in the absence of a specified hourly rate or pay, the higher of the Federal or State minimum wage rate for the first week starting with the original anticipated date of need. The employer may require workers to perform alternative work if the guarantee is invoked and if such alternative work is stated on the job order.

The employer agrees that no extension of employment beyond the period of employment shown on the job order will relieve the employer from paying the wages already earned, or specified in the job order as a term of employment, providing transportation or paying transportation expenses to the worker's home.

The employer assures that all working conditions comply with applicable Federal and State minimum wage, child labor, social security, health and safety, farm labor contractor registration and other employment-related laws.

The employer agrees to expeditiously notify the OHO or State agency by telephone immediately upon learning that a crop is maturing earlier or later, or that weather conditions, over recruitment, or other factors have changed the terms and conditions of employment.

The employer, if acting as a farm labor contractor, has a valid farm labor contractor registration certificate.

The employer assures the availability of no cost or public housing which meets applicable Federal and State standards and which is sufficient to house the specified number of workers requested through the clearance system.

The employer also assures that outreach workers shall have reasonable access to the workers in the conduct of outreach activities pursuant to 20 CFR 653.107.

Employer's Name Peter Scaturro and Frank Sorbello Date: 03/26/2015 ~~Dominick R. Sobel~~

Employer's Signature *Peter Scaturro* *Dominick R. Sobel*

Besides the material terms and conditions of the employment, the employer must agree to these assurances if the job order is to be placed as part of the Agricultural Recruitment System. This assurance statement must be signed by the employer, and it must accompany the ETA Form 790.

New York State Department of Labor
FORM ETA 790 Attachments
Terms and Conditions/Clarifications and Assurances

Job Order Number: NY1122476

A: CLARIFICATION OF ITEMS ON FORM ETA 790

Item 1:

Employer Email: pscaturro@hvc.rr.com

Agent Email: h2express@yahoo.com

Employer Fax: 845-338-3991

Agent Fax: 866-210-1791

Item 3: Housing

- a. Housing and utilities are provided at no cost to H-2A workers and those workers in corresponding employment who are unable to return to their place of residence the same day.
- b. Housing beds, bedding and mattresses will be furnished at no cost to the workers.
- c. Housing will be clean and meet the applicable federal and State housing standards.
- d. Workers will be responsible for maintaining housing and surrounding areas in a neat, clean manner.

Item 13: Board Arrangements

Employer will will not provide three meals per day and will deduct \$ 0 per day.

Employer will will not furnish free dishes, cooking utensils and convenient kitchen and cooking facilities.

Employer will will not provide transportation to assure workers access to stores where they can purchase groceries and/or other incidentals and/or medical necessities.

Item 16: Job Specifications

- a. Workers must be able to demonstrate that they are physically able to perform the work as described.
- b. Employer may terminate worker with timely notification to the NPC and DHS, if the worker:
 - 1) Refuses, without cause, to perform work for which the worker was recruited and hired;
 - 2) Commits serious acts of misconduct; or
 - 3) Abandons Job ("Job Abandonment") – is absent for five consecutive previously scheduled days without prior notification to employer.

Item 16: Wage Rates, Special Pay Information and Deductions

The employer will provide workers referred through the interstate clearance system 35 hours of work for the week beginning with the anticipated date of need, unless employer has amended the date of need by notifying the State agency no later than 10 business days before the date of need. If the employer fails to notify NYS Department of Labor office, then employer shall pay an eligible worker referred through the clearance system \$ 394.10 for the first week starting with the originally anticipated date of need. If worker referred fails to notify the NYS Department of Labor of continued interest in the job at least 5 days before date of need, worker will be disqualified from this assurance. Employer will will not require worker to perform alternative work if the guarantee cited in this section is invoked.

Alternative work: N/A

Employer will maintain adequate payroll records. Workers will be paid weekly on Friday for work through the previous Wednesday.

Item 19: Transportation

Employer agrees to reimburse inbound transportation and subsistence expenses (\$11.86 per day minimum to a maximum of \$46.00 per day) to each worker, or any person, government agency or private organization which, on behalf of the worker has paid or advanced such transportation and subsistence expenses, from the place from which the worker has come to work for the employer, whether in the U.S. or abroad to the place of employment, after the worker has completed 50% of the stipulated period of employment, from initial date of need or from the day after actual arrival of worker if later than the stated date to report.

- a. Employer will provide or pay the cost of return transportation and subsistence to each worker who completes the employment period, or who is terminated for medical reasons, or as the result of fire, weather or an Act of God (as determined by the Certifying Officer), from place of employment to place of recruitment, except if the worker prefers not to return to his place of recruitment and has subsequent employment with an employer – see Item 17 (c) above. Employer will not be responsible for providing return cost of transportation and subsistence from place of employment to place of recruitment if the worker voluntarily abandons the job or is terminated for cause and employer provides timely notification to the NPC and DHS.
- b. The amount of the transportation payment will be equal to the most economical and reasonable similar common carrier transportation charges for the distance involved. All transportation provided by the employer will be by common carrier or other transportation facilities which conform to the applicable regulations of the Interstate Commerce Commission or the United States Department of Labor. The amount of daily subsistence will be in accordance with current rates published in the *Federal Register* (for workers with and without receipts).
- c. If requested by the worker, employer will assist in making transportation arrangements.
- d. Employer will provide transportation, at no cost to the worker, from the employer provided housing to the actual work site and return at the end of the day.

Item 20: Workers' Compensation

The employer assures that Apple Bin's Policy # 21368 691-0 issued by State Insurance Fund, and ~~Sorbello's Policy # HNUB4D70226515~~ issued by ~~ASA Agri Services Agency~~ provide the required insurance for injuries arising out of and in the course of employment. Employer's proof of insurance coverage will be provided to the Chicago Processing Center before certification is granted.

Item 23: Tools and Equipment

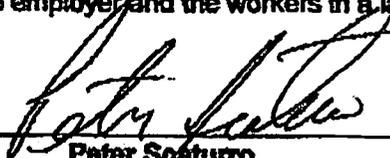
The employer will furnish without cost all tools, supplies, or equipment required in the performance of work.

B: OTHER CLARIFICATIONS AND ASSURANCES

1. The employer agrees to abide by the regulations at 20 CFR 653.501 and 20 CFR 655.135.
2. The employer will expeditiously notify the State agency by telephone immediately upon learning that a crop is maturing earlier or later, or that weather conditions, over-recruitment, or other factors have changed the terms and conditions of employment.
3. Outreach workers shall have reasonable access to the worker in the conduct of outreach activities pursuant to 20 CFR 653.501(xvi).
4. Where appropriate, the employer is certified in the use and application of pesticides per Federal Environmental Protection Agency and State Department of Environmental Conservation requirements. The employer assures that workers hired under this order who will be handling pesticides will be provided appropriate training.

- 5. The employer will provide to an H-2A worker no later than the time at which the worker applies for the visa, or to a worker in corresponding employment no later than on the day work commences, a copy of the work contract between the employer and the workers in a language understood by the worker

Employer Signatures


Peter Spatarro


Dominick Sorbello

03-2016