



U.S. Department Labor  
Employment and Training Administration

OMB Control No. 1205-0134  
Expiration Date: October 31, 2013

Agricultural and Food Processing Clearance Order ETA Form 780  
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 ir al punto # 28 - Favor de seguir las instrucciones paso-a-paso)

<p>1. Employer's and/or Agent's Name and Address (Number, Street, City, State, and Zip Code) / Nombre y Dirección del Empleador/Pelón y/o Agente (Número, Calle, Ciudad, Estado y Código Postal): Strathmeyer Forests, Inc.  256 Ziegler Road PO Box 70 Dover, PA 17315 a) Federal Employer Identification Number (FEIN) / Número federal de identificación del Empleador: 23-2097733 b) Telephone Number / Número de Teléfono: 717-292-5683 c) Fax Number / Número de Fax: 717-292-4129 d) E-mail Address / Dirección de Correo Electrónico: fredjr@strathmeyer.com</p> <p>2. Address and Directions to Work Site / Domicilio y Direcciones al lugar de trabajo: 255 Ziegler Road Dover, PA 17315 Driving directions from the center of Dover, PA are attached.</p>	<p>Nos. 4 through 8 for STATE USE ONLY Números 4 a 8 para USO ESTATAL</p> <table border="1"> <tr> <td data-bbox="747 525 1039 693"> <p>7. SOC (ONET/OES) Occupational Code / Código Industrial: 45-2092.01 SOC (ONET/OES) Occupational Title / Título Ocupacional: Insectary Workers</p> </td> <td data-bbox="1039 525 1331 693"> <p>8. Job Order No. / Num. de Orden de Empleo: 5555909</p> </td> </tr> <tr> <td colspan="2" data-bbox="747 693 1331 798"> <p>Address of Order Holding Office (Include Telephone number) / Dirección de la Oficina donde se radica la oferta (Incluya el número de teléfono): 841 Vogelsong Rd York PA 17404</p> </td> </tr> <tr> <td colspan="2" data-bbox="747 798 1331 924"> <p>9. 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ANLORGIN: 1 800 471

3/4/14

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. The employer will furnish cooking facilities, utilities, and utensils for workers to prepare their own meals. Employer will provide transportation to grocery store at least once a week for workers who wish to shop for food.

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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.

Job Services offices or other organizations making referrals should insure that all applicants are thoroughly familiarized with the job specifications and terms and conditions of employment before a referral is made. Applicants should be directed to the Careerlink office at the address and telephone number listed in Job order. Only workers meeting all the qualifications for employment who are able (with or without reasonable accommodation), willing and qualified to perform the work, who are eligible for employment in the United States, and who will be available at the time and place needed, should contact or be referred to Strathmeyer Forests, Inc., 255 Zeigler Road, Dover, PA 17315 - (717) 292-5683. Applications will be accepted from 8:00 A.M. to 4:30 P.M., Monday through Friday.

Documentation of identity and employment authorization sufficient to complete an I-9 Form as required by the Immigration Reform and Control Act must be in the possession of the worker at the time the worker reports for work and will be examined, to the extent permitted by law, by the employer as a condition for completing the hiring process. Referring local offices should fully apprise workers of this requirement and how to fulfill it, and help to assure that workers referred on this order are legally entitled to work in the United States and possess the necessary documents to complete an I-9 Form.

16. Job description and requirements / Descripción y requisitos del trabajo:

TEMPORARY POSITION Workers must be able (with or without a reasonable accommodation as required & defined by law), willing, qualified, available to perform the work at place & during times described in this job order. Must have minimum 1- month (195 hours) of recent, verifiable, positive experience working in tree, shrub nursery and/or Christmas tree farm with extensive involvement w/ ball, burlap (B & B) field harvesting. Workers must be able to perform all duties of entry level workers, perform additional mechanized activities with accuracy, efficiency. Workers hired or promoted into this occupation will be subject to a trial period of up to 2 weeks during which performance of required tasks will be evaluated. If performance not acceptable to employer in its sole discretion, worker may be offered an entry level position if one is available. Workers will perform heavy manual mechanized field work use hand tools, power equip. By way of example not limitation, power equip may include Saje shears, chain saws, tree balers, tractors. Tasks related to growth of nursery stock will include some combo of following: prepare fields for planting, clear cull stock, brush, debris; plant seedlings or "liners" by hand (including riding, insert liners in a mechanical planter); dig, load, unload or transplant bare-root nursery stock; straighten, tie, prune, shear trees, shrubs; cut, pull or remove, mow weeds or grass; move irrigation equip; spray herbicides, insecticides, apply fertilizer. May lift up to 60 lbs. Drug, alcohol, tobacco-free work zone. Possible weekly/daily hrs: 35-45; 7A-3:30P Must show

proof of legal authority to work in U.S.  
 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: 1

2. Check all requirements that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> Certification/License Requirements / Certificación/Licencia Requisitos   | <input type="checkbox"/> Criminal Background Check / Verificación de antecedentes penales                        |
| <input type="checkbox"/> Driver Requirements / Requisitos del conductor                           | <input type="checkbox"/> Drug Screen / Detección de Drogas   |
| <input type="checkbox"/> Employer Will Train / Empleador entrenará o adiestrará                   | <input checked="" type="checkbox"/> Extensive Pushing and Pulling / Empujar y Jalar Extensamente                 |
| <input type="checkbox"/> Extensive Sitting / Estar sentado largos ratos                           | <input checked="" type="checkbox"/> Extensive Walking / Caminar por largos ratos                                 |
| <input checked="" type="checkbox"/> Exposure to Extreme Temp. / Expuesto a Temperaturas Extremas  | <input checked="" type="checkbox"/> Frequent Stooping / Inclinandose o agachándose con frecuencia                |
| <input checked="" type="checkbox"/> Lifting requirement / Levantar o Cargar <u>60</u> lbs./libras | <input type="checkbox"/> OTHoliday is not mandatory / Horas Extras (sobre tiempo) / Dias Feriados no obligatorio |
| <input checked="" type="checkbox"/> Repetitive Movements / Movimientos repetitivos                |  |

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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 / Período de Pago
Cultivos	Salario por Hora	Pago por Pieza / Unidad(es)	Pagos Especiales (Bono, etc.)	Deducciones			/ /
Experienced Nursery	\$ 11.06	\$		Social Security / Seguro Social	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Weekly / Semanal
	\$	\$		Federal Tax / Impuestos Federales	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Friday
	\$	\$		State Tax / Impuestos Estatales	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bi-weekly/ Quincenal
	\$	\$		Meals / Comidas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	\$	\$		Other (specify) / Otro (especifica)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Monthly/Mensual <input type="checkbox"/>
							Other/Otro <input type="checkbox"/>

18. More Details About the Pay / Mas Detalles Sobre el Pago:

Variable weather conditions apply; hrs may fluctuate (+/-), possible downtime. Employer will comply w/applicable Federal, State, local laws pertaining to OT. DOE. Reasonable repair cost of intentional damage deducted from workers pay. Employer will furnish worker on/ before each payday worker's hrs & earnings statements meeting regulatory requirements: 20 CFR 655.122(k). Earnings records & statements will be available upon request of worker or worker representative as defined: 20 CFR 655.122(j)(2). Workers who voluntarily abandon employment or are terminated for cause & where employer provides timely notification to NPC & DHS, will relieve employer for subsequent transport & subsistence costs & the 3/4 guarantee as defined: 20 CFR 655.122(n). Employer may terminate the work contract where services are no longer required for weather, or other Acts of GOD w/approval of C/O; & assurance that 3/4 guarantee will be provided between start & termination dates, make efforts to transfer worker to other comparable work acceptable to worker, & if transfer is not viable, provide outbound transport & subsistence in accordance 20 CFR 655.122(o). Worker will be provided a copy of the work contract, including modifications, on the day work commences or as soon as practically possible defined in 20 CFR 655.122(q). 1st week wage guarantee: \$387.10 @ \$11.06/hour.

19. Transportation Arrangements / Arreglos de Transportación Transport provide from employer provided housing to field location daily. If applicable, transport, subsistence expenses provided upon 50% worked contract. If prevailing, employer assures advance inbound transport, subsist costs paid to worker. Otherwise, employer assures reimburse inbound transport, subsist costs from place worker come to work, whether in U.S./abroad, to place of employment paid @ completion of 50% of work contract period. Outbound transport, subsist paid by employer where worker completes work contract period or is terminated w/o cause. Amount of transport payment no less than most economical, reasonable common carrier transport charges for distance involved. Amount of daily subsist payment at least as much as employer would charge worker for providing 3- meals a day; no less than amount permitted under 655.173 (a) presently \$12 per day w/ CONUS max. meal component \$46.00 per day w/ receipts according current DOL Federal Register.

20. 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

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

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

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

23. 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  No

24. 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; Ninguno

25. 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; Ninguno

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26. 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

27. 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.

Fred Strathmeyer, VP

Employer's Printed Name & Title / Nombre y Título en Letra de Molde/Imprenta del Empleador



02/17/2014

Employer's Signature / Firma y Título del Empleador

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 contractuales 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.

**DECLARACION 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.

28. 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.

Strathmeyer is a fixed site employer and owns and operates the worksite locations listed on the ETA Form 790 and attachments.

02/18/2014 *[Signature]* Authorized Representative

**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 Fred Strathmeyer Date: 02/17/2014

Employer's Signature 

**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.**

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**Attachment of Assurances to ETA 790 OMB Control No: 1205-0134**

**Item 2: LOCATION AND DIRECTION TO WORKSITE(s):**

The worksite is located at 255 Ziegler Road Dover, PA 17315

in the following County/Counties: York

The directions to the worksite are:  
Attached

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**Item 3: LOCATION(S) AND DESCRIPTION(S) OF ALL HOUSING (List total number of housing Unit(s) that will be utilized to house total capacity of workers requested on ETA 790, Item 10):**

Housing is located at: ½ mile from worksite at 255 Ziegler Road, Dover, PA 17315

Directions to housing: Attached

**Description of housing:**

Barracks on Zeigler Road within 1/2 mile of worksite. The employer will provide housing and bedding at no cost to workers who are not reasonably able to return to their usual place of residence each day. Housing includes a cement block structure accommodating 24 workers. That structure includes bathrooms with sinks, commodes, showers and facilities for clothes washing. Also includes food preparation and dining/social areas. An outdoor recreational area is also available. There is a newer barracks with similar facilities approximately 1/2 mile from the headquarters location. It is approved for 24 workers. There are phones for workers in each of the housing units. Workers will be assigned to housing by a designated company manager, and must occupy the quarters assigned to them. Workers recruited under this Job Order from within normal commuting distance will not be provided with housing. No person who is not an employee of Strathmeyer Forests, Inc. will occupy employer housing. One person per bed. Free and convenient cooking facilities for worker(s) to provide own meals. 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. Housing beds, bedding and mattresses will be furnished at no cost to the workers. Housing will be clean and meet the applicable federal and State housing standards. Workers will be responsible for maintaining housing and surrounding areas in a neat, clean manner.

If both male and female workers are hires, separate toilet, shower facilities and sleeping rooms will be provided by the employer.

The employer requests permission for conditional entry into the Interstate and Intrastate Clearance System and assures that the worker housing will be available for inspection and in compliance with applicable Federal Standards not later than 30 days in advance of the date of need reflected on the attached ETA 790.

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**Item 11: ANTICIPATED HOURS OF WORK:**

7\_ Hours per day is usually normal. The worker may work 8+ hours per day or 8/hrs and then another day 6/hrs.; and/or on the Sabbath or Federal holidays depending upon the conditions in the fields or orchards, weather or maturity of the crop. Possible weekends.

Workers may be reached at the following address and phone number: 255 Ziegler road Dover, PA 17315 PH: 717-292-5683

**Item 13: BOARD ARRANGEMENTS: (Check appropriate item(s))**

The employer will furnish free and convenient cooking and kitchen facilities so workers may prepare their own meals. Employer will provide (on a voluntarily basis) transportation to assure workers access to stores where they can purchase groceries and/or other incidentals.

The employer will provide workers three meals per day and will deduct \$ \_\_\_\_\_ per day from each worker for meals.

**Item 14: REFERRAL INSTRUCTIONS: (Include here who an applicant or State Workforce Agency Representative should contact concerning employment and how that person may be reached)**

Employer will accept referrals through the Job Services offices or other organizations making referrals should insure that all applicants are thoroughly familiarized with the job specifications and terms and conditions of employment before a referral is made. Applicants should be directed to the Careerlink office at the address and telephone number listed in job order. Only workers meeting all the qualifications for employment who are able (with or without reasonable accommodation), willing and qualified to perform the work, who are eligible for employment in the United States, and who will be available at the time and place needed, should contact or be referred to Strathmeyer Forests, Inc., 255 Ziegler Road, Dover, PA 17315 -- (717) 292-5683. Applications will be accepted from 8:00 A.M. to 4:30 P.M., Monday through Friday. Documentation of identity and employment authorization sufficient to complete an I-9 Form as required by the Immigration Reform and Control Act must be in the possession of the worker at the time the worker reports for work and will be examined, to the extent permitted by law, by the employer as a condition for completing the hiring process. Referring local offices should fully apprise workers of this requirement and how to fulfill it, and help to assure that workers referred on this order are legally entitled to work in the United States and possess the necessary documents to complete an I-9 Form.

Applicants, Workforce Agency Personnel, Walk-ins, Gate Hires, etc. may:

Call for an interview during normal business hours at the number listed on the ETA 790 form.

Report to the farm office or worksite listed on the ETA 790.

Other: Employer will accept referrals through the Job Services offices or other organizations making referrals should insure that all applicants are thoroughly familiarized with the job specifications and terms and conditions of employment before a referral is made. Applicants should be directed to the Careerlink office at the address and telephone number listed in job order. Only workers meeting all the qualifications for employment who are able (with or without reasonable accommodation), willing and qualified to perform the work, who are eligible for employment in the United States, and who will be available at the time and place needed, should contact or be referred to Strathmeyer Forests, Inc., 255 Ziegler Road, Dover, PA 17315 -- (717)

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**Item 16: WAGE RATE, SPECIAL PAY INFORMATION AND DEDUCTIONS**

**HOURLY WAGE RATE:**

(a) The Adverse Effect Wage Rate (AEWR) of \$11.06 per hour. Pay the wage that is the highest of the AEWR, the prevailing hourly wage or piece rate, the agreed-upon collective bargaining wage, or the Federal or State minimum wage, except where a special procedure is approved for an occupation or specific class of agricultural employment. The employer assures that if a change in the AEWR requires an increase in the guaranteed minimum, such increase will be paid as of the effective date of the increase. If the worker's piece rate earnings for a pay period results in average hourly earnings of less than the guaranteed minimum, the worker will be provided make-up pay to the guaranteed minimum rate.

(b) The following deductions will be made:

Taxes, if applicable under Federal, State, and local law form U.S. Workers;

FICA Taxes  FUTA Taxes  Federal Income Tax Withholding

Advances

Meals

Willful destruction of property;

Other (Specify) Reasonable repair cost of intentional damage will be deducted from workers' pay. No deductions will be made which would bring the employee's hourly wage below the Federal Minimum Wage.

(c) The employer will not \_\_\_\_\_ pay the worker a bonus of \$ N/A

Based on Quality Picking \_\_\_\_\_

End of Season \_\_\_\_\_ Other \_\_\_\_\_

Anticipated date by which payments will be made: \_\_\_\_\_

(d) The employer guarantees to offer the worker employment for a total number of work hours equal to at least three-fourths (¾) of the work days of the total period beginning with the first workday after the arrival of the worker at the place of employment or the advertised contractual first date of need, whichever is later, and ending on the expiration date specified in the work contract or in its extensions, if any. NOTE: In Act of God terminations, the ¾ guarantee period ends on the date of termination.

(e) Payroll periods will be: weekly: Workers will be paid on Friday each payroll period and will be provided with an earnings statement which contains at a minimum, the hours actually worked, total earnings, (piece rates/number of units (if piece rates are used) and all deductions. The statement will comply with 20 CFR 655.122(j)-(m)

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(f) Employer will provide a worker 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 order holding office no later than 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 referred through the clearance system \$11.06 per hour for the first week starting with the originally anticipated date of need.

Employer \_\_\_\_ will not require worker to perform alternative work if the guarantee cited in this section is invoked. The alternate work and pay will be N/A

The workers (will not) \_\_\_\_ be engaged in work defined by the U.S. Environmental Protection Agency and/or as requiring pesticide safety training. If "will" - employer must provide proof of North Carolina Department of Agriculture training authorization/certificate marked N/A.

**Item 17: Transportation and subsistence**

Pursuant to DOL regulations 20 CFR 655.122(h) (1) If the employer has not previously advanced such transportation and subsistence costs to the worker or otherwise provided transportation or subsistence directly to the worker by other means and if the worker completed 50% of the work contract period, the employer must pay the worker for reasonable costs incurred by the worker for transportation and subsistence 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.

If prevailing practice of non H-2A agricultural employers in the occupation in the area to do so, or when the employer extends such benefits to similarly situated H-2A workers, the employer must advance the required transportation and subsistence costs to workers in corresponding employment who are traveling to the employer's worksite. The amount of the transportation payment must be no less than the most economical and reasonable common carrier transportation charges for the distance involved. The amount of the daily subsistence payment must be at least as much as the employer would charge the worker for providing three meals a day but no less than the amount permitted under 655.173 (a). Which is presently \$12 per day with CONUS maximum meal component \$46.00 per day with receipts according to the current DOL Federal Register.

Note: the FLSA applies independently of the H-2A requirements and imposes obligations on employers regarding payments of wages.

655.122(h) (2) If the worker completes the work contract period, or if the employee is terminated without cause, and the worker has no immediate subsequent H-2A employment, the employer must provide or pay for the worker's transportation and daily subsistence from the place of employment to the place which the worker, disregarding intervening employment, departed to work for the employer.

- If the worker has contracted with a subsequent employer has not agreed in such work contract to provide or pay for the worker's transportation and daily subsistence expenses from the employer worksite to subsequent employer worksite, the employer must provide or pay for such expenses.
- If the worker has contracted with a subsequent employer has agreed in such work contract to provide or pay for the worker's transportation and daily subsistence expenses from the employer worksite to subsequent employer worksite, the subsequent employer must provide or pay for such expenses.
- The employer is not relieved of providing or paying for return transportation or subsistence if an H-2A worker is displaced as a result employer compliance under 50% rule, per 655.135(d).

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655.122(h) (3) the employer must provide transportation between the housing provided or secured by the employer and the employer's worksite at no cost to the worker.

655.122 (h) (4) All employer-provided transportation must comply with all applicable Federal, State or local laws and regulations and must provide at a minimum the same transportation safety standards, driver licensure and vehicle insurance as required under 29 USC 1841, and 29 CFR 500.105 and 29 CFR 500.120 to 500.128.

**OTHER CLARIFICATIONS AND ASSURANCES:**

**TERMINATIONS:** The employer may terminate the worker with notification to the Employment Service if the worker: (a) refuses without justified cause to perform work for which the worker was recruited and hired; (b) commits serious acts of misconduct; or (c) fails, after completing any training or break-in period, to reach production standards when production standards are applicable.

In the event of termination for medical reasons occurring after arrival on the job, or occurring as a result of employment, or in the event of termination resulting from an Act of God, the employer will pay or provide reasonable costs of return transportation and subsistence to the place of recruitment. Additionally, the employer will reimburse worker for reasonable costs of transportation and subsistence incurred by the worker to get to the place of employment.

In accordance with Departmental regulations 20 CFR sec. 655.122(o), "if, before the expiration date specified in the work contract, the services of the worker are no longer required for reasons beyond the control of the employer due to fire, weather, or other Act of God that makes the fulfillment of the contract impossible, the employer may terminate the work contract. Whether such an event constitutes a contract impossibility will be determined by the CO. In the event of such termination of a contract, the employer must fulfill a three-fourths guarantee for the time that has elapsed from the start of the work contract to the time of its termination, as described in paragraph (l)(1) of this section. The employer must make efforts to transfer the worker to other comparable employment acceptable to the worker, consistent with existing immigration law, as applicable. If such transfer is not affected, the employer must: (1) Return the worker, at the employer's expense, to the place from which the worker (disregarding intervening employment) came to work for the employer, or transport the worker to the worker's next certified H-2A employer, whichever the worker prefers; (2) Reimburse the worker the full amount of any deductions made from the worker's pay by the employer for transportation and subsistence expenses to the place of employment; and (3) Pay the worker for any costs incurred by the worker for transportation and daily subsistence to that employer's place of employment. Daily subsistence must be computed as set forth in paragraph (h) of this section. The amount of the transportation payment must not be less (and is not required to be more) than the most economical and reasonable common carrier transportation charges for the distances involved."

**EMPLOYER FURNISHED TOOLS AND EQUIPMENT:** The employer will furnish without costs, all tools, supplies, or equipment required in the performance of work.

**TRAINING:** This job requires a minimum of one month (195 hours) of recent, verifiable, and positive experience working in a tree and shrub nursery and/or Christmas tree farm with extensive involvement with ball and burlap (B & B) field harvesting. Workers must be able to perform all duties of entry level workers and perform additional mechanized activities with accuracy and efficiency. Workers hired or promoted into this occupation will be subject to a trial period of up to two weeks during which

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their performance of tasks will be evaluated. If the performance is not acceptable to the employer in its sole discretion, the worker may be offered an entry level position if one is available.

**PRODUCTION STANDARDS:**

N/A

**INJURIES:** The employer will provide Workers Compensation or equivalent employer provided insurance, at no cost to the worker, covering injury and disease arising out of, and in the course of, the worker's employment. Employer's proof of insurance coverage will be provided to the ETA office before certification is granted.

**EMPLOYER OBLIGATION IF EMPLOYMENT IS EXTENDED:** No extension of employment beyond the period of employment specified in the job order will relieve the employer from paying the wages already earned, or, if specified in the job order as a term of employment providing return transportation or paying return transportation expenses to the worker.

**TERMS AND CONDITION CHANGES:** The employer will expeditiously notify the order holding office or State agency by telephone/writing 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.

**OUTREACH WORKERS:** Outreach workers shall have reasonable access to the worker(s) in the conduct of outreach activities pursuant to 20 CFR 653.107 and 20 CFR 653.501.

**CONTRACT IMPOSSIBILITY:** In accordance with Departmental regulations 20 CFR sec. 655.122(o), "If, before the expiration date specified in the work contract, the services of the worker are no longer required for reasons beyond the control of the employer due to fire, weather, or other Act of God that makes the fulfillment of the contract impossible, the employer may terminate the work contract. Whether such an event constitutes a contract impossibility will be determined by the CO. In the event of such termination of a contract, the employer must fulfill a three-fourths guarantee for the time that has elapsed from the start of the work contract to the time of its termination, as described in paragraph (l)(1) of this section. The employer must make efforts to transfer the worker to other comparable employment acceptable to the worker, consistent with existing immigration law, as applicable. If such transfer is not affected, the employer must: (1) Return the worker, at the employer's expense, to the place from which the worker (disregarding intervening employment) came to work for the employer, or transport the worker to the worker's next certified H-2A employer, whichever the worker prefers; (2) Reimburse the worker the full amount of any deductions made from the worker's pay by the employer for transportation and subsistence expenses to the place of employment; and (3) Pay the worker for any costs incurred by the worker for transportation and daily subsistence to that employer's place of employment. Daily subsistence must be computed as set forth in paragraph (h) of this section. The amount of the transportation payment must not be less (and is not required to be more) than the most economical and reasonable common carrier transportation charges for the distances involved."

**PROOF OF RIGHT TO WORK:** All workers under this order will be required to provide documentation attesting to U.S. citizenship or legal status to work in the U.S.

**AGRICULTURAL WORK AGREEMENT (ETA 790/ATTACHMENTS):** A copy of the agricultural work agreement contract or the ETA 790 and attachments will be provided to the worker by the employer no later than on the day the work commences.

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