

H-2A Agricultural Clearance Order
Form ETA-790A – General Instructions
U.S. Department of Labor



IMPORTANT: Employers and authorized preparers must read these general instructions carefully before completing the Form ETA-790A, *Agricultural Clearance Order*, and all required addendums. These instructions contain explanations of the questions and assurances that make up the Form ETA-790A. If you are not submitting these forms electronically, please complete ALL required fields/items containing an asterisk (*) and any fields/items where a response is conditional as indicated by the section (§) symbol.

It is a federal offense to knowingly and willfully furnish materially false information in the preparation of the Form ETA-790A and any supplement thereto or to aid, abet, or counsel another to do so (18 U.S.C. §§ 2, 1001). Other penalties may also apply to fraud or misuse of this immigration document and to perjury with respect to this form (18 U.S.C. §§ 1546, 1621).

REQUIREMENT TO FILE AN AGRICULTURAL CLEARANCE ORDER (FORM ETA-790/790A)

In accordance with 20 CFR 653.500, all employers seeking U.S. workers to perform agricultural services or labor on a temporary, less than year-round basis through the Agricultural Recruitment System for U.S. Workers must submit a completed job clearance order to the State Workforce Agency (SWA) for placement on its intrastate and interstate job clearance systems. In accordance with 20 CFR 655.121, prior to filing an *H-2A Application for Temporary Employment Certification* (Form ETA-9142A), the employer must submit a job order to the SWA serving the area of intended employment for intrastate clearance, identifying it as a job order to be placed in connection with a future Form ETA-9142A for H-2A workers. The job order is defined as the document containing the materials terms and conditions of employment that is posted by the SWA on its inter- and intrastate job clearance systems based on the Form ETA-790. 20 CFR 655.103(b). An employer seeking temporary labor certification under the H-2A visa classification must satisfy this regulatory requirement by completing the Form ETA-790/790A.

The Form ETA 790/790A is designed to (1) facilitate the initial receipt and processing of the job order by the SWA, (2) identify the primary employer of the worker(s) sought for the job opportunity, (3) designate that the job order will be used in connection with a future Form ETA-9142A for H-2A workers, and (4) disclose all the material terms and conditions of employment that the employer will offer to H-2A workers and U.S. workers. Except in emergency situations (20 CFR 655.134) or for job opportunities involving herding or production of livestock on the range (20 CFR 655.205), the employer must submit this job order no more than 75 calendar days and no fewer than 60 calendar days before the date of need. If the job opportunity is located in more than one State within the same area of intended employment, the employer may submit a job order to any one of the SWAs having jurisdiction over the anticipated worksites. The job order submitted to the SWA must satisfy the requirements for agricultural clearance orders in 20 CFR part 653, subpart F and the requirements set forth in 20 CFR part 655, subpart B.

Any references to the term "clearance order" on the Form ETA-790/790A and these instructions shall have the same meaning as the "job order."

FORM ETA-790 COVERSHEET

Section I Clearance Order Information

This section is to be completed by the **SWA ONLY** upon initial receipt and processing of the agricultural clearance order.

1. Enter the unique number assigned to the agricultural clearance order that will be used by the SWA to facilitate the intrastate and interstate clearance of the employer's job opportunity and recruitment of U.S. workers.
2. Enter the date on which the agricultural clearance order was placed in intrastate clearance (20 CFR 655.121(c)). Use a month/day/year (*mm/dd/yyyy*) format.
3. Enter the first date on which the agricultural clearance order will no longer be on the SWA's active file. In accordance with 20 CFR 655.121(d), the SWA must keep the job order on its active file until the end of the recruitment period, which is generally until 50 percent of the period of the work contract has elapsed, 20 CFR 655.135(d). The start and end of the work contract period shall be based on the Begin Date (Item 3) and End Date (Item 4) entered in Section A of the Form ETA-790A, adjusted based on any modifications to the Begin Date (Item 3) approved by the Certifying Officer (CO). Use a month/day/year (*mm/dd/yyyy*) format.
4. Enter the six- or eight-digit Standard Occupational Classification (SOC) code for the occupation that most clearly describes the agricultural services or labor to be performed, as identified on the Form ETA-790A. For example, the eight-digit SOC code for a fruit or vegetable harvester or orchard worker is 45-2092.02 (Farmworkers and Laborers, Crop).

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5. Enter the occupational title associated with the chosen six- or eight-digit SOC code entered in Item 4. For example, the occupational title associated with SOC/O*NET code 45-2092.02 is "Farmworkers and Laborers, Crop." The entry in this field should be the same as the SOC/O*NET code entered by the SWA on the Form ETA-790, if available.

For Questions 6 – 17, please enter the SWA point of contact information located in the Order Holding Office (OHO) that will process the agricultural clearance order.

6. Enter the last (family) name of the SWA point of contact.
7. Enter the first (given) name of the SWA point of contact.
8. Enter the middle name of the SWA point of contact, if applicable. If the SWA point of contact does not have a middle name, enter "N/A."
9. Enter the job title of the SWA point of contact.
10. Enter the business street address of the SWA point of contact.
11. If additional space is needed for the business street address, use this field to complete the street address of the SWA point of contact. Otherwise, please enter "N/A."
12. Enter the city of the SWA point of contact.
13. Enter the State, District, or Territory of the SWA point of contact.
14. Enter the postal (zip) code of the SWA point of contact.
15. Enter the area code and business telephone number of the SWA point of contact.
16. Enter the extension of the business telephone number of the SWA point of contact, if applicable. Enter "N/A" if not applicable.
17. Enter the business e-mail address of the SWA point of contact using a valid format name@emailaddress.top-leveldomain. The e-mail entered in this field must be the same as the one regularly used by the SWA point of contact in processing agricultural clearance orders and capable of sending and receiving electronic communications to and from the CO and the employer or, if applicable, the employer's authorized attorney or agent. The e-mail address may either be the individual one assigned by the SWA to the named point of contact or a generic e-mail address assigned by the SWA for receiving and processing agricultural clearance orders by multiple staff.

Section II Employer Contact Information

An employer point of contact is an employee of the employer whose position authorizes the employee to provide information and supporting documentation concerning this agricultural clearance order and to communicate with the SWA on behalf of the employer. The employer point of contact should be the individual most familiar with the content of this agricultural clearance order and **must not** contain the contact information of the authorized attorney or agent, unless the attorney is an employee of the employer.

1. Enter the full legal name of the business, person, association, firm, corporation, or organization, i.e., the employer filing this application. The employer's full legal name is the exact name of the individual, corporation, LLC, partnership, or other organization that is reported to the Internal Revenue Service (IRS). The entry in this field must be the same as the entry in Section B, Item 1 of the Form ETA-9142A.
2. Enter the full trade name or "Doing Business As" (DBA) name, if applicable, of the business, person, association, firm, corporation, or organization. The entry in this field must be the same as the entry in Section B, Item 2 of the Form ETA-9142A. Do not include "DBA" in front of the full trade name entered in Item 2 or at the end of the full legal name entered in Item 1.
3. Enter the last (family) name of the employer's point of contact. The entry in this field must be the same as the entry in Section C, Item 1 of the Form ETA-9142A.
4. Enter the first (given) name of the employer's point of contact. The entry in this field must be the same as the entry in Section C, Item 2 of the Form ETA-9142A.
5. Enter the middle name of the employer's point of contact, if applicable. Enter "N/A" if not applicable. The entry in this field must be the same as the entry in Section C, Item 3 of the Form ETA-9142A.

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6. Enter the job title of the employer's point of contact. The entry in this field must be the same as the entry in Section C, Item 4 of the Form ETA-9142A.
7. Enter the business street address for the employer's point of contact. The address must be a physical location and not a P.O. Box. The entry in this field must be the same as the entry in Section C, Item 5 of the Form ETA-9142A.
8. If additional space is needed for the street address, use this field to complete the street address. If no additional space is needed, enter "N/A." The entry in this field must be the same as the entry in Section C, Item 6 of the Form ETA-9142A.
9. Enter the city of the employer's point of contact. The entry in this field must be the same as the entry in Section C, Item 7 of the Form ETA-9142A.
10. Enter the State, District or Territory of the employer's point of contact. The entry in this field must be the same as the entry in Section C, Item 8 of the Form ETA-9142A.
11. Enter the postal (zip) code of the employer's point of contact. The entry in this field must be the same as the entry in Section C, Item 9 of the Form ETA-9142A.
12. Enter the area code and business telephone number of the employer's point of contact. Include country code, if the point of contact is located outside of the United States. The entry in this field must be the same as the entry in Section C, Item 12 of the Form ETA-9142A.
13. Enter the extension of the telephone number of the employer's point of contact, if applicable. The entry in this field must be the same as the entry in Section C, Item 13 of the Form ETA-9142A.
14. Enter the business e-mail address of the employer's point of contact in the format name@emailaddress.top-leveldomain. The e-mail entered in this field must be the same as the one regularly used by the employer's point of contact for its business operations and capable of sending and receiving electronic communications from the SWA with respect to the processing of this agricultural clearance order. If the employer's point of contact does not possess a business e-mail address, please enter "N/A". The entry in this field must be the same as the entry in Section C, Item 14 of the Form ETA-9142A.
15. Enter the nine-digit Federal Employer identification Number (FEIN) as assigned by the IRS. Do not enter a social security number. The entry in this field must be the same as the entry in Section B, Item 12 of the Form ETA-9142A.
Important Note: All employers, including private households, MUST obtain an FEIN from the IRS before completing this application. Information on obtaining an FEIN can be found at www.irs.gov.
16. Enter the four-digit North American Industry Classification System (NAICS) code that most closely corresponds to the employer's primary economic or business activity; not the specific job opportunity being requested for temporary labor certification. For example, an employer primarily engaged in a combination of apple, citrus, and berry farming, would select NAICS Code "11113." The first two digits identifies the major economic sector (e.g., 11 – Agriculture, Forestry, Fishing and Hunting); the third digit identifies the subsector (e.g., 1 – Crop Production); and the fourth digit identifies the industry group (e.g., 3 – Fruit and Tree Nut Farming). Additional information concerning the NAICS can be found at <http://www.census.gov/epcd/www/naics.html>. The entry in this field must be the same as the entry in Section B, Item 13 of the Form ETA-9142A.

Section III Type of Clearance Order

1. For agricultural clearance orders that will be used in connection with a future Form ETA-9142A, please select the option entitled "**790A (H-2A clearance order)**." Prior to submitting the job order to the SWA, the employer will need to complete the remainder of the Form ETA-790A containing all material terms and conditions of employment and assurances for H-2A agricultural clearance orders.

Employers seeking to employ only U.S. workers in agricultural employment will select the option entitled "**790B (regular clearance order)**." Prior to submitting the job order to the SWA, the employer will need to complete the Form ETA-790B containing all material terms and conditions of employment and assurances for non-H-2A agricultural clearance orders.



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FORM ETA-790A

Section A

Job Offer Information

1. Enter the job title that most clearly describes the agricultural services or labor to be performed.
2. Enter the workers that need to be employed full-time to perform the agricultural services or labor.
 - a. Enter the total number of workers needed.
 - b. Of the total number of workers entered in Item 2a, enter the number of H-2A workers that will be requested for temporary labor certification.
3. Enter the begin date for the period of intended employment. Use a month/day/year (*mm/dd/yyyy*) format.
4. Enter the end date for the period of intended employment. Use a month/day/year (*mm/dd/yyyy*) format.
5. Select **"YES"** or **"NO"** to indicate whether the job opportunity generally requires the worker to be on-call 24 hours a day, 7 days a week. For example, an employer submitting a job order for a job opportunity involving herding or production of livestock on the range, which requires the worker to be on-call up to 24/7, would mark **"YES"** and proceed to Item 8. All other employers must mark **"NO"** and complete Items A.6 and A.7.
6. Use Items 6a through 6h to identify the anticipated days and hours of work per day and per week. Use a numerical (99.99) format for each item below. An entry is required for each box listed in this field. Reminder: Employers may use the Form ETA-790A, *Addendum C*, to disclose additional information about the job opportunity (e.g., variations in anticipated days or hours of work per day and per week for different crops or agricultural activities), depending on the unique specifications of the employer's job opportunity.
 - a. Enter the total hours of work that will normally be offered to workers per week. The entry in this field must be at least 35.00 hours per week and cannot be less than the sum of the entries in Items 5b through 5h.
 - b. Enter the total hours of work that will normally be offered to workers on Sunday.
 - c. Enter the total hours of work that will normally be offered to workers on Monday.
 - d. Enter the total hours of work that will normally be offered to workers on Tuesday.
 - e. Enter the total hours of work that will normally be offered to workers on Wednesday.
 - f. Enter the total hours of work that will normally be offered to workers on Thursday.
 - g. Enter the total hours of work that will normally be offered to workers on Friday.
 - h. Enter the total hours of work that will normally be offered to workers on Saturday.
7. Use Items 7a and 7b to identify the normal daily work schedule for the job opportunity using the standard time in the area where the work is expected to be performed (e.g., 9 a.m. to 5 p.m., 7 a.m. to 11 a.m. and 4 p.m. to 8 p.m.). Reminder: Employers may use the Form ETA-790A, *Addendum C*, to disclose additional information about the job opportunity (e.g., different shifts or variations in normal daily work schedule for different crops or agricultural activities), depending on the unique specifications of the employer's job opportunity.
 - a. Enter the start time of the day that work will normally begin and select a checkbox to indicate whether the expected start time of work is "AM" or "PM."
 - b. Enter the end time of the day that work will normally end and select a checkbox to indicate whether the expected end time of work is "AM" or "PM."
8. Use Items 8a through 8e to identify the specific crop or agricultural activity; describe the duties or services to be performed by the workers and the wage(s) that will be offered, advertised, and paid to the workers for performing the agricultural services or labor.
 - a. Enter a description of the job duties or services to be performed in each crop or agricultural activity. Describe the work tasks that make up the job, summarizing each step as appropriate, and avoid using technical terms without properly defining or explaining them where usage is necessary. Reminder: Employers may use the Form ETA-790A, *Addendum C*, to disclose additional information about the job opportunity (e.g., duties or services related to different crops or agricultural activities), depending on the unique specifications of the employer's job opportunity.



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- b. Enter the wage that will be offered, advertised, and paid to workers performing the job duties or services in the crop or agricultural activity. If the employer offers a range of wage rates for each crop or agricultural activity, enter the minimum wage offer in Item A.8b (Wage Offer). Note: The upper range of any wage offers will be collected in the "Piece Rate Units/Special Pay Information" fields in Item A.8e and in Form ETA-790A, *Addendum A*.
 - c. Select either "**HOUR**" or "**MONTH**" to identify the unit of pay for the wage offer entered in Item 8b. Mark only one box. See 20 CFR 655.120(a).
 - d. If applicable, enter the piece rate that will be offered, advertised, and paid to workers performing the job duties or services in the crop or agricultural activity.
 - e. If applicable, enter the piece rate units (e.g., tree size/spacing, weight/size/number of boxes picked/packed, dimensions of bags or boxes filled) and/or any other special pay information (e.g., performance bonuses or incentives associated with performing the job duties or services) or the upper end of a wage range offered for a particular crop or agricultural activity. Examples of piece rate units include 5/8 bushel, 90 pound bag or box, 10 box bin. Examples of other special pay information related to a particular crop or agricultural activity are additional pay per acre or based on crop yield.
9. Select "**YES**" or "**NO**" to indicate whether a completed Form ETA-790A, *Addendum A* is attached to this agricultural clearance order providing additional information covering all identified crops or agricultural activities and all hourly or monthly rates, piece rates, or special pay rates. Example:

Crop or Agricultural Activity		Wage Offer	Per	Piece Rate Units/Special Pay Information
S01	Strawberry Regular Trim	\$ 10.50	PR	per 1,000 plants trimmed and bundled calculated as follows: \$8.50 per 1,000 plants trimmed and bundled, plus quality incentive bonus of \$0 to \$3.00 per thousand plants depending on the quality of work performed. If, after the bonus is applied to the base rate of \$8.50 an employee does not reach the wage of \$10.50 per 1,000 plants, Sierra Cascade will augment the wage to ensure that the employee receives at least \$10.50 per 1,000 trimmed plants.
S02	Strawberry Green Trim	\$ 14.00	PR	per 1,000 plants trimmed and bundled, plus quality incentive bonus of \$0 to \$3.00 per thousand plants depending on the quality of work performed
S03	Strawberry Misted Tip Trim	\$ 26.00	PR	per 1,000 plants trimmed, plus quality incentive bonus of \$0 to \$3.00 per thousand plants depending on the quality of the work performed
S04	Strawberry Raspberry Trim	\$ 15.00	PR	per box on a team piece rate basis (8 or 10 persons per team. Group (or team) piece rate is divided among team members
C01	Cherry Harvest Yellow	\$6.00	PR	per 201b lug or per bucket equivalent (bucket size may vary according to variety ranging from 121b to 201b)
C02	Cherry Harvest Red	\$6.00	PR	per 30 lb lug or per bucket equivalent (bucket size may vary according to variety ranging from 121b to 301b)
A01	Apple Harvest Golden Delicious	\$26.00	PR	per bin (46 inch X 43 inch X 25.5 inch) All cultivations
A02	Apple Harvest Pink Lady	\$25.00	PR	per bin (47 inch X 47 inch X 24 1/2 inch) All cultivations
A03	Apple Harvest Fuji	\$28.00	PR	per bin (47 inch X 47 inch X 24 1/2 inch) All cultivations
T01	Tree Training	\$0.02	PR	Up to \$.50 per tree

Important Note: Use Form ETA-790A, *Addendum A* to disclose all additional pay information that is related to a particular crop or agricultural activity. For additional pay information that is not related to a particular crop, including but not limited to overtime and bonus or work incentive payments that the employer will pay in addition to the basic wage rate (e.g., bonuses based on time on the job or calendar based/holiday bonuses), mark H.1 "**YES**" and use the Form ETA-790A, *Addendum C* to disclose the additional material terms and conditions of employment.

10. Select one of the available options to specify the frequency with which workers will be paid under this agricultural clearance order. In accordance with 20 CFR 655.122(m), the employer must state in the job offer the frequency with which the worker(s) will be paid, which must be at least twice monthly or according to the prevailing practice in the area of intended employment, whichever is more frequent. Workers may be paid once per month only under certain circumstances. See 20 CFR 655.102.
11. State all deduction(s) from the worker's paycheck the employer is required to make by law and all other deductions not required by law that the employer will make from the worker's paycheck and, if known, the amount(s) for each deduction. Reminder: Employers may use the Form ETA-790A, *Addendum C*, to disclose additional information about the job opportunity (e.g., deductions), depending on the unique specifications of the employer's job opportunity.

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Section B
Minimum Job Qualifications/Requirements

1. If a minimum U.S. diploma or degree is required to perform the agricultural services or labor, select the option that identifies the requirement. If no minimum U.S. diploma or degree is required, select **"NONE."** Only mark one box.
2. If a minimum amount of experience is required to perform the agricultural services or labor, indicate the amount of experience required in months. If no minimum experience is required, enter **"0"** (zero). Information about the nature of the experience required may be disclosed in Item B.6.
3. If a minimum amount of training is required to perform the agricultural services or labor, indicate the amount of training required in months. If no minimum training is required, enter **"0"** (zero). If less than one month of training is required, enter **"0"** (zero) in Item B.3 and provide the specific number of days or weeks of training required in Item B.6. Information about the nature of the training required may be disclosed in Item B.6. Note: When answering this item, do not duplicate time requirements — identify only the time required for the training identified in Item B.3. Do not include (add) time for the education or experience identified in Items B.1 and B.2.
4. Select the list of work tasks and requirements that are normally required to perform the agricultural services or labor. Check all that apply. Information about the nature of the work tasks and requirements checked may be disclosed in Item B.6. For example, if "Certification/license requirements" applies, use Item B.6 to specify the certification(s) and/or license(s) required (e.g., CDL license). Similarly, if "Driver requirements" applies, use Item B.6 to describe nature of the driving requirements, such as the farm equipment involved (e.g., self-propelled custom class combine) or whether a clean driving record is required to drive grain and transporter trucks. If "Extensive sitting or walking" is checked, use Item B.6 to explain the nature of the sitting or walking required.
5. Use Items 5a and 5b to identify whether the worker(s) employed under the job opportunity will be required to perform supervision of other employees.
 - a. Mark "Yes" or "No" as to whether the job opportunity supervises the work of other employees.
 - b. If "Yes" is marked in question 5a, enter the total number of employees the job opportunity will supervise.
6. Describe any other qualifications or requirements to perform the agricultural services or labor. Examples are quantifiable lifting requirements, level of supervision and number of workers to supervise, and types of licenses or permits. This item may also be used to provide more detailed information about the qualifications and/or requirements identified in Items B.1 through B.5. If no additional qualifications or requirements are needed and no additional information about Items B.1 through B.5 is required, enter **"NONE"** in the space provided. If additional space is required to fully disclose the qualification and requirement details for Item B.6, the employer may use the Form ETA-790A, *Addendum C*. On *Addendum C*, enter "B.6" in Item 1, "Job Qualifications and Requirements" in Item 2, and the additional information in Item 3.

Section C
Worksite Information

It is important for the employer to define the place(s) of employment (i.e., worksites) with as much geographic specificity as possible. This information is used to determine the area of intended employment, for purposes of reviewing and verifying regulatory compliance with advertising, positive recruitment requirements, and prevailing wage determinations.

For employers operating on work itineraries covering one or more areas of intended employment or those engaged in the herding or production of livestock on the range, the place of employment disclosed in Items C.1 through C.6 may be the location where the work itinerary is expected to begin; a designated pick-up point where workers will meet; or the employer's business or office location nearest where work will be performed in the area. For agricultural associations filing as a joint employer with members, the place of employment disclosed in these fields may be the address of the agricultural association or the centralized location where workers will report for work assignments with members of the agricultural association. To disclose additional place(s) beyond the entry in Items C.1 through C.6 (e.g., subsequent locations on an itinerary), use Form ETA-790A, *Addendum B*.

1. Enter the street address of the location where work will be performed. The worksite address must be a physical location and cannot be a P.O. Box. For a rural or other location without a street address, enter **"NONE"** and provide as much information in Items C.2 through C.5 as possible, supplemented with additional information in Item B.6.
2. Enter the city in which the worksite is located.
3. Enter the State/District/Territory in which the worksite is located.

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4. Enter the postal (zip) code in which the worksite is located.
5. Enter the county in which the worksite is located.
6. Enter any additional information about the worksite location. Examples may include more specific information about the fields where work will be performed in close proximity to the address location, more specific directions on how workers can reach the worksite and/or Global Positioning System (GPS) coordinates, especially in very rural and isolated geographic areas. If no additional information concerning the worksite is needed, enter "**NONE**" in the space provided.
7. In circumstances where work needs to be performed at additional places of employment other than the address listed in items 1 through 5 above, submit a completed Form ETA-790A, *Addendum B* identifying all additional places of employment and, where required, the agricultural business that will employ workers, or to whom the employer will be providing workers.

Section D
Housing Information

1. Enter the street address of the location where the housing for workers is located. Use commonly understood street or highway numbers and names. For applications involving agricultural labor or services on work itineraries where the use of mobile housing is permitted, enter the nearest geographic location of the mobile housing unit where it resides at the time of filing the Form ETA-790A.
2. Enter the city in which the housing is located.
3. Enter the State/District/Territory in which the housing is located.
4. Enter the postal (zip) code in which the housing is located.
5. Enter the county in which the housing is located.
6. Identify the type of housing that will be provided to workers at this location. Examples include camp, cabin, barracks, or two-story house (private, rental, public accommodation).
7. Enter the total number of housing units available to house workers at this location.
8. Enter the total occupancy capacity for all of the housing units identified in item 7 above.
9. Select whether the housing units provided to workers complies or will comply with local, State, or Federal standards.
10. Enter any additional information about the housing. Examples may include more specific directions on how workers can reach the housing and/or GPS coordinates, especially in very rural and isolated geographic areas; availability of family units and/or single rooms; utilities (e.g., gas, electricity, and heat); and/or arrangements for utility hookups. For mobile units, explain where the mobile units will be used (e.g., "mobile unit will travel with the workers to various range locations through Jefferson, Fremont, and Bonneville Counties (Idaho) and Teton and Lincoln Counties (Wyoming)"). If no additional information concerning the housing is needed, enter "**NONE**" in the space provided.
11. In circumstances where workers will be provided housing at additional locations and/or additional space is needed to identify all available housing units for workers at the address listed in items 1 through 5 above, mark "**YES**" and submit a completed Form ETA-790A, *Addendum B* providing additional information on housing that will be provided to workers. If no additional information concerning the housing is needed, mark "**NO**."

Section E
Provision of Meals

1. Describe how the employer will provide each worker with three (3) meals a day or furnish free and convenient cooking and kitchen facilities so that workers can prepare their own meals. Where the employer provides facilities for workers to prepare their own meals, please explain how the workers will have access to stores where they can purchase groceries and describe the facilities and space for food preparation, as well as the necessary equipment, appliances (including refrigeration), cooking accessories, and dishwashing facilities (e.g., adequate sinks with hot and cold water under pressure) that are in working condition and will be used by workers to sufficiently prepare three (3) meals a day. If the employer has an agreement with a third-party that will prepare the meals for the employer's workers, identify the vendor and explain the employer's arrangement with the vendor with sufficient detail to apprise workers how, when, and where the workers will obtain the meals from the vendor and that the employer will pay the vendor directly for the meals provided. If additional

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space is needed to complete the response to Item E.1, the employer may use the Form ETA-790A, *Addendum C*. On *Addendum C*, enter "E.1" in Item 1, "Provision of Meals" in Item 2, and then complete the description of the employer's provision of meals to workers in Item 3.

Important Note: Providing access to third-party vendors and requiring workers to purchase meals from the third-party vendor does not constitute compliance with the requirement to provide meals or cooking and kitchen facilities, even if the employer provides a meal stipend.

2. Select the option designating whether the employer will charge workers for the provision of meals. If the employer intends to charge workers for the provision of meals, the daily charge per worker must be entered in currency format (e.g., \$99.99).

Section F
Transportation and Daily Subsistence

1. Describe how the employer will provide workers daily transportation to the place(s) of employment. At a minimum, describe the arrangements for transporting workers, at no cost to workers, from employer-provided housing and, if applicable, centralized pick-up points to the places of employment at the beginning of each workday and back at the end of each workday. Please also disclose the mode(s) of transportation (e.g., vans, buses) that will be used each day, if known, as well as whether the daily transportation at no cost to workers is available to workers who do not reside in employer-provided housing. If additional space is needed, use the Form ETA-790A, *Addendum C*.
2. Describe how the employer will provide workers with transportation (a) to the place of employment from the place from which the worker has come to work for the employer (i.e., inbound) and (b) from the place of employment to the place from which the worker has come to work for the employer (i.e., outbound). At a minimum, state whether such transportation, and related daily subsistence, will be provided by the employer or paid by the employer to the worker for reasonable costs incurred (e.g., advance payment or reimbursement) and identify the modes of transportation, if known. For example, the employer may state that it will provide or pay for charter bus services or other modes of transportation to groups of H-2A or U.S. workers, or permit workers to select any means of transportation they choose and reimburse workers at no less than the most economical and reasonable common carrier transportation charges for the distances involved. If additional space is needed, use the Form ETA-790A, *Addendum C*.
3. Enter the amounts per day that the employer will pay for or reimburse daily meals for each worker
 - a. Enter the minimum daily subsistence amount per day in currency format (e.g., \$99.99).
 - b. Enter the maximum daily subsistence amount per day with receipts in currency format (e.g., \$99.99).

Section G
Referral and Hiring Instructions

1. Explain how prospective applicants may be considered for employment under this job order, including verifiable contact information for the employer or the employer's authorized hiring representative and the methods of contact (e.g., email, phone) that prospective U.S. applicants may use to be considered for the job opportunity. Summarize how applicants are to be considered, referred, and hired. For example, indicate the days and hours that the employer or the employer's authorized hiring representative will be available to interview workers by telephone and/or in-person and whether anybody different from the employer has hiring authority. If additional space is needed, use the Form ETA-790A, *Addendum C*.

In Items G.2 through G.4, at least two (2) verifiable methods by which prospective U.S. workers can contact the employer and apply for the job opportunity must be identified.

2. Enter the area code and telephone number by which prospective U.S. workers can contact the employer and apply for the job opportunity. If a phone number is not available, leave this field BLANK and the system will insert "N/A" at submission of the application.
3. Enter the e-mail address by which prospective U.S. workers can contact the employer and apply for the job opportunity. The format must be name@emailaddress.top-leveldomain. If an e-mail address is not available, please enter "N/A".



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4. Enter the website address by which prospective U.S. workers can contact the employer and apply for the job opportunity. The format must be domain name.domain suffix. If a website address is not available, please enter "N/A". Examples of valid suffixes include:

- .gov - Government agencies
- .mil – Military
- .org - Organizations (nonprofit)
- .edu - Educational institutions
- .com - commercial business
- .net - Network organizations

Section H
Additional Material Terms and Conditions of the Job Offer

Important Note: Additional material terms and conditions of employment must comply with the requirements of the INA and the Department's applicable regulations.

1. Select "YES" or "NO" to indicate whether a completed Form ETA-790A, *Addendum C* is attached to this agricultural clearance order. Employers may use *Addendum C* to disclose any other material terms, conditions, and benefits (monetary and non-monetary) that will be provided by the employer under this job opportunity (e.g., production standards or OT/holiday hours not mandatory). *Addendum C* may also be used to elaborate or further explain material terms or conditions of the job offer previously disclosed on this clearance order (e.g., wage offer(s) and deductions, job qualifications or requirements, meals, transportation). To disclose a material term or condition of the job offer that is not covered by the Form ETA-790A using *Addendum C*, the employer may enter the letter "H," followed by a sequential number, and then the name of the category for the material term or condition. Example:

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H. Additional Material Terms and Conditions of the Job Offer				
a. Job Offer Information 1				
1. Section/Item Number *	H.1	2. Name of Section or Category of Material Term or Condition *	ADDITIONAL CONDITIONS ABOUT THE WAGE OFFER(S)	
3. Details of Material Term or Condition (up to 3,500 characters) *				
<p>OVERTIME PAY: Work in California will be paid at 150% of the piece rate and bonus described below (as provided for under 29 U.S.C. 207; 29 CFR 778418). At no time will the overtime piece rate payment be less than 150% of the required hourly wage rate stated above. Employer will abide by the California overtime rules for agricultural workers working in California. The Employer abides by California Wage Order 14 including: (A) The following overtime provisions are applicable to employees 18 years of age or over and to employees 16 or 17 years of age who are not required by law to attend school; such employees shall not be employed more than ten (10) hours in any one workday or more than six (6) days in any workweek unless the employee receives one and one-half (1 1/2) times such employee's regular rate of pay for all hours worked over ten (10) hours in any workday and for the first eight (8) hours on the seventh (7th) day of work and double the employee's regular rate of pay for all hours worked over eight (8) on the seventh (7th) day of work in the workweek; and (B) An employee may be employed on seven (7) workdays in one workweek with no overtime pay required when the total hours of employment during such workweek do not exceed 30 and the total hours of employment in any one workday thereof do not exceed-six (6). Oregon does not require an Employer to pay an increased pay rate for overtime.</p> <p>BONUS FOR REGULAR AND GREEN PLANTS: Each worker will be evaluated on their quality of work and productivity by the Company's supervisors. A bonus, for regular and green trim work only, of up to \$3.00 per 1,000 plants trimmed and bundled, based on the worker's quality control inspection score, will be earned on the</p>				

Section I
Conditions of Employment and Assurances for H-2A Agricultural Clearance Orders

The employer must carefully read and agree to compliance with all the conditions of employment, including but not limited to those conditions listed in this section, for the positions covered by the agricultural clearance order, including any approved modifications or extensions thereof.

1. Enter the last (family) name of the person with authority to sign on behalf of the employer.
2. Enter the first (given) name of the person with authority to sign on behalf of the employer.
3. Enter the middle name of the person with authority to sign on behalf of the employer, if applicable.
4. Enter the job title of the person with authority to sign on behalf of the employer.
5. The person with authority to sign on behalf of the employer must sign the agricultural clearance order. An electronic or digital signature is acceptable. Read the entire application and verify all contained information prior to signing.
6. The person with authority to sign on behalf of the employer must date the agricultural clearance order. An electronic or digital date is acceptable. Use a month/day/full year (mm/dd/yyyy) format.

Employment Service Statement

Please read this disclosure. No entries are required.

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Public Burden Statement (OMB Control Number 1205-0466)

Please read this disclosure. No entries are required.

**ADDENDUM A
 For Disclosure of Additional Temporary Agricultural Services and Wage Offer Information (Section A, Item 9)**

This Addendum must be fully completed and submitted with the Form ETA-790A when the employer needs to disclose additional information about the payment of wages for specific crops and/or agricultural activities. The employer must disclose wage information covering all the crops or agricultural activities that workers will need to perform under the agricultural clearance order. For example, where an employer has multiple applicable hourly rates (e.g., due to work in different states subject to different AEWRs), the employer may disclose the distinct hourly rates by entering the crop and state on the *Addendum A*. The employer could enter the wage rate information for "Lettuce Harvesting – California" with the hourly AEWR covering work performed in California in one row, and then enter the wage rate information for "Lettuce Harvesting – Arizona" with the hourly AEWR covering work performed in Arizona on another row.

Addendum A will collect up to 10 rows of wage offer information for particular crops and/or agricultural activities. For electronic filings, if the employer needs to disclose more than 10 rows of wage offer information, the filing system will automatically provide the employer with the option of adding more rows to the *Addendum A* until the response is completed. For mailed or paper filings, the employer will make one or more copies of the *Addendum A* to complete and attach to the Form ETA-790A.

Column 1: Crop ID

Enter the "Crop ID" designated in Item A.8a for a particular crop or agricultural activity, if applicable. An employer using large crews working on a wide array of diversified crops may designate one or more "Crop ID" in Item A.8a and then use the "Crop ID" to organize wage offer and pay information for multiple varieties of the same crops or commodities on the *Addendum A*.

Column 2: Crop or Agricultural Activity

Enter the name of the crop or agricultural activity.

Column 3: Wage Offer

Enter the wage offer for the crop or agricultural activity entered in Column 2 in currency format (e.g., \$99.99).

Column 4: Per

Enter the unit of pay: "HR" (i.e., hour), "MO" (i.e., month), or "PR" (i.e., piece rate).

Column 5: Piece Rate Units/Special Pay Information

Enter additional information, such as the piece rate units and/or any other special pay information (e.g., performance bonuses or incentives) associated with performing the job duties or services in the crop or agricultural activity.

Example:

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<small>H-2A Agricultural Clearance Order Form ETA-790A Addendum A U.S. Department of Labor</small>				
<small>A.8. Additional Crop or Agricultural Activities and Wage Offer Information</small>				
Crop ID	Crop or Agricultural Activity	Wage Offer	Per	Piece Rate Units/Special Pay Information
S01	Strawberry Regular Trim	\$ 10.50	PR	per 1,000 plants trimmed and bundled calculated as follows: \$8.50 per 1,000 plants trimmed and bundled, plus quality incentive bonus of \$0 to \$3.00 per thousand plants depending on the quality of work performed. If, after the bonus is applied to the base rate of \$8.50 an employee does not reach the wage of \$10.50 per 1,000 plants, Sierra Cascade will augment the wage to ensure that the employee receives at least \$10.50 per 1,000 trimmed plants.
S02	Strawberry Green Trim	\$ 14.00	PR	per 1,000 plants trimmed and bundled, plus quality incentive bonus of \$0 to \$3.00 per thousand plants depending on the quality of work performed
S03	Strawberry Misted Tip Trim	\$ 26.00	PR	per 1,000 plants trimmed, plus quality incentive bonus of \$0 to \$3.00 per thousand plants depending on the quality of the work performed
S04	Strawberry Raspberry Trim	\$ 15.00	PR	per box on a team piece rate basis (8 or 10 persons per team. Group (or team) piece rate is divided among team members
C01	Cherry Harvest Yellow	\$6.00	PR	per 201b lug or per bucket equivalent (bucket size may vary according to variety ranging from 121b to 201b)

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ADDENDUM B
For Disclosure of Additional Places of Employment (Section C) and/or Housing Information (Section D)

This Addendum must be fully completed and submitted with the Form ETA-790A when one or both of the following circumstances arise:

- (1) The employer needs the workers to perform the services or labor required in the agricultural clearance order at additional places of employment other than the place disclosed in Section C, Items 1 through 5; or
- (2) The employer will be providing housing at additional locations, other than the place disclosed in Section D, Items 1 through 5, and/or additional space is needed to identify all available housing units for workers at the address disclosed in Section D, Items 1 through 5.

Section C. Additional Place of Employment Information

1. Enter the name of the agricultural business that will employ workers, or to which labor or services will be provided by workers at the place of employment identified in Items 2 and 3, if applicable.
2. Enter the street address of the place where work will be performed. The place of employment must be a physical location and cannot be a P.O. Box. Employers must disclose, to the best of their knowledge at the time of filing the Form ETA-790A, geographic details related to the place of employment with enough specificity to apprise prospective applicants of any travel requirements and where they will likely have to reside to perform the services or labor. To identify the place of employment by address, enter the location information using this format: address/location, city, state, postal code, county. Although addresses are required, if available, if there is no address, the employer may enter "No Street Address Available" or "N/A".
3. Enter any additional information about the geographic area of intended employment. Examples may include forest grid identification numbers, GPS coordinates, and/or directions to the place of employment, if applicable. This field will permit an entry of up to 500 characters. If no additional information concerning the place of employment is needed, enter "N/A" in the space provided.

Where the employer's work itinerary necessitates disclosure of an anticipated schedule of work at different places of employment (e.g., an H-2ALC), complete Columns 4 through 6 (Items 4, 5, and 6).

4. Enter the begin date for the period of intended employment at this place of employment, if applicable. Use a month/day/year (mm/dd/yyyy) format.
5. Enter the end date for the period of intended employment at this place of employment, if applicable. Use a month/day/year (mm/dd/yyyy) format.
6. Enter the anticipated total number of workers that will be employed at this place of employment.

Example 1: *Addendum B* for an employer engaged in itinerant animal shearing

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C. Additional Place of Employment Information					
1. Name of Agricultural Business §	2. Place of Employment *	3. Additional Information About the Place of Employment §	4. Begin Date §	5. End Date §	6. Total Workers §
Rolling Sheep Company	1290 W 5 Lane N Paul, ID 83347 Minidoka County	N/A	01/01/19	01/05/19	6
John Doe Ranch	18289 Highway 30 Hagerman, ID 83332 Gooding County	N/A	01/08/19	01/15/19	6
Jane Darby	Riverton, WY 82501 Fremont County	Shearing sheds located about 1 mile south on Highway 99	01/18/19	02/01/19	6

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Example 2: *Addendum B* for an agricultural association filing as joint employer

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C. Additional Place of Employment Information

1. Name of Agricultural Business §	2. Place of Employment *	3. Additional Information About the Place of Employment §	4. Begin Date §	5. End Date §	6. Total Workers §
Abby Doe	6095 Meadowbrook Road Benson, NC, 27504 Johnston County	Hay, Organic Tobacco, Straw	05/04/19	11/01/19	2
Bobby Dodd	462 Pinehaven Road Reidsville, NC, 27320 Rockingham County	Soy, Tobacco, Wheat	05/04/19	10/31/19	8
Claire Roberts	525 Chinquapin Road Mocksville, NC, 27028 Davie County	Soy, Sweet Potatoes, Tobacco	05/04/19	11/01/19	20
Dave Richards	P.O. Box 73 117 Church Street Franklin, NC, 27551 Macon County	Produce, Soy, Straw, Tobacco	05/04/19	10/28/19	14

Example 3: *Addendum B* for an H-2ALC

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C. Additional Place of Employment Information

1. Name of Agricultural Business §	2. Place of Employment *	3. Additional Information About the Place of Employment §	4. Begin Date §	5. End Date §	6. Total Workers §
Jon Doe Citrus Orchards	102nd Avenue, State Road 60 Vero Beach, FL, 32960 Indian River County	Orchard groves 1,2,4, and 6 also located off SR 60 and 122nd Avenue in Vero Beach	11/15/19	05/01/20	N/A
Oakes Farms	Immokalee, FL, 34142 Collier County	Orchards also at or near North End of Thorpe Rd in Immokalee; CR 846 West by mulch pile and fairgrounds, Naples, FL; South end of County Line Rd in Immokalee	11/15/19	05/01/20	N/A
Sadie Cypress	16067 011 Well Road Immokalee, FL, 34142 Collier County	Orchards also near 4909 County Line Rd in Immokalee	11/15/19	05/01/20	N/A
Cypress Farm	Vero Beach, FL, 32961 Indian River County	Orchards located south side of 9th St SW .5 miles north of 122nd Ave	11/15/19	05/01/20	N/A
Franberry Farms, LLC.	1206 McGee Rd, Plant City, FL, 33565 Hillsborough County	Orchards also at or near 431 N. Alexander St and 2102 W. Knight Griffin Rd in Plant City	11/15/19	05/01/20	N/A

Addendum B will collect up to 10 rows of information related to the places of employment. For electronic filings, if the employer needs to disclose more than 10 rows of information related to the places of employment, the filing system will automatically provide the employer with the option of adding more rows to Section C of the *Addendum B* until the response is completed. For mailed or paper filings, the employer will make one or more copies of Section C of the *Addendum B* to complete and attach to the Form ETA-790A.

Section D. Housing Information

1. Identify the type of housing that will be provided to workers at this location. Examples may include camp, cabin, barracks, or two-story house (private, rental, public accommodation).
2. Enter the street address where the housing for workers is located. Use this format: address/location, city, state, postal code, county. Use commonly understood street or highway numbers and names.
3. Enter any additional information about the housing. Examples may include more specific directions on how workers can reach the housing, especially in very rural and isolated geographic areas; availability of family units and/or single rooms available; utilities (e.g., gas, electricity, and heat); and/or arrangements for utility hookups. If no additional information concerning the housing is needed, enter "N/A" in the space provided. This field will permit an entry of up to 500 characters.
4. Enter the total number of housing units available to house workers at this location.

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5. Enter the total occupancy capacity for all of the housing units identified in item 4 above.
 6. Select one or more options to indicate whether the housing units provided to workers comply or will comply with local, State, and/or Federal standards.

Addendum B will collect up to 10 rows of information about employer-provided housing. For electronic filings, if the employer needs to disclose more than 10 rows of housing information, the filing system will automatically provide the employer with the option of adding more rows to Section D of the *Addendum B* until the response is completed. For mailed or paper filings, the employer will make one or more copies of Section D of the *Addendum B* to complete and attach to the Form ETA-790A.

ADDENDUM C

For Disclosure of Additional Material Terms and Conditions of the Job Offer

Addendum C may be used to elaborate or further explain material terms or conditions of the job offer previously disclosed on this clearance order or to disclose a material term or condition of the job offer that is not covered by the Form ETA-790A.

NOTE: *Addendum C* will collect two sections of additional information per page. For electronic filings, if the employer needs to disclose more sections of information, the filing system will automatically provide the employer with the option of adding more sections of the *Addendum C* until the response is completed. For mailed or paper filings, the employer will make one or more copies of the *Addendum C* to complete and attach to the Form ETA-790A.

1. Enter the Form ETA-790A Section and Item number associated with the additional information to be disclosed. For example, if additional space is required to fully disclose the qualification and requirement information for Item B.6 of the Form ETA-790A, on *Addendum C*, enter "B.6" in Item 1. Otherwise, enter "H" as the section, followed by a sequential number (e.g., H.1 for the first additional item disclosed, H.2 for the second additional item disclosed).
2. Enter the Form ETA-790A Section name associated with the additional information to be disclosed. For example, if additional space is required to fully disclose the qualification and requirement information for Item B.6 of the Form ETA-790A, on *Addendum C*, enter "Job Qualifications and Requirements" in Item 2. Otherwise, enter a descriptive category for the additional information to be disclosed (e.g., "Additional Conditions about the Wage Offer").
3. Enter the additional information to be disclosed related to Items 1 and 2 above.