

2020 Georgia Watermelon Association Annual Meeting and Conference, St. Simons Island

U.S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION

H-2A Statistics FY 2018-2019

| Review of Positions Certified FY 2018 (% of total certified FY 2018) | | | |
|-------------------------------------------------------------------------|----------------|--------|-------|
| Top 10 States | Georgia | 32,364 | 13.3% |
| | Florida | 30,462 | 12.5% |
| | Washington | 24,862 | 10.2% |
| | North Carolina | 21,794 | 9.0% |
| | California | 18,908 | 7.8% |
| | Louisiana | 10,079 | 4.2% |
| | Michigan | 8,359 | 3.4% |
| | New York | 7,634 | 3.1% |
| | Kentucky | 7,604 | 3.1% |
| | Arizona | 7,497 | 3.1% |

FY18 Q1 Q2 Q3 Q4

| | | | | | |
|---------------------|---------|--------|--------|--------|--------|
| Positions Certified | 242,762 | 31,862 | 80,311 | 81,228 | 49,361 |
|---------------------|---------|--------|--------|--------|--------|

| Review of Positions Certified FY 2019 EOY (% of total certified FY 2019 EOY) | | | |
|---------------------------------------------------------------------------------|----------------|--------|-------|
| Top 10 States | Florida | 33,598 | 13.0% |
| | Georgia | 29,480 | 11.4% |
| | Washington | 26,226 | 10.2% |
| | California | 23,321 | 9.1% |
| | North Carolina | 21,605 | 8.4% |
| | Louisiana | 10,816 | 4.2% |
| | Michigan | 9,096 | 3.5% |
| | Kentucky | 8,315 | 3.2% |
| | New York | 8,104 | 3.1% |
| | South Carolina | 6,082 | 2.4% |

FY19 Q1 Q2 Q3 Q4

| | | | | | |
|---------------------|---------|--------|--------|--------|--------|
| Positions Certified | 257,667 | 35,449 | 87,868 | 82,094 | 52,256 |
|---------------------|---------|--------|--------|--------|--------|

U.S. Worker Protections

- ❑ H-2A workers given preferential treatment
- ❑ Unlawful rejection of U.S. workers
- ❑ Failure to satisfy requirements of the job order (location, duties, hours, etc.)

Disclosure

- ☐ Failure to provide copy of H-2A contract (to H-2A workers and U.S. workers in corresponding employment)
- ☐ Poster

Wage Related Violations

- ☐ Meals vs Kitchen facilities
- ☐ Inbound transportation requirements
- ☐ Outbound transportation requirements
- ☐ $\frac{3}{4}$ Guarantee
- ☐ Required rate of pay
- ☐ Unlawful deductions
- ☐ Unlawful cost-shifting
- ☐ Housing charges

Recordkeeping

- ☐ Why hours worked are fewer than hours offered
- ☐ Payroll records
- ☐ Paycheck stubs

Housing

- ☐ Failure to meet safety and health requirements
- ☐ Failure to notify SWA of change in certified housing
- ☐ Motels (State and Local codes)

Transportation

- ☐ Failure to meet safety requirements
- ☐ Driver's license

Legal Requirements

- ☐ Waiver of rights
- ☐ Failure to cooperate with investigation
- ☐ Failure to follow all applicable laws
- ☐ Failure to contractually forbid cost-shifting
- ☐ Intimidate, threaten

H-2ALC Only Violations

- ☐ Invalid “fixed-site” information
- ☐ Invalid MSPA FLC information

And finally, other issues

- ☐ Fraud
- ☐ Trafficking
- ☐ Recruitment fees
- ☐ Growers
- ☐ MSPA, FLSA, OSHA
- ☐ Increased scrutiny
- ☐ Debarment
- ☐ Revocation

Questions?

Larry Benjamin

U.S. Department of Labor

Wage and Hour Division

450 Mall Blvd., Ste. D

Savannah, GA 31406

(912) 651-3910

<https://www.dol.gov/agencies/whd>