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## WEEKLY TIPS for GAPC Certification

Check your email each week for helpful tips on achieving GAPC Certification.

# THIS WEEK: Farm Labor Contractors & ETA Documentation

## WHAT DOCUMENTATION IS REQUIRED?

### 1. Farm Labor Contractor (FLC): What will be asked about the FLC at time of Monitoring Visit?

If you use a FLC to provide labor on your farm there are several critical standards that must be met:

#### U.S. and International Certification:

##### *FLC and H-2ALC*

- FLC must be currently registered with the U.S. DOL and have a valid and non-expired Certification of Registration.
- Grower is responsible to obtain and keep a copy of the FLC/H-2ALC's valid and non-expired Certificate of Registration.
- If there are H-2A workers on the farm through a H-2ALC, obtain and keep a copy of all of the ETA 790(s) and 790A(s) for all H-2ALC workers that work on your farm which must include the number of workers, location of employment, name of employer, number of housing units, housing location, and H-2A case number.
- If there are H-2A workers on the farm through a H-2ALC, the H-2ALC's name must be listed on all of the:
  - ETA 790(s) and 790A(s)
  - ETA 9142A(s)(if requested)
  - Grower's operation must be listed on work order
- Growers should not employ unauthorized H-2A workers. H-2A workers are only authorized to work for the employers and at the locations listed on their H-2A contract, the ETA 790(s) and 790A(s) and the ETA 9142A(s).
- If the FLC or H-2ALC is authorized to house, obtain and keep a copy of the housing inspection.
- If the FLC or H-2ALC is transporting workers, they must be insured
- If the FLC or H-2ALC is authorized to transport, do you have:
  - a copy of their insurance (auto and workers compensation)
  - drivers license for all drivers
  - doctors certificate for all drivers
- Obtain and keep copy of the terms and conditions of their work commitment written in the worker's preferred language, to include:
  - place of work (with specifics, such as the name & address)
  - pay rates (including piece rates) to be paid
  - crops and kinds of activities for which the worker may be assigned period of work commitment
  - transportation, housing, and any other worker benefits to be provided and any costs to be charged for each
  - whether state workers' compensation or state unemployment insurance is provided
- Ensure that the pay of all workers provided by the FLC/H-2ALC meet, at a minimum, national and state minimum wage requirements or adverse effect wage if H2A workers by either paying workers directly rather than through FLC/H-2ALC or ensure the FLC/H-2ALC provides wage statements to workers as legally required and grower obtains and keeps copies.
- Ensure that all workers provided by the FLC/H-2ALC are provided with individual written wage statements that remain in their possession for each pay period.

##### *H-2ALC Only (These will be required in addition to the above documents)*

- Obtain and keep a copy of the contract between the grower and the H-2ALC. (The contract is required by U.S. DOL when the H-2ALC requests the workers)
- Have proof of a surety bond that covers liability incurred during the term of the worker contract period listed on the H-2A application. (The surety bond must remain in effect for a period of at least two years from the expiration date of the labor certification)

#### **U.S. Certification Only:**

- The grower must obtain the written consent of any youth worker's (under 18) parent or legal guardian prior to work commitment commencing provided by the FLC/H-2ALC.
- Ensure all workers provided by the FLC are 16 years of age or older.
- Verify workers are 16 years of age or older by reviewing the worker's I-9 form.

#### **International Certification Only:**

- Ensure all workers provided by the FLC are 18 years of age or older.
- Verify workers are 18 years of age or older by reviewing the worker's I-9 form.
- Ensure no worker under 18 provided by the FLC is assigned DOL hazardous tasks or other hazardous tasks (Appendix 1 - List A).

Growers using a FLC or H-2ALC are required to have worker interviews annually.

### 2. ETA Documentation Requirements for H-2A Labor

If there are H-2A workers on the farm, growers are responsible to obtain and keep a copy of the ETA 790(s) and 790A(s) for all the H-2A workers which much include:

- number of workers
- location of employment
- name of employer
- number of housing units
- housing location
- H-2A case number

If there are H-2A workers on the farm the grower's name (Primary or Associate) or the name of the entity which the individual is a part of must be listed on the:

- ETA 790(s) and 790A(s)
- ETA 9142A(s) - if requested

If workers are acquired through an association (growers name must be listed on 790A(s) or in an addendum/appendix)

If grower sources their H-2A workers through an H-2ALC the FLC's name must be listed on the ETA 790(s) and 790A(s) and the grower's name listed as an approved address.

Auditors will be requesting to see this documentation at the time of the Monitoring Visit.

Learn More in the  
GAPC Certification Compliance Guide

www.gapconnections.com | 865.622.4606 | info@gapconnections.com  
2450 E.J. Chapman Drive Knoxville, TN 37996

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