



GAP Connections Certification Program Appeals Process

Introduction

There may be situations in which GAPC Grower Members who participate in a GAPC Certification Program do not agree with the monitoring or investigative visit findings. Thus, GAP Connections offers an appeals process for these growers. The appeals policy requires GAPC grower members to write a formal letter to GAP Connections identifying their appeal within 30 days from the date GAPC issues notice of Certification or denial of Certification. The appeals process is intended to be utilized when the GAPC Grower Member believes there are significant errors, misunderstandings, or extenuating circumstances that warrant reconsideration and formal review. The following document outlines the appeals committee and the appeals process following the submission of the letter.

Committee Structure:

The Appeals Committee is comprised of (1) A Facilitator: An employee of GAP Connections; (2) Advisors: An employee or contractor of an approved auditing firm (other than the auditor who conducted the audit or site visit) , a content expert depending on the nature of the appeal (i.e. expert in crop production, labor, etc.), and a representative of the Remediation Committee that reviewed the case; and (3) Voters: Three members of the GAPC Board of Directors consisting of two Regular Company Members and one GAPC Grower Member. The Voters are the only Appeals Committee Members that will cast a vote to decide the appeal.

Appeals Committee Members

Facilitator	GAPC Employee		
Advisors	Audit Firm Representative	Content Expert	Remediation Committee Representative
Voters	GAPC Board of Director Regular Company Member	GAPC Board of Director Regular Company Member	GAPC Board of Director Grower Member



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Appeals Process

The appeals process begins when the GAPC Grower Member submits an appeal with respect to his/her GAPC Certification results or findings. The GAPC Grower Member must submit a formal written appeal, supporting documentation, and an initial appeal fee of \$250¹ to GAP Connections within 30 days from the date GAPC issues notice of GAPC Certification or denial of GAPC Certification. If an appeal is being made due to a denial from failure to meet a remediation deadline an explanation of the extenuating circumstances that caused the failure to meet the deadline must be provided in the written appeal. If an appeal is being made due to non-compliance with a Non-Remediable Critical Standard (see Appendix A) the GAPC Grower Member should outline the extenuating circumstances which resulted in the non-compliance, including but not limited to illness, death, natural disasters, etc. The party responsible for the remaining costs of the appeal will be dependent upon the outcome of the appeal. The GAPC grower member will pay any additional costs if the appeal is denied (i.e. legal, investigation/review of documentation, etc.). If the appeal is approved GAPC will refund the initial appeal fee and GAPC will be responsible for any remaining costs associated with the appeals process.

A GAPC Grower Member who appeals and has outstanding remediable items should, as a best practice, complete all remaining remediation required for GAPC Certification.

Upon receiving the formal written appeal, GAPC will inform the Appeals Committee of the appeal and call for a meeting. Throughout the appeals process, all GAPC Grower Member information will be removed from any documentation that goes before the committee to keep the process anonymous unless the GAPC Grower Member chooses to disclose his/her identity and present his/her case to the Appeals Committee.

The Appeals Committee will review the appeal/complaint and supporting documentation provided by the GAPC Grower Member. When necessary, the Appeals Committee may consult with an attorney. The responsibility of the Appeals Committee is to render a final verdict on the appeal within 30 days of receiving appeal. GAPC will facilitate the meetings of the Appeals Committee and will provide the verdict to the GAPC Grower Member. Once the verdict has been rendered the remainder of the appeals cost will be paid based on the outcome.

¹ The appeals fee will be a fixed fee paid by the grower to cover the costs of content experts and the auditor who are involved in the Initial Appeals Committee.

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Appendix A: Non-Remediable Critical Standards

General Certification Standards

- Grower and all Associated Growers must attend Annual GAP Training by June 30 of each year.

Crop and Environment Certification Standards

Integrated Pest Management

- Follow label instructions when applying CPAs.
- Use only CPAs that have been approved by the EPA for use on tobacco (labeled). Always refer to your grower contract; some buyers may prohibit use of CPAs which are labeled for tobacco.

Crop and Operations Management

- Direct the day-to-day activities involved in producing the tobacco sold under your name, the name of an Associated Grower, employee, or the name of the farming operation.
- AIR and FIRE ONLY: Use only Low Converting seed for tobacco production.
- Use only Certified and/or approved seed for tobacco production.
- Use only non-GMO seed for tobacco production.
- Keep tobacco types strictly separated from each other during seeding, curing, and market preparation.

Curing and Barn Management

- AIR AND FIRE: Ensure that livestock are excluded from curing and storage structures. If curing and storage structures are multi-tier there must be a permanent floor to separate livestock from tobacco to prevent contamination.



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Agrochemical Management

- **Dispose of empty CPA containers by triple-rinsing and punching or removing lid AND either recycling through programs or sites designated for CPA container recycling OR disposing of them in appropriate landfill. CPA containers cannot be burned.**
- **Properly segregate, store, recycle, or dispose of hazardous waste including but not limited to residual CPAs, fuel, oil, grease, paint, and batteries.**

Labor Certification Standards

Recruiting, Hiring, and Termination

- **If there are H-2A workers on the farm the grower's name (Primary or Associate), the name of the entity which the individual is a part of (member or employee), must be listed on all of the: ETA 790(s) and ETA 790A(s) and ETA 9142A(s) (if requested)**
- **Growers should not employ unauthorized H-2A workers or allow H-2A workers under their employment to work on an unauthorized farm location. H-2A workers are only authorized to work for the employers and at the locations listed on their H-2A contract, the ETA 790, and the ETA 9142A. Grower's operation must be listed on the ETA paperwork.**
- **Complete and maintain a Form I-9 for each worker. Once the work commitment has terminated, grower keeps the Form I-9 for either three years after the date of hire, or one year after the date the work commitment is terminated, whichever is longer. Form I-9 is not required for immediate family² farm labor.**

Immediate Family Working on the Farm

- **US ONLY: Comply with all federal and state child labor laws pertaining to immediate family labor.**
- **International ONLY: Immediate family members 15 years of age or younger may only be assigned light, nonhazardous work only if does not interfere with compulsory school.**

² Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.



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Hired Workers

- **US ONLY:** Growers must not employ or obtain services from any person who is younger than 16 years of age. Exceptions for utilizing a person under 16 years of age include the following: Youth excused from compulsory school attendance by applicable law, and youth involved in accredited learning programs can be assigned work tasks as long as the tasks relate directly to the learning experiences of the program and are in compliance with law.
- **International ONLY:** Growers must not employ or obtain services from any person who is younger than 16 years of age.

Wage, Benefits, and Working Hours

- Ensure that the pay of all workers (including for temporary, piece rates, seasonal, and migrant workers) meet, at a minimum, national and state minimum wage requirements or adverse effect wage if H2A workers. Workers are exempt if they are involved in a vocational or apprenticeship program sanctioned by the Board of Education in the state. Documentation verifying the vocational or apprenticeship program will be required.
- Maintain a copy and provide workers with a copy of their individual written wage statement for each pay period that includes (wage statements are not required for immediate family³ farm labor): Worker's full name; Worker's address (seasonal or permanent); Worker's social security number (last 4-digits is acceptable); Employer's name; Employer's address; Employer's identification number (entire number); Total pay period earnings; Number of hours worked; Basis on which wages are paid (piece rate if paid on a piecework basis); Number piecework units earned, if applicable; Specific sums withheld, and the purpose of each sum withheld; Net pay.
 - **NOTE:** If subject to MSPA, H2A or FSLA, a more detailed statement may be required.
 - **NOTE:** This Standard is above U.S. law requirements.

Farm Labor Contractors/H-2ALCs (Indirect Hired Labor)

- **US ONLY:** Ensure all workers provided by the FLC/H-2ALC are 16 years of age or older.
- **US ONLY:** Verify workers provided by the FLC/H-2ALC are 16 years of age or older by reviewing the worker's I-9 form.
- **International ONLY:** Ensure all workers provided by the FLC/H-2ALC are 18 years of age or older.
- **International ONLY:** Verify workers provided by the FLC/H-2ALC are 18 years of age or older by reviewing the worker's I-9 form.

³ Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.



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- If a grower chooses to work with an individual defined as a FLC or H-2ALC by current U.S. laws, they must be currently registered with the U.S. DOL and have a valid and non-expired Certificate of Registration.
- If there are H-2A workers on the farm provided by 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), and 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 there are H-2A workers on the farm provided by a H-2ALC, there must be a contract between the grower and the H-2ALC. The contract is required by U.S. DOL when the H-2ALC requests H-2A workers.
- If there are H-2A workers on the farm provided by a H-2ALC, the H-2ALC must have a surety bond that covers liability incurred during the term of the worker contract period listed on the H-2A application and must remain in effect for a period of at least 2 years from the expiration date of the labor certification.
- If the FLC or H-2ALC is housing workers, they should be authorized to house on their Certificate of Registration.
- If the FLC or H-2ALC is transporting workers, they should be authorized to transport on their Certificate of Registration.
- If FLC or H-2ALC is transporting workers, they must be insured.
- If the FLC or H-2ALC is driving workers, they should be authorized to drive on their Certificate of Registration.
- Ensure that the pay of all workers provided by the FLC/H-2ALC meets, 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.
- Maintain a copy of and ensure that all workers provided by the FLC/H-2ALC are provided with a copy of their individual written wage statements for each pay period that include: Worker's full name; Worker's address (seasonal or permanent); Worker's social security number (last 4-digits is acceptable); Employer's name; Employer's address; Employer's identification number (entire number); Total pay period earnings; Number of hours worked; Basis on which wages are paid (piece rate if paid on a piecework basis); Number piecework units earned, if applicable; Specific sums withheld, and the purpose of each sum withheld; Net pay. NOTE: If subject to MSPA, H2A or FSLA, a more detailed statement may be required.



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Forced Labor and Human Trafficking

- **Workers shall be allowed to terminate their commitment at any time, without the threat of intimidation, coercion, blacklisting, or any other type of discrimination or retaliation. If H-2A workers are employed, growers should follow all legal requirements if an H-2A worker terminates their employment commitment.⁴**
- **Growers are prohibited from employing compulsory or prison labor.**
- **All work must be voluntary and shall not be carried out under threat or duress. Growers must not recruit, transport, or receive workers using threats, force, coercion, abduction, fraud, or deceit or abuse of their power or the vulnerability of workers.**

Harassment and Discrimination

- **All workers must be treated with dignity and respect and not be threatened with or subjected to verbal, physical, sexual, or mental harassment or abuse, coercion, or corporal punishment during employment or recruitment.**
- **Workers must not be subject to discrimination based on race, color, age, gender, sexual orientation, gender identity and expression, ethnicity or national origin, disability, pregnancy, religion, political affiliation, union membership, veteran status, or marital status.**

⁴ H-2A workers must only work for the employer listed on the contract and at the location(s) stated on the contract. Employers of H-2A workers must notify USCIS within 2 workdays if any of the following occur: (1) No show: The H-2A worker fails to report to work within 5 workdays of the latter of the employment start date on the H-2A petition, or the start date established by the employer; (2) Abscondment: The H-2A worker leaves without notice and fails to report for work for 5 consecutive workdays without the consent of the employer; (3) Termination: The H-2A worker is terminated before completing of the H-2A labor or services for which he or she was hired; or (4) Early Completion: The H-2A worker finishes the labor or services for which he or she was hired more than 30 days earlier than the date specified in the H-2A petition.