

# Foreign Labor and Agricultural Outreach Group Agricultural Services Unit

H-2A Roundtable  
June 19-21, 2018

# H-2A Job Orders (ETA Form 790)

## Overview of EDD's Process

- The job order is submitted 75-60 days prior to the date of need
- Review job order for compliance (within 7 days)
- Notify employer: Accepted/Denied/Deficiencies (employer response within 5 days)
- Accept or deny within 3 days of employer response
- Enter job order into CalJOBS
- Begin recruitment (EDD's America's Job Centers of CA, AJCCs)
- Inspect or verify housing (EDD or HCD) 32 days prior to start date
- Report status of housing to Chicago National Processing Center (CNPC) 30 days prior to start date

# H-2A Job Orders (ETA FORM 790)

## Trends Seen:

- Hiring: Refusing to Hire U.S. Workers
- Meals: Charging when not received, not fresh, inadequate
- Transportation: Duration, controlled by employer, compensable
- CalVANS: More and more popular in H-2A
- Area of intended Employment: MSA. Requiring more than one job order?
- Job Duties: Weeding by hand instead of long hoe or within the law
- Hours Worked: Overtime (in CA Work Order 14) IWC
- Earnings Statements: Under CA law, must itemize more in check stubs
- Complaints: Various; wages, housing, transportation, meals, prohibited fees to employees in Mexico and US, No Contract to Employees
- Drug Screening: Being required more and more. Is it lawful, under what conditions?

# Resources

- Department of Labor Employment and Training Administration  
<http://www.foreignlaborcert.doleta.gov/>
- Employment Development Department  
<http://www.edd.ca.gov/>
- Department of Housing and Community Development  
<http://www.hcd.ca.gov/>

# Contact Us

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**Thank You**

# Housing

## EDD's Staff:

- Housing Coordinator:
  - Patricia Ochoa – Sacramento EDD Central Office
- Housing Inspectors in the state:
  - Daniel – Marysville
  - Refugio – Salinas
  - Nereo – Fresno
  - Amanda - Santa Maria
  - Lucely– Ventura
  - Marta – Oceanside

# Housing

## **Transition Effective May 15, 2018:**

- The EDD inspects facilities with four or less workers
- The HCD inspects facilities with five or more workers
- On April 20, 2018 Employer Notices went out to H-2A employers and agents/attorneys announcing changes



# Housing

## The HCD's Enforcement Responsibilities under the Employee Housing Act:

- Inspecting employee housing of five workers or more: Inspections are completed prior to and during occupancy to assure compliance with the use, maintenance, and occupancy.
- **Law:** The State Law governing employee housing is entitled the "Employee Housing Act" and may be found in [Division 13, Part 1 of the California Health and Safety Code, commencing with Section 17000.](#)
- **Regulations:** [Title 25, California Code of Regulations, Division 1, Chapter 1, Subchapter 3](#) includes specific requirements for the construction of housing, maintenance of grounds and buildings, minimum allowable sleeping space and facilities, sanitation, and heating facilities.

# Housing

## **EDD's Roles and Responsibilities:**

- Inspect housing facilities housing four or less workers
- Provide findings to CNPC 30 days prior to start date

## **HCD and EDD Collaboration:**

The EDD will conduct courtesy/conditional inspections to avoid H-2A processing delays, **and** closely work with HCD and Local Enforcement Agencies (LEAs) to avoid duplication of work.

# Housing

## Trends Seen (Housing Issues):

- Visitors Prohibited
- Housing Rules
- Relocations (Amendments to CNPC)
- Multiple employers using same housing facility
- Different job sites
- Lack of farm worker housing in general

