



Labor Stability with wafila

A New Opportunity to Use the H-2A Program to Stabilize Your Workforce



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Farm Employers Labor Service
California Farm Bureau®

Agenda

- FELS strategic partnerships to support labor needs of all size farms
- Who is wafla?
- H-2A fundamentals
- wafla's high touch, quality H-2A filing and compliance services
- FELS subscriber benefit
- Request a consultation



wafla



- Mission: *Making labor stability a reality for all ag employers*
- Established in 2007 (Farm Bureau) to help growers use H-2A program
- Non-profit business association representing agriculture
 - Member board of directors
 - Retained earnings go to member services, resources and advocacy
- 2023 H-2A business as of 7/30
 - 292 H-2A contracts
 - 17,995 worker requested
 - Contracts from 1 H-2A worker up to 3,000 H-2A workers
- Primarily in Washington and Oregon (other western U.S. states)
 - Understand labor issues western ag employers face
- Partnership with Harvust to digitally on-board H-2A workers



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TOTAL H-2A POSITIONS CERTIFIED BY FISCAL YEAR



Data Source: Department of Labor's Office of Foreign Labor Certification Performance Data Reports

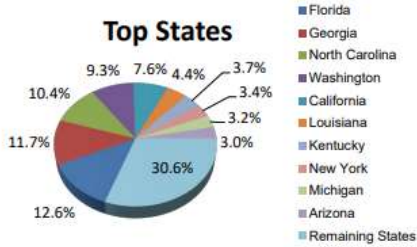
Applications Received

FY 2017	Q1	Q2	Q3	Q4	% Change FY16
10,115	2,355	4,131	2,438	1,191	14.9%

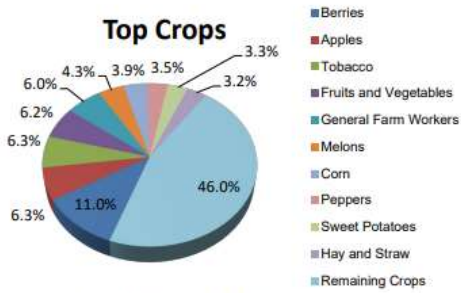
Applications Processed

Determination	FY 2017	Q1	Q2	Q3	Q4
Total Determinations	10,097	1,549	4,418	2,690	1,440
- Certified	9,797	1,495	4,334	2,601	1,367
- Denied	144	28	39	45	32
- Withdrawn	156	26	45	44	41
Positions Requested¹	206,156	28,964	70,409	65,405	41,378
Positions Certified	200,049	28,013	68,834	62,966	40,236
Processed Timely²	97.6%	98.7%	98.0%	97.1%	95.9%

Top States



Top Crops



¹ Positions requested derived from data not publicly disclosed.
² Percent of complete H-2A applications resolved 30 days before the start date of need. A complete H-2A application is defined as one containing all the documentation (e.g., housing inspection report, workers' compensation, recruitment report) necessary for the OFLC Certifying Officer to issue a final determination 30 days before the start date of need.

Review of Positions Certified FY 2017
(% of total certified FY 2017)

Top 10 States	Florida	25,303	12.6%
	Georgia	23,421	11.7%
	North Carolina	20,713	10.4%
	Washington	18,535	9.3%
	California	15,232	7.6%
	Louisiana	8,875	4.4%
	Kentucky	7,403	3.7%
	New York	6,870	3.4%
	Michigan	6,432	3.2%
	Arizona	6,060	3.0%
Top 10 Employers	North Carolina Growers Association, Inc.	11,947	6.0%
	WAFLA	7,134	3.6%
	Fresh Harvest, Inc.	4,623	2.3%
	Zirkle Fruit Company	2,970	1.5%
	Elkhorn Packing Co, LLC	2,653	1.3%
	Stemilt Ag. Services LLC.	2,082	1.0%
	R & R Harvesting, Inc.	1,999	1.0%
	Foothill Packing, Inc.	1,854	0.9%
	Peri & Sons Farms, Inc.	1,739	0.9%
	Virginia Agricultural Growers Assoc., Inc.	1,602	0.8%
Top 10 Crops/ Occupations	Berries ³	21,946	11.0%
	Apples ⁴	12,697	6.3%
	Tobacco ⁵	12,534	6.3%
	Fruits and Vegetables	12,465	6.2%
	General Farm Workers	12,037	6.0%
	Melons ⁶	8,535	4.3%
	Corn ⁷	7,818	3.9%
	Peppers ⁸	6,903	3.5%
	Sweet Potatoes	6,662	3.3%
	Hay and Straw ⁹	6,411	3.2%

³Berries Category includes Primary Crops of Berries, Blackberries, Blueberries, Cranberries, Raspberries, and Strawberries.
⁴Apples Category includes Primary Crops of Apple Drops and Apples.
⁵Tobacco Category includes Primary Crops of Burley, as well as Cutting, Flue-Cured, Setting, and Stripping Tobacco.
⁶Melons Category includes Primary Crops of Cantaloupes, Melons, and Watermelons
⁷Corn Category includes Primary Crops of Corn and Sweet Corn.
⁸Peppers Category includes Primary Crops of Bell Peppers, Chili Peppers, Jalapeno Peppers, Peppers, and Sweet Peppers
⁹Hay and Straw Category includes Primary Crops of Alfalfa and Hay and Straw.

H-2A Temporary Agricultural Program – Selected Statistics, Fiscal Year (FY) 2022

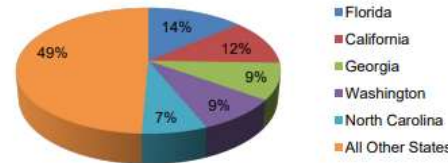
Applications Received¹

FY22	Q1 (Oct-Dec)	Q2 (Jan-Mar)	Q3 (Apr-Jun)	Q4 (Jul-Sept)	% Change FY 2021
19,023	5,562	7,369	3,516	2,579	15.0%

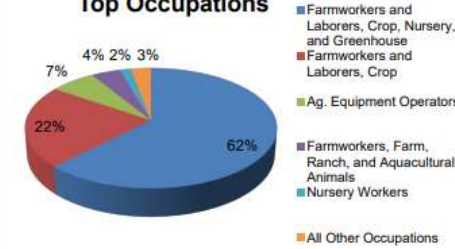
Applications Processed

Determination	FY22	Q1	Q2	Q3	Q4
Total Processed	19,088	2,991	9,333	3,840	2,924
- Certified	18,560	2,848	9,180	3,721	2,811
- Denied	256	85	67	54	50
- Withdrawn	272	58	86	65	63
Positions Requested	382,354	54,992	144,337	103,946	79,079
Positions Certified	371,619	51,715	141,427	101,792	76,685
Processed Timely²	97.6%	97.6%	98.0%	96.5%	97.3%

Top States



Top Occupations



¹Includes all applications submitted for processing during the reporting period.
²Percentage of complete applications resolved no later than 30 days before the start date of need. A complete H-2A application is defined as one containing all the documentation (e.g., housing inspection report, workers' compensation, recruitment report) necessary for OFLC to issue a final determination no later than 30 days before the start date of need.
³All calculations are aggregated based on the unique FEIN submitted by the employer.
 Multiple appearances of the same employer name may occur when associated with

Review of Positions Certified FY 2022
(% of total certified FY 2022)

Top 10 States of Employment	Florida	50,973	13.7%
	California	43,760	11.8%
	Georgia	34,974	9.4%
	Washington	33,049	8.9%
	North Carolina	25,624	6.9%
	Michigan	15,524	4.2%
	Louisiana	13,770	3.7%
	Arizona	13,731	3.7%
	Texas	11,655	3.1%
	New York	9,876	2.7%
Top 10 Occupations (based on SOC Codes)	Farmers and Laborers, Crop, Nursery Greenhouse	231,746	62.4%
	Farmworkers and Laborers, Crop	82,487	22.2%
	Ag. Equip. Operators	24,716	6.7%
	Farmworkers, Farm, Ranch, and Aquacultural Animals	15,794	4.3%
	Nursery Workers	6,069	1.6%
	Construction Laborers	3,275	0.9%
	Heavy and Tractor Trailer Truck Drivers	2,184	0.6%
	Ag. Workers, All Other	1,144	0.3%
	Graders and Sorters, Ag. Products	1,063	0.3%
	First-Line Supervisors of Ag. Crop and Hort. Workers	385	0.1%
Top 10 Employers³ (based on unique FEINs)	NCGA, Inc.	10,887	2.9%
	Fresh Harvest, Inc.	8,479	2.3%
	Foothill Packing, Inc.	5,770	1.6%
	Temp Labor, LLC	4,201	1.1%
	Farm Op Kuzzens H-2A	3,856	1.0%
	Elkhorn Packing Co. LLC	3,742	1.0%
	WAFLA	3,499	0.9%
	Manzana LLC	3,241	0.9%
	D&K Harvesting, Inc.	2,932	0.8%
	Zirkle Fruit Company	2,886	0.8%



H-2A Fundamentals

- Seasonal or temporary agricultural jobs – 10 months or less
- Occupations
 - Farmworker
 - Equipment operator
 - Fresh produce sorter/packer
 - Truck drivers
 - Supervisors
- Must actively recruit U.S. workers and hire through 50% of contract
- Housing
- Transportation to/from home country to farm
- Pay H-2A and domestic workers highest of Adverse Effect Wage Rate (AEWR), prevailing wage, or piece rate wage
 - 2023 AEWR CA = \$18.65
- 3/4 guaranteed payment
- No Social Security, Medicare taxes, or federal Unemployment
- Work with 7 different state and federal agencies



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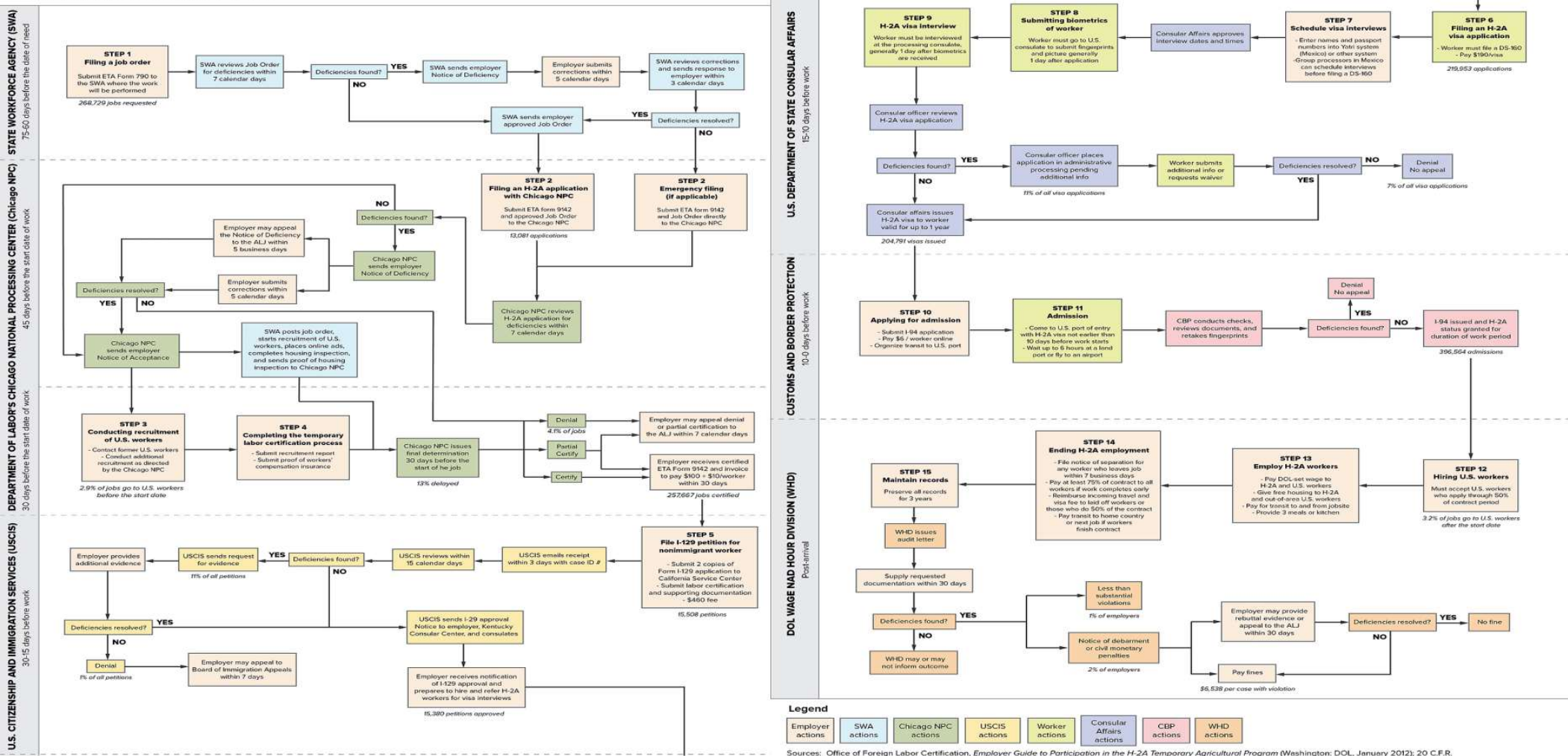
Sounds easy enough, right?



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Figure 4
H-2A program application process, 2019



Legend

- Employer actions
- SWA actions
- Chicago NPC actions
- USCIS actions
- Worker actions
- Consular Affairs actions
- CBP actions
- WHD actions

Sources: Office of Foreign Labor Certification, *Employer Guide to Participation in the H-2A Temporary Agricultural Program* (Washington: DOL, January 2012); 20 C.F.R. Subpart B—"Labor Certification Process for Temporary Agricultural Employment in the United States (H-2A Workers)," April 1, 2016; and 8 C.F.R. § 214.2.



wafila's high touch, quality services

- STEP 1: Early, in-depth consultation with farmer
 - Understand unique issues with west coast labor-intensive ag
 - Define seasonal needs
 - Identify and consult on housing – inspection ready
 - Document job descriptions
 - Understand intersection of federal and state labor laws
 - Review human resource practices and areas for improvement
 - Education on H-2A technical rules and implementation



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wafla's high touch, quality services

- STEP 2: Determine precise filing timeline
 - Wafla will pre-draft contract with information from step 1
 - Farmer will request housing inspection with wafla consultation
 - Wafla will file application with State Workforce Agency (SWA) 75-60 days before workers arrive
 - After SWA review,
 - Then Department of Labor review
 - Wafla will respond to any issues with application, work with farmer to answer SWA/DOL questions



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wafLa's high touch, quality services

- STEP 3: Recruit workers
 - Once application approved, SWA and wafLa will advertise H-2A job contract
 - SWA posts job online
 - SWA places ads in local newspapers
 - WafLa can screen job candidates and referrals from state workforce services
 - Employer must hire qualified domestic workers
 - WafLa submits visa petition to USCIS
 - WafLa submits visa applications to U.S. Consulate and schedule appointments
 - WafLa ethically recruits international workers
 - Prohibited fees
 - Understand contract terms
 - WafLa handles logistics related to worker getting passport, staying in consulate city, and obtaining visas





wafLa's high touch, quality services

- STEP 4: Transport of workers to farm and worker reimbursements
 - WafLa arranges for worker transportation from home – consulate – farm
 - WafLa calculates worker reimbursements and issues checks on farmer's behalf
 - At farm within 1-2 business days prior to worker arrival
 - Farmer passes out checks to workers no later than before 50% time of contract completion



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wafLa's high touch, quality services

- STEP 5: Worker arrival and contract implementation
 - WafLa coaches farmer on receiving, welcoming workers
 - WafLa works with farmer to provide H-2A orientation to workers
 - WafLa provides farmer with pre-filled I-9s (pdf format)
 - WafLa serves as resource through contract to farmer and workers to issues
 - Understanding H-2A contract terms and conditions (wage and hour)
 - How to address productivity needs
 - Understanding worker rights
 - Understanding pay stubs
 - Working to resolve issues in-house
 - WafLa files any contract amendments or extensions
 - WafLa files worker abandonment reports
 - WafLa works with state and federal agencies on community outreach and compliance





wafLa's high touch, quality services

- STEP 6: Worker finishes contract
 - WafLa calculates and issues worker outbound checks on farmer's behalf
 - Arrive at farm 30-15 days prior to end of contract
 - WafLa holds end of season meeting with farmer to review contract and prepare for next year
 - Workers arrange their own transportation to go home at end of contract
 - In some cases, WafLa supports arranging for transportation of workers



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wafila's *All-Inclusive* services cater to smaller farmers



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FELS Benefit – wafila All-Inclusive Plan

- Membership: Free for FELS Subscribers (\$300 annually)
- Contract filing fee: \$500 discount off 1st year filing
 - \$250 discount off subsequent years
- wafila Services:
 - Draft, submit and manage job order certification process.
 - Submit recruitment reports to DOL
 - File petition to USCIS for worker visas
 - Recruit foreign workers, schedule U.S. consulate appointments
 - Facilitate all worker transportation home country-to-farm-to-home country
 - Calculate and issue in-bound and out-bound worker checks
 - Assist with contract implementation, worker issues, and government audits
 - Maintain job certification filings and recruitment reports for 3-years
 - Legal counsel related to H-2A contract topics*
 - Employer may need additional resources and counsel (FELS services)
 - Collaboration with Harvust and Field Clock



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Request a Consultation



Please Scan For a Visa Consultation



Go to: wafila.org/h-2a/



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