

From: [Jordan Snodgrass](#)
To: [ETA, OFLC Forms - ETA](#)
Subject: Form ETA-790/ETA-790A Comments
Date: Monday, December 24, 2018 4:57:51 PM
Attachments: [Proposed Form 790 & 790A Comments.pdf](#)

Good afternoon,

Attached are my comments regarding the proposed changes to the Form ETA-790/ETA-790A.

Thank you,

Jordan Snodgrass
MALSC

Form ETA-790

Section 2

Employer Contact Information:

How does an employer indicate they are filing with a joint employer, and if so, with whom? It is not clear whether that information should be disclosed on the cover sheet, or on the *Worksite* information.

Form ETA-790A

Section A

Job Offer Information (Page 1)

"7b. Description of the job duties or services to be performed. (All job duties must be disclosed on this form or using Addendum A. Separate attachments will not be accepted.)"

- a. General Instructions, Section A.7b.: "Enter a description of the job duties or services to be performed in each crop or agricultural activity. Describe the work tasks that make up the job, summarizing each step as appropriate, and avoid using technical terms without properly defining or explaining them where usage is necessary."

Does not specify how many forms of Addendum A the employer can use to disclose any additional job duties or other information required.

Section B

Minimum Job Qualifications/Requirements (Page 2)

"3. Training: number of months required."

- a. General Instructions, Section B.3.: "Enter number of months of training required to perform the agricultural services or labor. If no minimum training is required, enter "0" (zero). When answering this item, do not duplicate time requirements – the training time required should not be counted as (added to) education or experience time required."

If in this document "training" is not defined as education or experience, what is it, then? Needs clarification.

Section C

Worksite Information (Page 2)

"7. Is a completed Addendum B identifying all additional worksites and agricultural businesses who will employ workers, or to whom the employer will be providing workers, attached to this job order?"

- a. General Instructions, Section C.7.: "In circumstances where work needs to be performed at additional worksites other than the address listed in items 1 through 5 above, submit a completed Addendum B identifying all additional worksites and, where required, the

agricultural business that will employ workers, or to whom the employer will be providing workers."

Does not specify how many forms of Addendum B the employer can use to disclose any additional worksite information.

Section F

Transportation and Daily Subsistence (Page 3)

"1. Describe how the employer will provide workers with transportation each day from the housing to the worksite(s)."

- a. General Instructions, Section F.1.: "Describe how the employer will provide workers with transportation each day from the housing to the worksite(s)."

"2. Describe how the employer will provide workers with transportation (a) to the place of employment (i.e., inbound) and (b) from the place of employment (i.e., outbound)."

- a. General Instructions, Section F.2.: "Describe how the employer will provide workers with transportation (a) to the place of employment (i.e., inbound) and (b) from the place of employment (i.e., outbound)."

The instructions for these two items are only restating the question. These may need to be elaborated on for proper instruction.

I. Conditions of Employment and Assurances for H-2A Agricultural Clearance Orders (Page 5-8)

This is a vast improvement to the Form ETA-790. I am very happy with this addition.

Form ETA-790A Addendum A

General Instructions, Addendum A: "...If the employer needs to disclose more than 2 additional information sections, the employer must complete as many additional information sections as are necessary in order to disclose all the crop or agricultural activities workers will perform under this clearance order."

Would be more concise to specify whether the employer may complete and attach as many Addendum A's as necessary, instead of "sections".

Form ETA-790A Addendum B

General Instructions, Addendum B: "...If the employer needs to disclose more than 4 additional worksite and/or 4 additional housing information sections, the employer must complete as many additional information sections as are necessary in order to disclose all the worksites where work will be performed and housing that will be provided to the workers."

Would be more concise to specify whether the employer may complete and attach as many Addendum A's as necessary, instead of "sections".

C. Worksite Information (Page B.1)

There are situations in which an employer will have 40 or more worksites to report. In those instances, it is very difficult to enter the Name or Agricultural Business, Total Workers, Begin Date, End Date, Address, City, State, Postal Code, County, and Additional Worksite Information for every single one of those worksites. The amount of manual data entry required for these specifications in this format requires another employee solely for that data entry.

General Instructions, Addendum B, Section C.5: "Enter the street address of the location where work will be performed. The worksite address must be a physical location and cannot be a P.O. Box."

This instruction forces the employer to assume that "physical location" may include GPS coordinates. This needs to be clarified if coordinates are acceptable worksite addresses.

Section C, number 10: Additional Worksite Information

The Additional Worksite Information section is quite small, which may not allow enough room to give directions to rural locations, as well as other information needed.

D. Housing Information (Page B.2)

Section D, number 10: Additional Information About Housing

The Additional Information About Housing section is quite small, which may not allow enough room to give directions to the housing, as well as other information needed.