

From: [Pamela Breinig](#)
To: [ETA, OFLC Forms - ETA](#)
Subject: Foreign Worker Program Concerns
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December 24, 2018

To Whom It May Concern:

My name is Scott Breinig, and I've been in the H2-A Program for over 10 years. Over this time, the whole experience has become more trying. At every turn, the government seems to be trying to hurt the employer, basically acting like the government is doing us this great favor by letting us hire these overpaid people so that we can maintain our business. For some reason, our own government acts like it is at war with its own citizens who provide these jobs. If you don't think so, just ask anyone who has been through a wage and hour audit. When they come to my place, they think it's okay to treat us like we're criminals, believing everything a worker tells them and nothing we say—we have to prove it over and over and over. We (the employers) are guilty; we have to prove ourselves innocent.

I am always told in meeting sessions with program officials that the foreign workers are kept workers—they can't go anywhere. Totally false. I lost two H2-A's this year right when I needed them most. They found someone that would keep them during the winter, so off they went with no compensation to me for all my expenses: flight, other transportation, fees, CDL training, health cards, housing—the list goes on. I've totaled about \$5000 per employee of which I have nothing reimbursed. A simple change in the rules would fix this. Of course an employee can move if it's not a mutual separation, but the employee should ONLY be allowed to move home. Agents should not be able to recruit an employer's current worker for another position.

Another issue concerns with the wages these workers earn. Why do we pay these people more than the American minimum wage? We have to follow all these guidelines for housing, transportation, and wages that are far better than what the U. S. worker gets. When I employ an H2-A worker, then the American worker gets more also. Would it not be more feasible to pay the H2-A worker our minimum wage? Trust me, they would still come because conditions are so horrible in their home countries that they welcome the opportunity and would think our minimum wage is satisfactory.

This brings me to another problem—experience should matter. If I have an H2-A worker with five years experience in the field that also holds a CDL, I should not be required to pay an 18-year-old kid who does not have the same qualifications the same wage. Yet under the current guidelines, if any part of the of the job's tasks overlap, the young kid is paid what the experienced and skilled worker earns. That is totally ridiculous. Those who run the program contend that this protects the American jobs—quite the opposite,

actually. I know for a fact that 100s of young Americans are not able to find positions because employers are simply not going to choose inexperienced employees if they can get experienced ones for the same wage. We seem to be treated as if we are “sweat shop owners” and receive little respect for the opportunities we provide for many workers.

The bottom line is that this whole program could be made much simpler with this solution: Let everyone come as long as they have a sponsor who has a job for them. If it doesn't work out, the employee has 30 days to find another job/placement; if none is found, the employee goes home. If the employee gets into some sort of trouble, he is sent home. (We have enough troublemakers in our country already.)

This is a rather simple approach—probably too simple for our government, who likes to make things difficult with too many regulations.

I appreciate you taking the time to read my concerns. I would be more than happy to visit with someone about the current state of the program and what could be done to fix it. Thank you.

Sincerely,

Scott Breinig