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December 28, 2018

Via eta.oflc.forms@dol.gov

William Thompson, Administrator
Office of Foreign Labor Certification
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue, NW, Room N-5641
Washington, DC 20210

Re: OMB Control Number 1205-0466 – Proposed Revision of a H-2A Temporary Agricultural Labor Certification Program Forms

Mountain Plains Agricultural Services (Mountain Plains) submit the following comments with respect to the Agency Information Collection Activities issued October 25, 2018. Mountain Plains is an agent association representing livestock producer members, predominately in the western United States.

The Department's efforts to revise and modernize the H-2A foreign worker program are appreciated as is the opportunity to submit the following comments regarding the Department's requests.

The elimination of paper-based labor certification decisions will increase the efficiency of the process, reduce costs for both agencies and stakeholders and contribute to more streamlined documentation retention. As a result Mountain Plains supports this proposal.

Furthermore, the revision proposed for both the ETA 790 and ETA 9142 will be helpful in accomplishing the same advantages in efficiency and cost reductions. Regarding specific sections of the proposed forms, Mountain Plains submits the following feedback and/or questions:

Proposed - ETA 790

Section II Employer Contact Information. It would be beneficial to be able to submit multiple phone numbers i.e. cell phone and office phone. In the existing forms, the person/s listed here is/are also the signors. (See contact information on existing ETA 9142.) If this remains the same, it would be helpful to list multiple names. Mountain Plains has experienced situations in which the person listed as contact left employment or worse yet passed away. The ability to list multiple contacts would help to ensure availability and avoid disruption in business operations.

Section A Job Offer Information.

#2 What is the intent behind requesting "Total Workers Needed" in addition to "H-2A Workers"?

#5 & 6 These sections are problematic for special procedure positions that are "on call 24/7". An "other" option would be helpful.

#7b Will this space be expandable? The job duties associated with one crop or activity frequently exceed the space afforded.

#7c An FLC may not be able to list a complete wage offer in 7c if they operate in multiple states. The requirement needs to be 7c or 7e to be completed.

Section D Housing Information.

#9 Will the employer be able to select multiple options here? It is possible that an inspection will meet multiple regulations.

Where in the proposed form would employers of range herder include their communication plan and/or request a water variance?

Addendum B C. Worksite Information.

#2 What is the intent in requesting "Total Workers" per additional worksite?

#5-8 (in each section) Will be problematic for worksites that literally do not have an address. Are multiple pages of this section to be required to submit itineraries for FLCs?

Addendum B D. Housing Information.

#1-4 Will be problematic for mobile housing units that do not have an address.

Proposed - ETA 9142

Section C Employer Point of Contact Information. See feedback on ETA 790 Employer Contact Information

Section E Job Opportunity & Supporting Documentation.

#8 The option for "N/A" is needed as some special procedures exempt this requirement for certain FLCs.

The opportunity to submit comment is appreciated as is the Department consideration of this project.

