

Waterman, Robert - WHD

From: Patricia Hall <phall@agworksh2.com>
Sent: Monday, June 25, 2018 3:57 PM
To: WHDPRAComments
Subject: DEPARTMENT OF LABOR Control Number 1235-0016

COMMENT 1: The WH-514 asks for No. of Seats: _____ as a data collection field.

The intent of the field for number of seat is to determine the occupant capacity of the vehicle.

However, the mechanic completing the report is completing the field using a literal interpretation.

If there are two bench seats, the number of seats is listed as 2.

Each bench seat will hold three passengers.

The appearance is that the occupant capacity of the vehicle is 2 when it is 6.

The field should ask for the occupant capacity of the vehicle, including the driver or use the clarification by the Certificate Team that (No. of seats is defined as manufacturer's passenger capacity).

COMMENT 2: The actual Farm Labor Contractor Certificate that is issued in response to the filing of the WH-530 is not a standard size. It does not fit in a wallet or credit card holder.

Consider issuing the certificate in the form of a document that is the same size as a driving license or credit card.

COMMENT 3: The actual Farm Labor Contractor Certificate or Employee Certificate that is issued in response to the filing of the WH-530 is printed on dark orange or dark blue paper.

A standard copier/scanner will not duplicate the certificate with the dark background. A copy of the certificate is required to apply for the H-2A and H-2B visa programs.

Many growers and forest owners require that a copy of the FLC certificate be provided by the contractor in advance of beginning farm labor activities on their property.

Consider issuing the certificates on white card stock with black ink for ease of reproduction.

COMMENT 4: The WH-530 Form asks for the approximate date that the planned farm labor activity will begin. The reason for collection of the information is unclear. The instructions for the form do not indicate when the WH-530 should be filed relative to the start of work, or provide any timeframe for filing an application or request for renewal or amendment. The data may be unnecessary.

COMMENT 5: Allow the employer to choose an annual or bi-annual renewal date. Add a field to collect the annual or bi-annual renewal date requested.

Some government programs require proof of a valid FLC certificate that covers an entire period of need.

COMMENT 6: Add a timeframe for the filing WH-530 applications to the instructions . For example file 90 days in advance for a new application, 30 days in advance for a renewal or amendment. 10 days in advance to add a new vehicle, 30 days in advance to add a new driver, etc.

COMMENT 7: In fine print, in Block 10 asking if you will be transporting workers or engaging others to provide transportation, the WH-530 says:

Submit proof of compliance with the insurance or financial responsibility requirements. Note that workers' compensation provides specific coverage and may not cover out-of-state travel or non-work related travel. Also note that if transportation authorization is issued based on a workers' compensation insurance policy provided by a specific employer, the insurance coverage is limited to such times as the applicant is actually working for that employer.

Consider adding instructions on where one can find out what those requirements are available electronically.

COMMENT 8: The accuracy of the time burden to collect the information on the form may be correct but it sounds like the assumption is that the contractor fills out the form once a year, which is not correct. Every time insurance expires on each and every vehicle, every time a vehicle inspection is over a year old on each individual vehicle, every time housing is added and or re-inspected, every time the employer adds a new vehicle, every time a driver needs to be added, and so forth, new paperwork has to be completed and submitted. Keeping up with the certificate, all of the drivers certificates, all of the vehicles, all of the housing, fingerprint expirations, and authorization timeframes in addition to the requirement to meet Federal, State and local requirements is overly burdensome.

COMMENT 9: The **Instructions for Form WH-530: Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration** are available on line at https://www.dol.gov/whd/forms/fts_wh530.htm

The instruction page lists the additional forms and documentation that need to be submitted with the application as follows:

In addition, depending upon the specific activities you are seeking authorization for (*i.e.*, housing, transporting, or driving covered workers) you may have to submit additional forms/documentation with your application. This additional documentation may consist of one or more of the forms listed below:

- Fingerprint Card, FD-258
- Copy of Alien Registration Card
- Copy of Driver's License (front and back)
- Doctor's Certificate, WH-515
- Vehicle Mechanical Inspection Report for Transportation Subject to Department of Transportation Requirement, WH-514
- Vehicle Mechanical Inspection Report for Transportation Subject to Department of Labor Requirement, WH-514a
- Proof of Automobile Liability Insurance

- Workers' Compensation Information or Certificate of Workers' Compensation Insurance
- Insurance Cancellation Agreement under MSPA
- Housing Occupancy Certificate

However, there is no instruction on where to find these additional forms some are in the DBRA forms library others are not. Please add a link to the location of the additional forms and documentation referenced or add hyperlinks for the forms to the page. Explain where or how to get the Housing Occupancy Certificate and the Insurance Cancellation Agreement under MSPA.

Thank you for the opportunity to make suggestions.

Patricia M. Hall, Vice President



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