

DOL Announces Record Settlement In H-2A Violation Case

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US Department of Labor reaches agreement resulting in more than \$2.3 million in back wages to temporary foreign agricultural workers

Agreement provides record back wage amount for H-2A program, plus \$500,000 penalty

SACRAMENTO, Calif. ? Yerington, Nev.-based onion grower Peri & Sons has agreed to pay a record total of \$2,338,700 in back wages to 1,365 workers, along with a civil money penalty of \$500,000, for violations under the H-2A program.

U.S. Department of Labor Administrative Law Judge Steven Berlin in San Francisco signed the order granting the consent findings.

?We are pleased to have reached this record agreement to pay workers the wages and expenses they are due,? said Secretary of Labor Hilda L. Solis. ?In order for the H-2A program to operate as intended, all employers must comply with the law.?

An investigation by the department?s Wage and Hour Division determined that workers employed by Peri & Sons involved in irrigation, as well as harvesting, packing and shipping onions sold in grocery stores nationwide, were not paid properly for work performed. All of the workers came to the U.S. from Mexico under the H-2A temporary agricultural worker visa program. In most cases, their earnings fell below the hourly wage required by the program, as well as below the federal minimum wage of \$7.25 per hour for a brief period of time. Investigators also found that workers were not paid for time spent in mandatory pesticide training or reimbursed for subsistence expenses while traveling to and from the U.S. Additionally, their return transportation costs at the end of the contract period were not paid, as was required.

The H-2A temporary agricultural worker program establishes a means for employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the United

States to perform temporary or seasonal agricultural work. The employer must file an application stating that a sufficient number of domestic workers are not available and the employment of these workers will not adversely affect the wages and working conditions of similarly employed workers in the U.S. Employers using the H-2A program must meet a number of specific conditions relating to recruitment, wages, housing, meals and transportation. More information about H-2A requirements is available at <http://www.dol.gov/whd/regs/compliance/whdfs26a.htm> [2].

This case was investigated by the Wage and Hour Division's Sacramento office, with litigation support from the department's San Francisco Regional Solicitor's Office. For more information about H-2A rules and other agricultural worker programs, call the division in Reno at 775-827-9970, in Las Vegas at 702-388-6001 or in Sacramento at 916-978-6123. Information also is available through a toll-free helpline at 866-4US-WAGE (487-9243) and at <http://www.dol.gov/whd> [3].

Nonimmigrant Visas:

[H-2 Visa](#) [4]

Agency:

[DOL](#) [5]

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