

TRAINING AND EMPLOYMENT NOTICE	NO. 25-12
	DATE March 1, 2013

TO: ALL STATE WORKFORCE AGENCIES
ALL STATE WORKFORCE LIAISONS
ALL STATE WORKFORCE ADMINISTRATORS
AMERICAN JOB CENTERS

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Agricultural and Food Processing Clearance Order and Memorandum,
Employment and Training Administration (ETA) Forms 790 and 795

1. **Purpose.** To transmit the updated Agricultural and Food Processing Clearance Order, ETA Form 790; Agricultural and Food Processing Clearance Memorandum, ETA Form 795; and the instructions for both forms.
2. **References.** Wagner-Peyser Act as amended, Section 3; 29 USC 49b (a); and 20 CFR Part 653.500 *et seq.*
3. **Background.** The Agricultural Recruitment System (ARS) helps agricultural employers recruit qualified workers on a temporary or seasonal basis. The ARS provides protection to workers who are not seeking permanent relocation, but rather temporary agricultural employment. Through the ARS, the State Workforce Agencies (SWAs) can recruit and refer qualified workers systematically from other areas of the state and from other states when there is an anticipated shortage of workers in the local area. To use the ARS to recruit workers, employers work with their local American Job Center (formerly referred to as a One-Stop Career Center) to develop agricultural or food processing Clearance Orders which request workers for less than one year of employment.

ETA requires states to use two forms as part of the ARS. To initiate out-of-area recruitment for temporary agricultural work, SWAs should use ETA Form 790 "Agricultural and Food Processing Clearance Order." SWAs should use ETA Form 795 "Agricultural and Food Processing Clearance Memorandum" when making changes to the Clearance Order. ETA Form 795 may be used to reflect changes in employment terms and conditions and changes in dates, or it may be used to provide additional information relating to the Clearance Order.

As required under the Paperwork Reduction Act, ETA sought and received approval from the Office of Management and Budget (OMB) for a 3-year extension of Forms 790 and 795 with changes. Prior to this approval, the proposed forms were released for public comment through Federal Register Notices 77 FR 28625, May 15, 2012, and 77 FR 56232, Sept. 12, 2012, and changes were made to ETA Forms 790 and 795 accordingly.

4. **ETA Form 790, Agricultural and Food Processing Clearance Order.** ETA has made changes to ETA Form 790 in order to clarify the information that employers need to provide in the Clearance Order, to make the job description and requirements as clear as possible for agricultural workers, and to facilitate processing of Clearance Orders by local offices and SWAs. The changes incorporated to ETA Form 790 include the following: (1) In **Box 1**, added types of contact information for employer or agent. (2) In **Box 2**, changed the word “Location” to request the exact address of the worksite. (3) In **Box 3**, added directions to housing. (4) In **Box 4**, removed “Industry Code” and replaced with “occupational code and title,” formerly in another location. (5) In **Box 6**, included information on address of order holding office and name of local office representative, formerly in another location, to clarify that states (not employers) provide this information. (6) Added **Box 12** for the anticipated range of hours for different seasonal activities. (7) In **Box 13**, eliminated collect calls accepted from the local office. (8) In **Box 14**, replaced reference to “boarding arrangements” with a more specific request for information on how the employer intends to provide meals or cooking facilities for workers. (9) In **Box 15**, added information on how applicants are to be hired. (10) In **Box 16**, added information on work experience and job requirements. (11) In **Box 17**, which provides for wage rates, pay information and deductions, added a “Monthly” pay period option. (12) In **Box 26**, inquired if job order is to be placed in connection with a future Application for Temporary Employment Certification for H-2A workers. (13) In **Box 27**, provided the Spanish translation for the Public Burden Statement. (14) Added a new **Box 28** for the purpose of providing additional information where necessary. A new addition to ETA Form 790 is the Intrastate and Interstate Clearance Order Assurance statement for employers’ signature. Also, the Spanish translation was added or corrected throughout the form.
5. **ETA Form 795, Agricultural and Food Processing Clearance Memo.** No changes were made to ETA Form 795.
6. **Action Required.** States are required to start using the attached version of the Agricultural and Food Processing Clearance Order, ETA Form 790, and Agricultural and Food Processing Clearance Memorandum, ETA Form 795, following the date of issuance of this Training and Employment Notice (TEN). This reporting requirement is approved under the Paperwork Reduction Act of 1995, OMB Control No. 1205-0134, with an expiration date of October 31, 2015.
7. **Inquiries.** Inquiries concerning this TEN should be directed to the Regional Monitor Advocate in the states’ respective region:

Region 1 – George J. Kincannon, at Kincannon.George.J@dol.gov or (617) 788-0135
 Region 2 – Nicole Duchman, at duchman.nicole@dol.gov or (215) 861-5208
 Region 3 – Toni Buxton, at buxton.toni@dol.gov or (404) 302-5367
 Region 4 – Jesus Morales, at morales.jesus@dol.gov or (972) 850-4616
 Region 5 – Eric Hernandez, at hernandez.eric@dol.gov or (312) 596-5419
 Region 6 – Krister Engdahl, at engdahl.krister@dol.gov or (415) 625-7960

8. Attachments.

- Agricultural and Food Processing Clearance Order, ETA Form 790 and instructions.
- Agricultural and Food Processing Clearance Memorandum, ETA Form 795, and instructions.

The forms are also available on ETA's Web site at:

<http://www.doleta.gov/programs/msfw.cfm>.