RECRUITMENT

• Before employing H-2A workers, an employer MUST first advertise available jobs through the local State Workforce Agency and at seasonaljobs.dol.gov.

• The State Workforce Agency MUST refer all eligible U.S. workers who apply for the advertised job to the H-2A employer.

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BENEFITS, WAGES, AND WORKING CONDITIONS

• The H-2A employer MUST offer benefits, wages, and working conditions that are at least as favorable as those offered to H-2A workers.

• Additionally, if you perform any work included in the H-2A employer’s advertisement or job order or any agricultural work performed by H-2A workers, you are entitled to:

  - A copy of the work contract no later than the first day of work. This contract must include information about the wages, hours, working conditions, and benefits of the job.

  - Pay at or above the highest of the statewide Adverse Effect Wage Rate (AEWR), prevailing wage or piece rate, the agreed upon collective bargaining rate, or the federal or state minimum wage rate.

  - You may ONLY be rejected for lawful, job-related reasons.

  - The employer’s job advertisement, who applies for the job up through the 50% point of the season listed on seasonaljobs.dol.gov, available jobs through the local State Workforce Agency and at seasonaljobs.dol.gov.

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This card summarizes protections afforded to U.S. workers when recruited or employed by employers using the H-2A nonimmigrant visa program.

For more information call toll-free: 1-866-4US-WAGE (1-866-487-9243) or visit our website at www.dol.gov/agencies/whd