

H-2A LIST OF VIOLATIONS

U.S. Worker Protections	
1	H-2A workers given preferential treatment
2	Unlawful rejection of U.S. workers
35	Failed to contact prior U.S. worker(s)
36	Position vacant due to strike, layoff, etc.
37	Layoff or displacement of U.S. workers
38	Failed to accept SWA referrals
39	Failed to satisfy requirements of the job order by not stating actual terms and conditions (<i>ex. location, duties, period, number of workers, hours, or wages/bonuses – see FOH 54f07(f)</i>)

Disclosure	
26	Failed to provide copy of work contract
51	Failed to post H-2A poster

Wage Related Violations*	
6	Failed to provide housing at no cost
9	Unlawful charges for public housing
10	Unlawful deposits - bedding/other items
13	FTC - ER provided items requirements
14	Failed to provide meals or kitchen facilities
15	FTC - Inbound transportation requirements
18	FTC - Outbound transportation requirements
19	FTC - 3/4 guarantee
27	Failed to pay required rate(s) of pay
28	Unlawful deductions
29	FTC - frequency of pay requirement(s)
41	Unlawful cost-shifting

Recordkeeping	
20	Failed to record why HW<hours offered
22	FTC - earnings records requirements (up to 8 reqs.)
23	Failed to make required records available
24	Failed to keep records for 3-years
25	FTC - pay statement requirements (up to 8 reqs.)

Housing Violations	
4	Failed to provide housing
5	Housing failed to meet safety and health requirements
5a	Housing violation resulting in death/serious injury
5b	Repeat/willful Housing violation resulting in death/serious injury
7	Failed to get housing pre-occupancy inspection
8	Family housing required but not provided
11	Failed to notify SWA of change in certified housing

Transportation Violations	
16	Failed to provide daily transportation to/from worksite
17	Transportation failed to meet safety requirements
17a	Transportation violation resulting in death/serious injury
17b	Repeat/willful Transportation violation resulting in death/serious injury

Legal Requirements	
12	FTC - workers' compensation requirements
32	Sought waiver of rights from workers
33	Failed to cooperate with investigation
40	Failed to follow all applicable federal, state, and local laws and regulations
42	Failed to contractually forbid cost-shifting
44	Discriminate, intimidate, threaten, etc.

H-2ALC Only Violations	
48	H-2ALC provided invalid "fixed-site" information
49	H-2ALC provided invalid MSPA FLC information

Item	Violation Description	Person That May Be Cited
01	Failure to disclose conditions to workers	FLC, AGER, AGAS
02	Failure to post MSPA poster at worksite	FLC, AGER, AGAS
03	Misrepresenting conditions to workers	FLC, AGER, AGAS
04	Breach of working arrangements with workers	FLC, AGER, AGAS
05	Failure to make/keep employer records	FLC, AGER, AGAS
06	Failure to provide wage statement to workers	FLC, AGER, AGAS
07	Failure to provide records to AGAS/AGER	FLC only
08	Failure to maintain records provided by FLC	FLC, AGER, AGAS
09	Failure to pay wages owed when due	FLC, AGER, AGAS
10	Restricting workers in purchase of goods/services	FLC, AGER, AGAS
11	Failure to provide terms and conditions of housing occupancy	FLC, AGER, AGAS
12	Failure to ensure housing safety and health	FLC, AGER, AGAS, HP
13	Failure to provide safe transportation vehicles	FLC, AGER, AGAS
14	Failure to ensure driver has valid license	FLC, AGER, AGAS
15	Failure to obtain prescribed insurance coverage	FLC, AGER, AGAS
16	Using services of unregistered FLC	FLC, AGER, AGAS, USER
17	Discriminate, etc. against workers	FLC, AGER, AGAS, USER, HP
18	Interfering with DOL official during investigation	FLC, AGER, AGAS, USER, HP
19	Failure to register as an FLC	FLC only
20	Failure to register employee	FLC only
21	Failure to exhibit certificate	FLC only
22	Knowingly made misrepresentation on application	FLC only
23	Failure to comply with court judgment or final order	FLC only
24	Was not the real party in interest	FLC only
25	Transported workers w/o certificate authorization	FLC only
26	Housed workers w/o certificate authorization	FLC only
27	Failure to provide change of permanent address	FLC only
28	Failure to apply to amend certificate	FLC only
29	Drove workers w/o certificate authorization	FLC only
30	Failure to abide by written agreements with AGER or AGAS	FLC only

MSPA – Potential Violations Lis