

Announcement from the Department of Labor on December 24, 2020.

OFLC Announces Updates to Implementation of the H-2A Adverse Effect Wage Rate Methodology for Non-Range Occupations Final Rule; Compliance with District Court Order.

On December 23, 2020, the U.S. District Court for the Eastern District of California issued an order in *United Farm Workers, et al. v. DOL, et al.*, No. 20-cv-01690, enjoining the Department of Labor from implementing the Final Rule, *Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States* (H-2A AEWR FR), 85 FR 70445 (Nov. 5, 2020). The court's order prevents the Department from further implementing the H-2A AEWR, which took effect on December 21, 2020, and ordered the Department to use the methodology established by the Department's 2010 H-2A regulation to establish the hourly AEWRs for all non-range occupations.

USDA is now required to continue wage surveys, which will be used to establish the H-2A wages for 2021. As of today, USDA expects to have the wage survey completed by the second week of February. The new AEWR will be published soon after that. Most likely, the AEWR will be higher in 2021. The new AEWR will go into effect for all H-2A applications regardless of when they were submitted and approved.

AWMA Annual Meeting

The in-person Annual Meeting of Common Shareholders of AWMA has been cancelled due to Covid 19. Instead, we will have our Annual Meeting by Phone-In Conference Call at the same date and time. **Monday, January 11th, 2021, 9 am (CST), 10 am (EST). Just call (800) 977-8002 and use Participant Code 38759456# and you can join the Annual Meeting.** At the Annual Meeting, the Corporation's Common Shareholders will be asked to elect four (4) Common Director and to transact such other business as may properly come before the Meeting. All AWMA Common Shareholders should have received the slate of board member candidates. If you are a member of a LLC, Inc., or Partnership, only one member of your organization has voting rights.

Covid-19 Procedures

The US consulates in Mexico are still closed for H2A interviews and we don't know when they will open for normal processing. At this time, we are still operating under COVID-19 procedures such as no interviews, workers stay home while visas are processed. Further explanation can be found at our website.

H-2A Applications

We are mailing out H-2A applications for 2021. Please watch for the 9" x 12" envelope marked "2021 H-2A Application". If you are going to write multiple contracts next year, please make a copy of the contract for later use. You can also go on our website at www.awmalabor.com and get an H-2A application anytime. Applications can be found under Applications Documents. We can also email you a fillable application upon request.

Reminder: Please send any correspondence/applications to our new address which is 1510 Newtown Pike, Suite 110 - Lexington, KY 40511.

«city», «state», «zip»
«address»
«first» «last»

January Newsletter



Important Dates for H-2A Applications

We need your application 75 days prior to your date of need.

- If you need workers by March 15, we need your application no later than January 1.
- If you need workers by April 1, we need your application no later than January 15.
- If you need workers by April 15, we need your application no later than February 1.
- If you need workers by May 1, we need your application no later than February 15.
- If you need workers by May 15, we need your application no later than March 1.
- If you need workers by June 1, we need your application no later than March 15.
- If you need workers by June 15, we need your application no later than April 1.
- If you need workers by July 1, we need your application no later than April 15.
- If you need workers by July 15, we need your application no later than May 1.
- If you need workers by August 1, we need your application no later than May 15.
- If you need workers by August 15, we need your application no later than June 1.

Worker Departures

You must notify AWMA immediately when any of your workers leave for any reason. Please complete the appropriate form listed below and either email to h2a@awmalabor.com, text to (202) 810-2962, or fax to (866) 751-8406.

If they Abandon the Job, Complete a H2A Employee Abandonment Form

If they Voluntarily Quit (by their choice, not yours), Complete a Voluntary Resignation Form

If they Temporary Leave, Complete a Temporary Leave Form

When they have Completed the Contract, Complete a Contract Completion Form

All of these forms were included in your crossing packet you received. You can also access the forms on our website at www.awmalabor.com and then go to Links & Forms. You may be held responsible for 3/4 of their wages if you do not report their departure.