

H-2A Application for Temporary Employment Certification
 Form ETA-9142A
 U.S. Department of Labor



Please read and review the filing instructions carefully before completing the Form ETA-9142A. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/>. In accordance with Federal Regulations, incomplete or obviously inaccurate applications will not be certified by the Department of Labor. If submitting this form non-electronically, ALL required fields/items containing an asterisk (*) must be completed as well as any fields/items where a response is conditional as indicated by the section (§) symbol.

A. Employment-Based Nonimmigrant Visa Information

1. Indicate the type of visa classification supported by this application (Write classification symbol): *	H-2A
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B. Temporary Need Information

1. Job Title * Nursery worker	
2. SOC (ONET/OES) code * 45-2092	3. SOC (ONET/OES) occupation title * Farmworkers and Laborers, Crop, Nursery, and Greenhouse
4. Is this a full-time position? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Period of Intended Employment
	5. Begin Date * 10/22/2019 <small>(mm/dd/yyyy)</small>
	6. End Date * 08/22/2020 <small>(mm/dd/yyyy)</small>
7. Worker positions needed/basis for the visa classification supported by this application	
<input type="text" value="20"/> Total Worker Positions Being Requested for Certification *	
Basis for the visa classification supported by this application <i>(indicate the total workers in each applicable category based on the total workers identified above)</i>	
<input type="text" value="20"/> a. New employment *	<input type="text" value="0"/> d. New concurrent employment *
<input type="text" value="0"/> b. Continuation of previously approved employment * without change with the same employer	<input type="text" value="0"/> e. Change in employer *
<input type="text" value="0"/> c. Change in previously approved employment *	<input type="text" value="0"/> f. Amended petition *
8. Nature of Temporary Need: (Choose only one of the standards) *	
<input checked="" type="checkbox"/> Seasonal <input type="checkbox"/> Peakload <input type="checkbox"/> One-Time Occurrence <input type="checkbox"/> Intermittent or Other Temporary Need	
9. Statement of Temporary Need *	
<p>Employer seeks approval to hire foreign non-immigrant workers to perform seasonal agricultural work. The employer's business is wholly dependent on annually-recurring natural conditions, including weather, sunlight, and temperature, and therefore meets the statutory definition of a seasonal agricultural business. Further, the employer's requested dates of need do not exceed ten consecutive months, thereby qualifying as a temporary labor need. Employer anticipates an insufficiency of qualified U.S. workers to meet these temporary, seasonal labor needs.</p>	

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C. Employer Information

Important Note: Enter the full name of the individual employer, partnership, or corporation and all other required information in this section. For joint employer or master applications filed on behalf of more than one employer under the H-2A program, identify the main or primary employer in the section below and then submit a separate attachment that identifies each employer, by name, mailing address, and total worker positions needed, under the application.

1. Legal business name *		
Timbuk II Plant Company Inc.		
2. Trade name/Doing Business As (DBA), if applicable		
Timbuk Farms Inc.		
3. Address 1 *		
2030 Timbuk Rd.		
4. Address 2		
N/A		
5. City *	6. State *	7. Postal code *
Granville	OH	43023
8. Country *	9. Province	
UNITED STATES OF AMERICA	N/A	
10. Telephone number *	11. Extension	
740-587-2178	N/A	
12. Federal Employer Identification Number (FEIN from IRS) *	13. NAICS code (must be at least 4-digits) *	
██████████	111421	
14. Number of non-family full-time equivalent employees	15. Annual gross revenue	16. Year established
█	██████████	2005
17. Type of employer application (choose only one box below) *		
<input checked="" type="checkbox"/> Individual Employer <input type="checkbox"/> Association – Sole Employer (H-2A only)		
<input type="checkbox"/> H-2A Labor Contractor or Job Contractor <input type="checkbox"/> Association – Joint Employer (H-2A only)		
<input type="checkbox"/> Association – Filing as Agent (H-2A only)		

D. Employer Point of Contact Information

Important Note: The information contained in this Section must be that of an employee of the employer who is authorized to act on behalf of the employer in labor certification matters. The information in this Section must be different from the agent or attorney information listed in Section E, unless the attorney is an employee of the employer. For joint employer or master applications filed on behalf of more than one employer under the H-2A program, enter only the contact information for the main or primary employer (e.g., contact for an association filing as joint employer) under the application.

1. Contact's last (family) name *	2. First (given) name *	3. Middle name(s) *
Gibson	James	N/A
4. Contact's job title *		
Owner		
5. Address 1 *		
2030 Timbuk Rd.		
6. Address 2		
N/A		
7. City *	8. State *	9. Postal code *
Granville	OH	43023
10. Country *	11. Province	
UNITED STATES OF AMERICA	N/A	
12. Telephone number *	13. Extension	14. E-Mail address
740-587-2178	N/A	N/A

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E. Attorney or Agent Information (If applicable)

1. Is/are the employer(s) represented by an attorney or agent in the filing of this application (including associations acting as agent under the H-2A program)? If "Yes", complete Section E. *			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Attorney or Agent's last (family) name § Bortnyk	3. First (given) name § Thomas	4. Middle name(s) § P.		
5. Address 1 § 400 Front Street				
6. Address 2 P.O. Box 507				
7. City § Lovington		8. State § VA	9. Postal code § 22949	
10. Country § UNITED STATES OF AMERICA		11. Province N/A		
12. Telephone number § 434-263-4300		13. Extension N/A	14. E-Mail address masH2A6539@maslabor.com	
15. Law firm/Business name § MAS Labor H2A, LLC			16. Law firm/Business FEIN § [REDACTED]	
17. State Bar number (only if attorney) § N/A		18. State of highest court where attorney is in good standing (only if attorney) § N/A		
19. Name of the highest court where attorney is in good standing (only if attorney) § N/A				

F. Job Offer Information

a. Job Description

1. Job Title * Nursery worker	
2. Number of hours of work per week Basic *: <u>40.00</u> Overtime: <u>0</u>	3. Hourly Work Schedule * A.M. (h:mm): <u>7</u> : <u>30</u> P.M. (h:mm): <u>3</u> : <u>15</u>
4. Does this position supervise the work of other employees? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4a. If yes, number of employees worker will supervise (if applicable) § <u>0</u>
5. Job duties – A description of the duties to be performed MUST begin in this space. If necessary, add attachment to <u>continue and complete</u> description. *	
<p>This job requires a minimum of 3 months of agricultural experience, preferably working in a nursery, handling both manual and mechanized tasks associated with nursery production. Applicants must be able to furnish verbal or written statement establishing relevant prior work experience. Workers must be able to perform manual and mechanized tasks with accuracy and efficiency. (See Attachment 1 to ETA Form 9142).</p>	

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 Form ETA-9142A
 U.S. Department of Labor



F. Job Offer Information (continued)

b. Minimum Job Requirements

1. Education: minimum U.S. diploma/degree required *	
<input checked="" type="checkbox"/> None <input type="checkbox"/> High School/GED <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate (PhD) <input type="checkbox"/> Other degree (JD, MD, etc.)	
1a. If "Other degree" in question 1, specify the diploma/degree required § N/A	1b. Indicate the major(s) and/or field(s) of study required § (May list more than one related major and more than one field) N/A
2. Does the employer require a second U.S. diploma/degree? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2a. If "Yes" in question 2, indicate the second U.S. diploma/degree and the major(s) and/or field(s) of study required § N/A	
3. Is training for the job opportunity required? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3a. If "Yes" in question 3, specify the number of months of training required § 0	3b. Indicate the field(s)/name(s) of training required § (May list more than one related field and more than one type) N/A
4. Is employment experience required? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4a. If "Yes" in question 4, specify the number of months of experience required § 3	4b. Indicate the occupation required § Nursery worker
5. Special Requirements - List specific skills, licenses/certifications, and requirements of the job opportunity. * Saturday work required. Must be able to lift/carry 75-100 lbs.	

c. Place of Employment Information

1. Worksite address 1 * 2030 Timbuk Rd.	
2. Address 2 N/A	
3. City * Granville	4. County * Licking
5. State/District/Territory * OH	6. Postal code * 43023
7. Will work be performed in multiple worksites within an area of intended employment or a location(s) other than the address listed above? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7a. If Yes in question 7, identify the geographic place(s) of employment with as much specificity as possible. If necessary, submit an attachment to <u>continue and complete</u> a listing of all anticipated worksites. § N/A	

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 Form ETA-9142A
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G. Rate of Pay

1. Basic Rate of Pay Offered *		1a. Overtime Rate of Pay (if applicable) §	
From: \$ 13 . 26 To (Optional): \$ 0 . 00		From: \$ 0 . 00 To (Optional): \$ 0 . 00	
2. Per: (Choose only one) * <input checked="" type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input type="checkbox"/> Year <input type="checkbox"/> Piece Rate			
2a. If Piece Rate is indicated in question 2, specify the wage offer requirements: § N/A			
3. Additional Wage Information (e.g., multiple worksite applications, itinerant work, or other special procedures). If necessary, add attachment to <u>continue and complete</u> description. § N/A			

H. Recruitment Information

1. Name of State Workforce Agency (SWA) serving the area of intended employment *		
Ohio Means Jobs - Licking County		
2. SWA job order identification number	2a. Start date of SWA job order *	2b. End date of SWA job order *
211213557	08/19/2019	03/22/2020
3. Is there a Sunday edition of a newspaper (of general circulation) in the area of intended employment? *		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Name of Newspaper/Publication (in area of intended employment for H-2B only)*		Dates of Print Advertisement §
4. Newark Advance	From: N/A	To: N/A
5. N/A	From: N/A	To: N/A
6. Referral and Hiring Information: Enter at least two verifiable methods by which prospective U.S. workers can contact the employer and apply for the job opportunity.		
a. Telephone Number to Apply *	b. Email Address to Apply *	
434-263-4300	referrals@maslabor.com	
c. Website address (URL) to Apply *		
ohiomeansjobs.com		

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Form ETA-9142A
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I. Declaration of Employer and Attorney/Agent

In accordance with Federal regulations, the employer must attest that it will abide by certain terms, assurances and obligations as a condition for receiving a temporary labor certification from the U.S. Department of Labor. Applications that fail to attach Appendix A or Appendix B will be considered incomplete and not accepted for processing by the ETA application processing center.

1. For H-2A Applications ONLY, please confirm that you have read and agree to all the applicable terms, assurances and obligations contained in Appendix A. §	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2. For H-2B Applications ONLY, please confirm that you have read and agree to all the applicable terms, assurances and obligations contained in Appendix B. §	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

J. Preparer

Complete this section if the preparer of this application is a person other than the one identified in either Section D (employer point of contact) or E (attorney or agent) of this application.

1. Last (family) name § Tucker	2. First (given) name § Kim	3. Middle initial § N/A
4. Job Title § Senior Case Manager		
5. Firm/Business name § MAS Labor H2A, LLC		
6. E-Mail address § ktucker@maslabor.com		

K. U.S. Government Agency Use (ONLY)

Pursuant to the provisions of Section 101 (a)(15)(h)(ii) of the Immigration and Nationality Act, as amended, I hereby certify that there are not sufficient U.S. workers available and the employment of the above will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. By virtue of the signature below, the Department of Labor hereby acknowledges the following:

This certification is valid from 10/22/2019 to 08/22/2020.

Certifying Officer
Department of Labor, Office of Foreign Labor Certification

09/18/2019
Determination Date (date signed)

H-300-19231-828205
Case number

CERTIFIED
Case Status

Public Burden Statement (1205-0466)

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 1 hour to complete the form, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this data collection is required to obtain/retain benefits (Immigration and Nationality Act, 8 U.S.C. 1101, et seq.). Please send comments regarding this burden estimate or any other aspect of this information collection to the Office of Foreign Labor Certification * U.S. Department of Labor * Box 12-200 * 200 Constitution Ave., NW, * Washington, DC *. **Please do not send the completed application to this address.**

**ETA 9142 – Attachment 1
Timbuk II Plant Company Inc.**

Sec. F. Job Offer Information, Part A., Item 5 Job Duties, Continued:

Workers will perform work including but not limited to planting, digging, mulching, transplanting, cultivating, hoeing, mowing, preparing soil, watering in nurseries and seasonal holding houses. Fertilize, prune, spray, space, water, tag and perform other plant maintenance. Count and inventory plants. Propagate plants from cuttings. Load finished plants onto wagons and trucks. Remove plastic from seasonal holding houses in spring and cover seasonal holding houses with plastic in fall. Assist with building seasonal holding houses. Plant and dig field grown plants, burlap roots, perform general maintenance of field grown plants. Fill, lift and carry various size pots with soil and plants weighing as much as 75 pounds and occasionally 100 pounds. Plants must be handled carefully so that minimal leaves, limbs and roots are broken during transplanting process. Performs any other duties involved in the maintenance of plant materials and nursery stock. Workers will require minimal supervision.

Perform ditching, shoveling, hoeing, hauling, ground preparation, and other manual tasks. Bending, stooping and kneeling required. Use hand tools including but not limited to hoes, shovels, shears, clippers, loppers, and saws. Lift, carry, and load/unload products or supplies. Use power equipment including but not limited to: tractors, planters, mowers, electric mules, plows, sprayers, cultivators, power shears, chain saws, high lifts, fork lifts, skid loaders. Must operate agricultural equipment safely, with or without direction. Install/maintain irrigation systems and water lines. Move and install irrigation pipes and equipment. Dig and maintain ditches. Apply pesticides, herbicides, fungicides, and other crop protectants. Mix and apply fertilizers, plant growth chemicals, conditioners, and other plant related treatments at the correct times depending on plant type, growth, climate and crop conditions. Mow, cut, and weed fields. Clear debris from field and clean/maintain farm buildings, structures, equipment, and work areas. Assist with farm building/field maintenance and repairs. Build/repair fences.

Prepare fields/soil for planting. Remove cull stock, debris, tree stumps, brush, ferns, vines and other growth from planting area using tractor, mattocks, brush hooks and/or axes. Plant, cultivate and maintain nursery stock and/or bedding plants in condition for shipping and sale to customers. Pot seedlings or 'liners' by hand or mechanical planter. Propagate plants from cuttings. Perform general plant maintenance. Prune, trim, space, transplant and cull plants to ensure availability of marketable products. Irrigate and apply fertilizer. Pack, label, tag, pull, and store plants by variety. Count, grade, and inventory plants. Prepare plants for digging by tying or wrapping as necessary. Dig plants. Drum lacing and quarter lacing. Wrap burlap or other covering around root balls and secure with twine and/or staples. Crimp wire baskets. Must understand nursery quality control standards and have working knowledge of production procedures. Must harvest crops according to specific standards. Must select and harvest crops pursuant to customer needs. Products must be handled carefully to prevent damage.

Work is done in the field for long periods of time. Workers may assist in handling product weighing up to 75-100 pounds and lifting to a height of 5 feet. Workers must work on their feet in bent positions for long periods of time. Work requires repetitive movements and extensive walking. Work required in fields when plants are wet with dew and rain, and may be required during light rain, snow, moderate winds, direct sun, high humidity and extreme temperatures. Temperatures in fields during working hours can range from 10 to over 100 degrees F. Workers may be required to work during occasional showers not severe enough to stop field operations. Allergies to ragweed, goldenrod, honey bees, insecticides, herbicides, fungicides, or related chemicals may affect a worker's ability to perform the job. Workers should be able to do the work required with or without reasonable accommodations. Saturday work required. Must be able to lift/carry 75-100 lbs.

Supervisor(s) will provide instructions and directions to workers. Workers must be able to comprehend and follow instructions and communicate effectively to supervisors. Unusual, complex or non-routine activities will be supervised. Workers expected to perform basic duties in a timely and proficient manner without close supervision. Workers must obey all safety rules and basic instructions and be able to recognize, understand and comply with safety, pesticide warning/re-entry and other essential postings.

ETA 9142 – Attachment 1
Timbuk II Plant Company Inc.

Persons seeking employment in this position must be available for the entire period requested by the employer.

Applicants must be able to furnish verbal or written statement establishing relevant prior work experience. All workers will be subject to a trial period of up to five days during which the employer will evaluate workers' performance of required tasks. Employer reserves the right to terminate a worker if the employer reasonably finds worker's performance during the trial period to be unacceptable.

Employer reserves the right to discharge an obviously unqualified worker, malingerer or recalcitrant worker who is physically able but is unwilling to perform the work necessary for the employer to grow a premium quality product, or for any other lawful reason. The employer may discipline the worker, including brief suspension of work activities/employment for a set period determined by the supervisor or termination of employment as described in the Work Rules.

Employer assures that workers will be provided, at no cost, transportation from living quarters to work site every day (for workers who must be provided housing under the applicable regulations).

Raises and/or bonuses may be offered to any seasonal worker employed pursuant to this job order, at the company's sole discretion, based on individual factors including work performance, skill, and tenure.

All terms and conditions included in the job order will apply equally to all workers, both U.S. workers and H-2A workers, employed in the occupation described in this clearance order.