



WORKFORCE SYSTEMS LETTER NO.: 04-06

DATE: March 18, 2004

EFFECT: ACTION INFO WITH ATTACHMENT
 [] [X] SWAs []

SUBJECT: **Prevailing Wage Determination for Agricultural Wage Surveys (ETA-232 Report)
 Conducted in 2003 in Massachusetts**

1. **Purpose.** To announce approved prevailing wage rates for agricultural job orders subject to the Agricultural Recruitment System (Clearance System) during calendar year 2004/5. These approved prevailing wage rates apply only to the State of MA.
2. **References.** ETA Handbook Numbers 385 and 398, and 20 CFR 653.500 - 503 Subpart F.
3. **Background.** SESA submitted ETA-232 prevailing wage survey reports covering agricultural wages. These surveys are required in order to comply with the regulations governing agricultural clearance orders at 20 CFR 653, Subpart F.
4. **Action Required.** The state should distribute the attached wage rate findings, and related information, to staff involved in handling agricultural activities.
5. **Inquiries.** Please direct inquiries regarding this issuance to Mr. Shane Barbour at (617) 788-0126

Holly O'Brien
Director
Office of Discretionary Programs and Foreign Labor Certification

Attachment

APPROVED PREVAILING WAGES

The following wages have been confirmed by the National Office of the United States Department of Labor and are in effect as of the date indicated on the cover page of this issuance. The State must compare these prevailing wages against the AEWB when reviewing H-2A applications.

Massachusetts

WAGE REPORTING AREA: 01-25-00 Statewide:

Farm worker, field crop II, tobacco (planting, cultivating and harvesting)	\$8.53 PER HOUR
Green House Worker, (planting and cultivating)	\$8.25 PER HOUR
Nursery Worker,(planting and cultivating)	\$9.25 PER HOUR
Farm worker Fruit, Apple (planting cultivating, and harvesting)	\$8.50 PER HOUR
Farm worker, Vegetable, (planting, cultivating, and harvesting)	\$8.00 PER HOUR

WAGES

These wages are in effect until other prevailing wage surveys are confirmed or, as applicable, superseded by the last publication of an Adverse Effect Wage Rate (AEWR).

The above rates or the appropriate AEWB should be applied when evaluating all agricultural job orders scheduled for 2003. Any clearance orders already accepted at a lower wage must be modified to reflect these wages or the appropriate AEWB.

H-2A job order: Employers will pay the State or Federal minimum wage, prevailing wage or the AEWB, whichever is highest.

Non H-2A (only) job orders: Employers will pay the State or Federal minimum or the prevailing wage, whichever is highest.

(PIECE RATE)

H-2A job orders: If the piece rate basis (at the end of the each pay period) does not result in average hourly rate earnings, at least equal to the amount the worker would have earned with the highest hourly rate, the worker's pay should be supplemented, so that the earnings are as much as the worker would have earned with the highest hourly wage.

Non H-2A (only) job orders: If the employer pays on a piece rate basis, the piece rate will be at least the prevailing rate for such activity in the area of intended employment.

(No Finding Determination)

H-2A job orders with a “NO FINDING” determination: If the employer pays a piece rate for the activity or per hour, earnings must not be less than the hourly AEW rate of pay.

Non H-2A (only) job orders with a “NO FINDING” determination: If the employer pays a piece rate for the activity, or per hour, the Fair Labor Standard Act (FLSA) minimum wage is the guaranteed minimum rate of pay.

HOUSING

Additionally, employers with H-2A job orders must also offer housing and board at no cost to the worker in accordance with “ETA Handbook 398” and 20 CFR 655 (H-2A Regulations).

Regarding non H-2A (only) job orders, employers should offer free housing and or board if they are a prevailing working condition, in accordance with 20 CFR 653 MSFW (Migrant and Seasonal Farmworker) regulations.