

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 * Vineyard Farmworker	
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 * 01/22/2018 <small>(mm/dd/yyyy)</small>
	6. End Date * 07/13/2018 <small>(mm/dd/yyyy)</small>
7. Worker positions needed/basis for the visa classification supported by this application	
<input type="text" value="6"/> 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="6"/> 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 *	
Agricultural employer seeks approval to hire foreign non-immigrant workers to perform seasonal agricultural work that is dependent on weather and growing seasons. Workers are not required in months outside the requested dates of need as there is no seasonal agricultural work to be performed. Employer anticipates an insufficiency of qualified U.S. workers to meet these seasonal labor needs.	

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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 *		
TRUMP VINEYARD ESTATES, LLC		
2. Trade name/Doing Business As (DBA), if applicable		
N/A		
3. Address 1 *		
100 Grand Cru Dr.		
4. Address 2		
mailing: 100 Grand Cru Dr., Charlottesville, VA 22902		
5. City *	6. State *	7. Postal code *
Charlottesville	VA	22902
8. Country *	9. Province	
UNITED STATES OF AMERICA	N/A	
10. Telephone number *	11. Extension	
434-220-5907	N/A	
12. Federal Employer Identification Number (FEIN from IRS) *	13. NAICS code (must be at least 4-digits) *	
██████████	111332	
14. Number of non-family full-time equivalent employees	15. Annual gross revenue	16. Year established
█	██████████	2011
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) *
Woolard	Kerry	N/A
4. Contact's job title *		
General Manager		
5. Address 1 *		
100 Grand Cru Dr.		
6. Address 2		
mailing: 100 Grand Cru Dr., Charlottesville, VA 22902		
7. City *	8. State *	9. Postal code *
Charlottesville	VA	22902
10. Country *	11. Province	
UNITED STATES OF AMERICA	N/A	
12. Telephone number *	13. Extension	14. E-Mail address
434-220-5907	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 § Whitley	3. First (given) name § Elizabeth	4. Middle name(s) § D.	
5. Address 1 § 675 Peter Jefferson Pkwy, Suite 350			
6. Address 2 P.O. Box 507, Lovingson, VA 22949			
7. City § Charlottesville	8. State § VA	9. Postal code § 22911	
10. Country § UNITED STATES OF AMERICA	11. Province N/A		
12. Telephone number § 434-263-4300	13. Extension N/A	14. E-Mail address MASH2A@MASLABOR.COM	
15. Law firm/Business name § MAS LABOR H-2A, 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 * Vineyard Farmworker	
2. Number of hours of work per week Basic *: <u>40</u> Overtime: <u>0</u>	3. Hourly Work Schedule * A.M. (h:mm): <u>7</u> : <u>00</u> P.M. (h:mm): <u>2</u> : <u>30</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 three months of verifiable prior experience working in a vineyard handling both manual and machine tasks associated with commodity production and pruning. Workers must be able to perform manual as well as mechanized activities with accuracy and efficiency. (Job duties continue on Attachment 1 to ETA Form 9142/uploaded).</p>	

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G. Rate of Pay

1. Basic Rate of Pay Offered * From: \$ <u>11</u> . <u>27</u> To (Optional): \$ <u>0</u> . <u>00</u>	1a. Overtime Rate of Pay (if applicable) \$ From: \$ <u>0</u> . <u>00</u> To (Optional): \$ <u>0</u> . <u>00</u>
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. \$ SEE ADDENDUM Please note, in light of the Department of Labor's position that where an employer has staggered dates of need, the employer must file a separate application for each date of need, there will be subsequent applications filed on behalf of Trump Vineyard	

H. Recruitment Information

1. Name of State Workforce Agency (SWA) serving the area of intended employment * Virginia Employment Commission		
2. SWA job order identification number * 1231151	2a. Start date of SWA job order * 11/21/2017	2b. End date of SWA job order * <small>(In H-2A this date is 50% of contract period)</small> 04/18/2018
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. The Daily Progress	From: N/A	To: N/A
5. N/A	From: N/A	To: N/A
6. Additional Recruitment Activities for H-2B program. Use the space below to identify the type(s) or source(s) of recruitment, geographic location(s) of recruitment, <u>and</u> the date(s) on which recruitment was conducted. If necessary, add attachment to <u>continue and complete</u> description. * 1) Contact all former workers who have satisfactorily completed previous season's employment. 2) Word of mouth/local inquiries. 3) Upon instruction from USDOL will place ads in designated newspapers and/or periodicals.		

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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 § N/A	2. First (given) name § N/A	3. Middle initial § N/A
4. Job Title § N/A		
5. Firm/Business name § N/A		
6. E-Mail address § N/A		

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 01/22/2018 to 07/13/2018.

Certifying Officer

Department of Labor, Office of Foreign Labor Certification

12/15/2017

Determination Date (date signed)

H-300-17326-719925

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.**

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ADDENDUM

ADDENDUM SECTION F.b.5: Special Requirements

background checks are conducted uniformly after an initial job offer has been extended and accepted by the new hire.

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ADDENDUM

ADDENDUM SECTION G.3: Additional Wage Information

Estates, LLC at a later date.

Attachment 1 to ETA 9142 for Trump Vineyard Estates, LLC

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

Performs a variety of tasks under supervision in vineyard/winery operation. Primary tasks are grape production and agricultural activities, including planting and cultivating vines, adding grow tubes, and pruning grape vines. Performs vineyard canopy management to permit light and air to circulate around grapevines, including thinning fruit and removing shoots and vines. Performs vineyard maintenance activities, such as weed control with mowers and chemicals. Sprays vines and fruit with herbicides, pesticides and fungicides. Installs and maintains vine trellises and ties vines to trellises. Installs and maintains bird netting. May load and unload trucks, install irrigation equipment and clean equipment. May perform general tasks relative to vineyard and winery operation when work in vineyard is not available.

The primary reason for pruning is to improve fruit quality and thus increase crop marketability and value. Dormant pruning is critical to grape production. Workers are expected to possess the requisite skills necessary to know what, when, where and how much to prune on a grape vine. Pruning involves identifying and removing the proper canes and vines while retaining the fruiting wood and renewal spurs. Workers must demonstrate and consistently utilize pruning practices that assure vine balance and preserve vine health.

Workers must be prepared to work outdoors in cold weather. Work will take place when the temperatures exceed 10 degrees F. unless the wind chill factor is +10 degrees F. or colder. Workers will be expected to work in light snow. Workers should be able to work on their feet in bent positions for long periods of time. Workers will assist in loading trucks with product or rocks weighing up to and including 60 pounds and lifting to a height of 5 feet for long periods of time. Work requires repetitive movements and extensive walking. Allergies to ragweed, goldenrod, insect spray, related chemicals, etc. may affect workers' ability to perform the job. Workers should be physically able to do the work required with or without reasonable accommodations.

Work may also include mechanized field work using power equipment. By way of example and not limitation power equipment may include tractors, planters, sprayers, cultivators and other equipment. Work will also include the use of handtools, including but not limited to loppers, limb/ tree saws, and pruning shears. Workers will be expected to be able to operate agricultural equipment with or without direction.

Employer requires all newly hired employees to take and pass an employer-paid background check. All background checks are conducted uniformly after an initial job offer has been extended and accepted by the new hire. Applicants found to have felony convictions (including, but not limited to assault, child molestation, sex or drug-related convictions) may be terminated out of concern for general public safety, and paid for all hours worked between the first date of employment and the date of termination, if any. In the case of a foreign worker who is terminated for cause resulting from findings of the background check, the employer will arrange least-cost transportation to the worker's place of recruitment, at the worker's expense.

Employer assures that workers will be provided transportation from living quarters to work site every day (for workers who must be provided housing under the applicable regulations).

Persons seeking employment as experienced vineyard farmworker must be available for the entire period requested by the employer. Applicants must be able to furnish verifiable job reference(s) or comparable third party documentation from recent employer(s) establishing acceptable prior experience. Successful applicants will be subject to a trial period of up to five days during which their performance of required tasks will be evaluated. If the performance during the trial period is not acceptable to the employer the worker's employment will be terminated.

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.

Employer retains the right to discharge an obviously unqualified worker, malingerer or recalcitrant worker who is physically able but does not demonstrate the willingness to perform the work necessary for the employer to grow a premium quality product, or for any other lawful reason.

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.