


U. S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION H-2A
	CORRESPONDENCE SYMBOL OWS
	DATE October 30, 2000

DIRECTIVE: GENERAL ADMINISTRATION LETTER NO. 1-01

TO: ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM: 
LENITA JACOBS-SIMMONS
Deputy Assistant Secretary

SUBJECT: Notification to State Office Regarding Worker Rejection or Termination from H-2A Temporary Agricultural Employment

1. Purpose. To provide policy clarification and procedural guidance for the notification process between employers and the State Employment Security Agency (SESA) regarding worker rejection and termination from H-2A temporary agricultural employment.
2. References. 20 CFR part 655, Subpart B and 20 CFR 655.103
3. Background. The H-2A Regulations at CFR 655.103 require employers to notify the designated SESA Office of any voluntary or involuntary worker departure from job site. Issues have arisen with regard to the timing of employer notification to the SESA when the workers leave employment.
4. Policy Clarification/Procedural Guidance. In keeping with the long standing interpretation by INS, abandonment of employment by a worker requires employer notification in writing to the SESA no later than forty-eight (48) hours after the employer becomes aware of abandonment. In the event of the employer terminating worker(s) for cause, the employer will notify the SESA in writing of such termination no later than forty-eight (48) hours.
5. Action Required. SESAs are strongly encouraged to adhere to the established procedure and to communicate to the employer community of their corresponding responsibility for the timely notification to the SESA central office of worker abandonment or termination from H-2A temporary agricultural employment.
6. Inquiries. H-2A employer notification procedure questions should be directed to Charlene Giles at (202) 693-2950 (3-2950).

RESCISSIONS None	EXPIRATION DATE October 31, 2003
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