

RECRUITMENT

- Before employing H-2A workers, an employer **MUST** first advertise available jobs through the local State Workforce Agency and at seasonaljobs.dol.gov
- The State Workforce Agency **MUST** refer all eligible U.S. workers who apply for the advertised job to the H-2A employer.
- The employer **MUST** hire you if you are a qualified, eligible U.S. worker who applies for the job up through the 50% point of the season listed on the employer's job advertisement.
- You may **ONLY** be rejected for lawful, job-related reasons.
- The employer **MUST** contact you and solicit your return to the job if you were employed in the previous year in the occupation and place of employment for which the employer is requesting H-2A workers.

BENEFITS, WAGES, AND WORKING CONDITIONS

- The H-2A employer **MUST** offer you benefits, wages, and working conditions that are at least as favorable as those offered to H-2A workers.
- The employer **MUST NOT** impose any restrictions or obligations on you that are not also imposed on H-2A workers.
- Additionally, if you perform any work included in the H-2A employer's advertisement or job order or any agricultural work performed by H-2A workers, you are entitled to:

- A copy of the work contract no later than the first day of work. This must include information about the wages, hours, working conditions, and benefits of the job.

- Pay at or above the highest of the statewide Adverse Effect Wage Rate (AEWR), prevailing wage or piece rate, the agreed upon collective bargaining rate, or the federal or state minimum wage rate.

(continued on reverse)

- The employer **MUST NOT** terminate or take any other action against you in retaliation for filing a complaint, testifying, or exercising your rights under the H-2A program.

PROTECTION FROM RETALIATION:

- All tools, supplies, and equipment required for the job at no cost to you.
- At least three-fourths (75%) of the total hours included in the work contract.
- Safe housing and daily transportation to and from the worksite at no cost if you cannot reasonably return home at the end of the workday.



U.S. Department of Labor

Wage and Hour Division

This card summarizes protections afforded to U.S. workers when recruited or employed by employers using the H-2A nonimmigrant visa program.

For more information call toll-free:
1-866-4US-WAGE (1-866-487-9243)

or visit our website at

www.dol.gov/agencies/whd

H-2A
for U.S. Workers

Protections for U.S. Workers Under the H-2A Program