• 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’s job advertisement or job order for any agricultural work performed by H-2A employers **MUST** include information about the wages, hours, working conditions, and benefits of the job.

• 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, you are entitled to:
- A copy of the work contract no later than the first day of work.
- 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.
- Benefits, wages, and working conditions that are at least as favorable as those offered to H-2A workers.

**BENEFITS, WAGES, AND WORKING CONDITIONS**

• Employment for which the employer is requesting H-2A workers, if you were employed in the previous year in the occupation and place of employment, the employer **MUST** contact you and solicit your return to the job if you apply for the job.

• The employer **MUST** offer you benefits, wages, and working conditions that are at least as favorable as those offered to H-2A workers.
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.
- 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.

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

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.

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.