

State of Vermont

House of Representatives



Montpelier, Vermont

House Resolution

H.R. 10

House resolution emphasizing the importance of Jamaican H2-A workers to Vermont's agricultural economy

Offered by: Representatives Jewett of Ripton, Turner of Milton, Partridge of Windham, Lawrence of Lyndon, Botzow of Pownal, Marcotte of Coventry, Johnson of South Hero, Stevens of Shoreham, Acinapura of Brandon, Bartholomew of Hartland, Branagan of Georgia, Browning of Arlington, Buxton of Royalton, Campion of Bennington, Canfield of Fair Haven, Clarkson of Woodstock, Conquest of Newbury, Copeland-Hanzas of Bradford, Deen of Westminster, Devereux of Mount Holly, Fisher of Lincoln, Greshin of Warren, Helm of Fair Haven, Howrigan of Fairfield, Johnson of Canaan, Keenan of St. Albans City, Kilmartin of Newport City, Lenes of Shelburne, Malcolm of Pawlet, Manwaring of Wilmington, Marek of Newfane, McAllister of Highgate, McNeil of Rutland Town, Miller of Shaftsbury, Mitchell of Barnard, Mrowicki of Putney, Pearson of Burlington, Peaslee of Guildhall, Shand of Weathersfield, Smith of New Haven, Taylor of Barre City and Toll of Danville

Whereas, for many years, Vermont's agricultural community has been heavily dependent on seasonal Jamaican contract labor to harvest crops, and

Whereas, Vermont agricultural employers in the H2-A temporary agricultural worker visa program make concerted efforts to advertise for and hire United States citizens and are required to demonstrate a need in order to qualify for H2-A employees, and

Whereas, workers with H2-A permits cannot displace workers from the United States, and employers are required to treat H2-A guest workers and United States citizen workers identically, and

Whereas, among the agricultural operations reliant on seasonal Jamaican labor are poultry and vegetable farms, greenhouses, and apple orchards, and

Whereas, many Vermont farmers rely on sales of poultry and vegetables for a significant portion of their revenue, and

Whereas, greenhouses are fundamental for the initial cultivation of many crops, and

Whereas, according to the Vermont Tree Fruit Growers Association, the state's fresh apple crop is valued at \$12–15 million annually, and value-added products including cider, applesauce, hard cider, and other apple products double the total cash value of the state's apple crop to \$25–30 million, and

Whereas, Jamaican workers are admitted to work temporarily in the United States as a result of the H2-A visa program that the United States Department of Homeland Security administers in conjunction with the United States Department of Labor (DOL), and

Whereas, these Jamaican workers have long proven their worth to Vermont's farmers and orchard owners, often returning to the same farms year after year, skillfully and conscientiously completing vital farm activities, and

Whereas, without H2-A labor, many Vermont farmers and orchard owners will find it difficult to plant, grow, and harvest their crops on time, and

Whereas, beginning in the autumn of 2010, Vermont's farmers have confronted new regulatory barriers to hiring Jamaican workers, barriers that are slowing the admission of these workers into the United States and denying the Jamaicans their comprehensive Jamaican benefits, and

Whereas, Jamaican agricultural workers are specifically impacted because DOL has declared that the nonprofit Jamaican Central Labour Organisation (JCLO) is a recruitment organization that charges a recruiting fee despite JCLO's assertions to the contrary, and

Whereas, JCLO furthers the mutual interests of both growers and employees, acts as a useful intermediary, promotes employment standards, and provides support services including: advising workers of employment conditions and welfare benefits; meeting workers at the United States ports of entry and assisting them in clearing customs; ensuring that workers and employers adhere to the terms and conditions of employment; periodically visiting housing and work sites to assist in the resolution of work-related or domestic disputes; ensuring that workers receive proper medical attention; and monitoring the employers' payroll documentation, and

Whereas, through 2010, employers sent three payroll deductions, including an administrative fee, a social security fee, and a health insurance fee to JCLO and another 19 percent of each worker's American salary to a bank account for family use in Jamaica, and

Whereas, specifically, the administrative fee was partially allocated to defray program costs which the Jamaican government incurred, and

Whereas, Jamaican H2-A workers in the past arrived in the United States with their JCLO-administered benefits, but starting in 2011, they will no longer receive these benefits, and, consequently, demands on Vermont's system of public services could increase proportionately, and

Whereas, the Department of Homeland Security's characterization of Jamaican workers' employment deductions as a recruitment fee threatens to cause serious harm to Vermont's agricultural economy, including the loss of domestic employment opportunities, diminished product quality, degradation of Vermont's working landscape, and the potential loss of millions of dollars in Vermont crops, now therefore be it

Resolved by the House of Representatives:

That the viability of Vermont's specialty crop producers' 2011 harvesting operations, many of which rely on Jamaican workers, is seriously at risk because of the uncertainty surrounding the H2-A program, and be it further

Resolved: That the issue of the benefits provided by the Jamaican Central Labour Organisation should not risk the future of the H2-A program and its successful implementation in Vermont and New England, and be it further

Resolved: That this legislative body urge the United States Department of Homeland Security and the United States Department of Labor to coordinate efforts that will ensure the reliable issuance of H2-A visas for Jamaican agricultural workers and the predictable supply of high-quality labor for Vermont producers, and be it further

Resolved: That the United States Department of Homeland Security continue to permit employer deductions for payments to JCLO, and be it further

Resolved: That the Clerk of the House be directed to send copies of this resolution to United States Secretary of Homeland Security Janet Napolitano, to United States Secretary of Labor Hilda Solis, to United States Secretary of Agriculture Tom Vilsack, to the Vermont Congressional Delegation, to Vermont Secretary of Agriculture Chuck Ross, to Vermont Secretary of Commerce and Community Development Lawrence Miller, and to Vermont Commissioner of Labor Anne Noonan.

Shapleigh Smith, Jr.
Speaker of the House

Attested to:

Donald G. Milne
Clerk, House of Representatives