

**Summary of Intermediate Handler Meeting
Florida Citrus Mutual
October 29, 2009
Lakeland, FL**

More than 30 handler members attended Mutual's Intermediate Handler Meeting on October 29 in Lakeland. Guest speakers included Sharlyn Simon and Christopher Mills from the USDOL - Wage and Hour Division in Atlanta. Below is a summary of their comments.

Mills reiterated that a farm labor contractor can be cited for failure to register an employee under the Farm Labor Contractor Employee License, knowingly making a misrepresentation on the application, transporting or housing a worker without a certificate or for failing to amend your certificate when necessary.

He reminded the audience that there is no fee to process this application, but that several documents are required to complete the application. Ms. Simon added that although it is not a requirement, it is extremely beneficial for an applicant to utilize some type of tracking method when mailing applications – whether it is through Fed-Ex, or certified mail. This allows you to have record of when the paperwork was mailed, in case anything is misplaced or lost in the mail, and allows her office to defer any violations for timing issues.

The license renewal process requires that a renewal application be received by the USDOL, Wage and Hour Division office in Atlanta no later than 30 days prior to the renewal date on the license. Several attendees suggested mailing it 60 days prior, to allow for the State to coordinate their licenses along with this Federal renewal. There has been a major concern in the past due to the federal requirements and state requirements not being feasible for license holders. For instance, if all of your paperwork has been received in Atlanta in a timely manner for your Federal Farm Labor Contractor Certificate of Registration, you are then allowed by law to continue to function under the expired license until you receive your new one. However, the state will not issue its license until a copy of the federal one is in their files, therefore a license holder cannot operate until both licenses are in hand.

Mr. Mills stated that there has been some major re-organization within the Atlanta Office, because of concerns such as this, and due to the fact that the office went from 8 employees monitoring 8 areas, to 4 employees monitoring 42 states. Obviously the current setup is not working therefore changes are being made to consolidate some of the work in the office, add new employees, and narrow the coverage of this one office. Hopefully later this year, there will be a noticeable change to anyone renewing their license in the timeliness and overall ease of process.

Ms. Simon went into some detail of the application itself and some of the forms required at renewal time. All the forms are available on-line at www.dol.gov/esa/whd/forms/. The specific forms that Ms. Simon and Mr. Mills brought to the attendee's attention were:

1) Application for Farm Labor Contractor Certificate of Registration – WH-530, expiration 06-30-2012.

2) Housing Occupancy Certificate – WH-520, expiration 05-21-2011.

3) Vehicle Mechanical Inspection Report – WH-514 and WH-514a, expiration 08-31-2010.

4) Doctor's Certificate – WH-515.

In addition, the following Fact Sheets were referenced and can be found on the DOL website also.

- Fact Sheet #35 – Joint Employment and Independent Contractors Under the Migrant and Seasonal Agricultural Worker Protection Act.
- Fact Sheet #49 – The Migrant and Seasonal Agricultural Worker Protection Act (MSPA)
- Fact Sheet #50 – Transportation under MSPA.

Referring to the Application for a Farm Labor Contractor Certificate of Registration under MSPA – several items were highlighted to pay close attention to.

Under Part I - Number 2 – Person Completing the Application – there is always a misunderstanding each year, which will slow down the application process in this section. The section requires the Permanent Place of Residence – this cannot be a PO Box, is not your business address, and is not where you necessarily want your license to be mailed. Part 1, #4 gives you the opportunity to give an address of where you would like the license to be mailed.

Another area of confusion is under Part 1, #3, where it asks about US citizenship. If you have someone working for you, who requires a FLC license, who is not a US citizen, they need to make sure they include a copy of their Alien Registration card, front and back and must be current.

The next area of concern on the application is Part 1, #5 – which includes driver's license information. The main problem arises when the class of license is either not included, or is not suitable for the type of vehicle being driven. Refer to Fact Sheet #50. Also, make sure the original copy of the Doctor's Certificate is included, and pay attention if there are any restrictions that may affect driving capacity.

Several questions arose on how to communicate changes on Farm Labor Contractors Licenses that may occur after the renewal has been received. Ms. Simon suggested that in any situation where there is either a timeliness concern due to the H-2A program, a license holder just needs to add a new vehicle or make minor changes, that it is extremely beneficial to her and her office for us to put a note on the top of the application stating

what the issue is. If it is a change and the renewal is already finished, just make a note that this is an update to an existing license; if there is a rush due to H-2A application, writer H-2A on top; anything that will give her office a heads up that it is not a typical renewal for license.

In conclusion, Ms. Simon mentioned that if anyone has a question, concern or needs to follow-up on a license, the number for her office is 404-893-6030 ext. 1,2,3 or 4 are her office staff; ext. 7 would be for technical support, if you have a problem with the process or need help.