

The US Department of Labor recently responded to questions raised at Rep. Slaughter's May meeting between the Department of Labor, Rep. Slaughter and farmers who live and work in Western New York. Below are two of the answers to questions that were asked- for more information, [download the PDF from the Department of Labor by clicking here](#). For more on Rep. Slaughter's [work to help Western New York farmers, click here.](#)



1. How do growers amend their orders once they are submitted but before the workers are sent over?

The amendment process depends on the timing of the amendment request. Please see below for the different scenarios.

- After the job order is submitted to the State Workforce Agency but before the H-2A application is filed with the Chicago National Processing Center (CNPC). If the employer wishes to amend the job order after submission to the State Workforce Agency (SWA) but before the H-2A application is filed with the CNPC, the employer should contact the SWA to which the job order was submitted.

- After the H-2A application is filed with the Chicago National Processing Center but before the final decision is reached. If the employer wishes to amend the job order after filing an H-2A application, the employer should send a request by email to h2a.amend&extend.chicago@dol.gov, by facsimile to (312) 886-1688 (Attn: H-2A Amendment Request), or by mail to U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, Chicago National Processing Center, 536 South Clark Street, 9th floor, Chicago, Illinois 60605-1509; Attn.: H-2A Amendment Request.

The employer's request must include a statement or other documentation (for example state/local weather reports, crop yield data, or other applicable documentation) demonstrating how the change in need (period of employment or number of workers) could not have been foreseen and an explanation of how the crops or commodities will be affected if the amendment is not granted immediately.

2. How do growers terminate the work contracts both when they are and when they are not able to fulfill the three-fourths guarantee?

Employers who wish to terminate their work contracts before the end of the certified period of need may request that the Department make a finding of contract impossibility in the manner specified below.

- **Contract Termination after Final Determination: Contract Impossibility.** If the employer wishes to terminate a work contract with a worker before the end of the certified period of employment without being required to fulfill the three fourths guarantee in its entirety, the employer must send a request to the Chicago National Processing Center:

- By email to h2a.amend&extend.chicago@dol.gov, with the words "H-2A Contract Impossibility Request" contained in the subject line of the e-mail; or,

- If the employer does not have internet access by fax to (312) 886-1688 (ATTN: H-2A Contract

Impossibility Request) or by U.S. mail to the: U.S. Department of Labor; Employment and Training Administration Office of Foreign Labor Certification; Chicago National Processing Center; 536 South Clark Street, 9th floor; Chicago, Illinois 60605–1509; ATTN: H-2A Contract Impossibility Request.

The employer's request must be supported by evidence that the circumstances creating the impossibility are beyond the control of the employer due to fire, weather, or other Act of God that makes the fulfillment of the contract impossible.

Important Note: Compliance with Program Obligations: In the event of early termination of a work contract, the employer must comply with specific H-2A program requirements (see 20 CFR 655.122(o)) and should document its compliance efforts consistent with the Department's regulations and OFLC's Frequently Asked Question on contract impossibility.