



Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

IMPORTANT: Employers and authorized preparers must read these general instructions carefully before completing the Form ETA-790B, *Agricultural Clearance Order*, and all required addendums. These instructions contain full explanations of the questions and attestations that make up the Form ETA-790B.

Anyone, who knowingly and willingly furnishes any false information in the preparation of Form ETA-790B and any supplement thereto or to aid, abet, or counsel another to do so is committing a federal offense, punishable by fine or imprisonment up to five years or both (18 U.S.C. §§ 2, 1001). Other penalties apply as well to fraud or misuse of this immigration document and to perjury with respect to this form (18 U.S.C. §§ 1546, 1621).

Section A
Job Offer Information

1. Enter the job title that most clearly describes the agricultural services or labor to be performed.
2. Enter the workers that need to be employed full-time to perform the agricultural services or labor.
 - a. Enter the total number of workers needed.
 - b. Of the total number of workers entered in Item 2a, enter the number of U.S. workers needed.
 - c. Of the total number of workers entered in Item 2a, enter the number of H-2A workers needed and that will be requested for temporary labor certification.
3. Enter the begin date for the period of intended employment. Use a month/day/ year (mm/dd/yyyy) format.
4. Enter the end date for the period of intended employment. Use a month/day/ year (mm/dd/yyyy) format.
5. Use Items 5a through 5h to identify the anticipated days and hours of work per day and per week. Use a numerical (99.99) format for each item below.
 - a. Enter the total hours of work that will be normally offered to workers per week. The entry in this field must be at least 35.00 hours per week and cannot be less than the sum of the entries in Items 5b through 5h.
 - b. Enter the total hours of work that will be normally offered to workers on Sunday.
 - c. Enter the total hours of work that will be normally offered to workers on Monday.
 - d. Enter the total hours of work that will be normally offered to workers on Tuesday.
 - e. Enter the total hours of work that will be normally offered to workers on Wednesday.
 - f. Enter the total hours of work that will be normally offered to workers on Thursday.
 - g. Enter the total hours of work that will be normally offered to workers on Friday.
 - h. Enter the total hours of work that will be normally offered to workers on Saturday.
6. Use Items 6a through 6f to identify the specific crop or agricultural activity; describe the duties or services to be performed by the workers; and the wage(s) that will be offered, advertised, and paid to the workers for performing the agricultural services or labor.
 - a. Enter the name of the crop or agricultural activity.
 - b. Enter a description of the job duties or services to be performed in each crop or agricultural activity. Describe the work tasks which make up the job, summarizing each step as appropriate, and avoid using technical terms without properly defining or explaining them where usage is necessary.



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- c. Enter the wage that will be offered, advertised, and paid to workers performing the job duties or services in the crop or agricultural activity.
 - d. Enter the unit of pay for the wage offer entered in Item 6c using one of the following two entries: **"HOOR"** or **"MONTH"**.
 - e. If applicable, enter the piece rate that will be offered, advertised, and paid to workers performing the job duties or services in the crop or agricultural activity.
 - f. If applicable, enter the piece rate units (e.g., tree size/spacing, weight/size/number of boxes picked/packed, dimensions of bags or boxes filled) and/or any other special pay information such as performance bonuses or incentives associated with performing the job duties or services in the crop or agricultural activity. Examples include 5/8 bushel, 90 pound bag or box, 10 box bin.
7. Select **"YES"** or **"NO"** to indicate whether a completed Addendum A is attached to this agricultural clearance order identifying additional job duties or services to be performed and/or wage offer(s) covering all identified crops or agricultural activities.
 8. Select one of the available options to specify the frequency with which workers will be paid under this agricultural clearance order. In accordance with 20 CFR 655.122(m), the employer must state in the job offer the frequency with which the worker(s) will be paid, which must be at least twice monthly or according to the prevailing practice in the area of intended employment, whichever is more frequent.
 9. Describe any other conditions about the wages that will be offered, advertised, and paid to workers performing the job duties or services in the crop or agricultural activity. If no additional conditions on the wage offer(s) are required, enter **"NONE"** in the space provided.
 10. State all deduction(s) from pay not required by law and, if known, the amount(s). If no deductions other than those required by law will be made from the workers' pay, enter **"NONE"** in the space provided.
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Section B
Minimum Job Qualifications/Requirements

1. Select the option that identifies the minimum U.S. diploma or degree required to perform the agricultural services or labor. Only mark one box. If no minimum U.S. diploma or degree is required, select **"NONE"**
 2. Enter the number of months of experience required to perform the agricultural services or labor. If no minimum experience is required, enter **"0"** (zero).
 3. Enter number of months of training required to perform the agricultural services or labor. If no minimum training is required, enter **"0"** (zero). When answering this item, do not duplicate time requirements – the training time required should not be counted as (added to) education or experience time required.
 4. Select the list of work tasks and requirements that are normally required to perform the agricultural services or labor. Check all that apply.
 5. Describe any other qualifications or requirements to perform the agricultural services or labor. Examples are quantifiable lifting requirements, level of supervision and number of workers to supervise, and types of licenses or permits. This item may also be used as additional space to describe any performance or production standards that will be equally applied to workers. If no additional qualifications or requirements are need, enter **"NONE"** in the space provided.
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Section C
Worksite Information



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It is important for the employer to define the area of intended employment with as much geographic specificity as possible. This information is used for purposes of reviewing and verifying regulatory compliance with advertising, positive recruitment requirements, and prevailing wage determinations.

1. Enter the street address of the location where work will be performed. The worksite address must be a physical location and cannot be a P.O. Box.
 2. Enter the city in which the worksite is located.
 3. Enter the State/District/Territory in which the worksite is located.
 4. Enter the postal (zip) code in which the worksite is located.
 5. Enter the county in which the worksite is located.
 6. Enter any additional information about the worksite location. Examples may include more specific information about the fields where work will be performed in close proximity to the address location or more specific directions on how workers can reach the worksite, especially in very rural and isolated geographic areas. If no additional information concerning the worksite is needed, enter "**NONE**" in the space provided.
 7. In circumstances where work needs to be performed at additional worksites other than the address listed in items 1 through 5 above, submit a completed Addendum B identifying all additional worksites and, where required, the agricultural business who will employ workers, or to whom the employer will be provided workers.
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Section D
Housing Information

1. Enter the street address of the location where the housing for workers is located. Use commonly understood street or highway numbers and names
 2. Enter the city in which the housing is located.
 3. Enter the State/District/Territory in which the housing is located.
 4. Enter the postal (zip) code in which the housing is located.
 5. Enter the county in which the housing is located.
 6. Identify the type of housing that will be provided to workers at this location. Examples may camp, cabin, barracks or two-story house (private, rental, public accommodation)
 7. Enter the total number of housing units available to house workers at this location.
 8. Enter the total occupancy capacity for all of the housing units identified in item 7 above.
 9. Enter any additional information about the housing and the applicable inspection standards. Examples may include more specific directions on how workers can reach the housing, especially in very rural and isolated geographic areas, availability of family units and/or single rooms available, utilities (e.g., gas, electricity, and heat) and/or arrangements for utility hookups. If no additional information concerning the housing is needed, enter "**NONE**" in the space provided.
 10. In circumstances where workers will be provided housing at additional locations and/or additional space is needed to identify all available housing units for workers at the address listed in items 1 through 5 above, submit a completed Addendum B identifying all additional housing that will be provided workers.
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Section E
Provision of Meals



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1. Describe how the employer will provide each worker with 3 meals a day or furnish free and convenient cooking and kitchen facilities so that workers can prepare their own meals. Where the employer provides facilities for workers to prepare their own meals, please explain how the workers will have access to stores where they can purchase groceries.
2. Select the option designating whether the employer will charge workers for the provision of meals. If the employer intends to charge workers for the provision of meals, the daily charge per worker must be entered in currency format (\$99.99).

Section F
Transportation and Daily Subsistence

1. Describe how the employer will provide workers with transportation each day from the housing to the worksite(s).
 2. Describe how the employer will provide workers with transportation (a) to the place of employment (i.e., inbound) and (b) from the place of employment (i.e., outbound).
 3. Enter the amounts per day that the employer will pay for or reimburse daily meals for each worker
 - a. Enter the minimum daily subsistence amount per day in currency format (\$99.99).
 - b. Enter the maximum daily subsistence amount per day with receipts in currency format (\$99.99).
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Section G
Referral and Hiring Instructions

1. Explain how prospective applicants may be considered for employment under this job order, including verifiable contact information for the employer, or the employer's authorized hiring representative and the methods of contact (e.g., email, phone) that prospective U.S. applicants may use to be considered for the job opportunity. Summarize how applicants are to be considered, referred and hired. For example, indicate the days and hours that the employer or the employer's authorized hiring representative will be available to interview workers by telephone and/or in-person and whether anybody different from the employer has hiring authority.
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Section H
Other Material Terms and Conditions of the Job Offer

1. Use the space provided to disclose any other material terms, conditions, and benefits (monetary and non-monetary) that will be provided by the employer under this job opportunity. This space may also be used to elaborate or further explain material terms or conditions of the job offer (e.g., wage offer(s) and deductions, job qualifications or requirements, meals, transportation) previously disclosed on this clearance order.

If no additional material terms and conditions of employment need to be disclosed, enter "**NONE**" in the space provided.

Assurances for Agricultural Clearance Orders

After reading the Assurances, please sign the job order, by completing:

1. Last name
 2. First name
 3. Middle Initial
 4. Title
 5. Signature
 6. Date signed
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