

Referral Tool for H-2A Employers Information

Agricultural employers who participate in the H-2A guest worker program are federally required to document their efforts in recruiting domestic workers for their H-2A job orders.

Employers must submit a recruitment report to the U.S. Department of Labor's Chicago National Processing Center (CNPC). According to federal H-2A regulation, employers must retain all recruitment records and documents for at least three years.

The NYS Department of Labor's Foreign Labor Certification Unit created a template for the recruitment report. This [referral tool](#) (numbered AL 156) may help you comply with this federal requirement. We created the tool as a service to you. No one is required to use it.

You may use the [referral tool](#) to help you accurately document your contact with domestic referrals and applicants and with any U.S. workers you may have employed during the previous season. It also can help employers determine if a domestic referral or applicant to their H-2A job order meets the minimum job requirements and should be hired for the position.

You must remember it is unlawful to discriminate against employees and applicants for employment on the basis of:

- age
- race
- religion
- national origin
- gender
- disability
- sexual orientation
- marital status
- military status
- domestic violence
- victim status
- arrest record
- conviction record
- predisposing genetic characteristics
- in housing only, familial status

The tool consists of:

- *Referrals/Applicants to H-2A Job Orders: Instructions (AL 156)*
- *Referrals/Applicants to H-2A Job Orders: Interview Form (AL 156.1)*
- *Referrals/Applicants to H-2A Job Orders: Agricultural Experience Verification Form (AL 156.2)*
- *Referrals/Applicants to H-2A Job Orders: Contacting Former U.S. Workers form (AL 156.3)*

You can read directly from the interview and agricultural employment verification forms when interviewing a domestic referral or applicant, or when contacting an applicant's previous employer.

If you choose to use any or all of the forms, include as much detail as possible. You must keep them with your recruitment records and documents for at least three years.

NYS Department of Labor Agriculture Labor Specialists are required to conduct unannounced field checks at H-2A farms where there are referrals of domestic workers.

During each field check, the Agriculture Labor Specialist must ask the employer if NYS DOL-referred individuals contacted him/her about the job opportunity, and if the individuals were interviewed and/or hired. The forms included in the referral tool may be helpful to the employer in this instance.

For questions or comments about the referral tool, please contact the Agriculture Labor Specialist serving your county or the Foreign Labor Certification Unit at H2A@labor.ny.gov.

Go to the Agriculture Labor Program's website at <http://www.labor.ny.gov/immigrants/agriculture-labor-program.shtm> for:

- The Referral Tool for H-2A Employers (AL 156)
- Contact information for the Agriculture Labor Specialists
- More information on services for agricultural employers