Intrastate/Interstate Clearance System

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Purpose

The Intrastate/Interstate Clearance System is a process by which employers recruit workers from labor supply areas in this and other states for temporary or seasonal agricultural labor. Employers use the nationwide network of state employment service (job service) offices. This process is mandated by Federal law as a means of assuring certain terms and conditions of employment when asking workers to leave their normal place of residence to secure such employment.

Who may apply

Agricultural employers who need or anticipate a need for workers for temporary or seasonal labor that cannot be filled locally may apply. Employers may be individuals, associations, partnerships, or corporations. An authorized agent may also apply on behalf of an employer. An authorized agent is any individual or entity authorized by an employer to assist in the application process and may include farm labor contractors, lawyers, or grower associations, among others.

Application process

The process for filing an application will depend on whether an employer wishes to recruit workers intrastate (statewide) or interstate (nationwide).

An intrastate clearance application must be filed with the local State Employment Service office. The local office will forward a copy of the application to the Employment Service Administrative Office for processing and approval.

An interstate clearance application must be filed with the Regional Administrator of the Employment and Training Administration and the local office of the State Employment Service as soon as possible before the date on which the workers are needed. The application may be filed in person, by certified mail, or by guaranteed commercial delivery.

With either application, the employer must include the following items:

1. Agricultural and Food Processing Clearance Order (Form ETA 790);
2. attachments necessary to supplement information requested on the above form; and
3. statement of authorization of agent or association, if applicable.

The timeliness of the clearance process depends on the employer's ability to meet all of the conditions and requirements outlined in the Federal regulations. However, it is recommended that an employer allow a minimum of thirty (30) days from the date of application to the date of need. This allows sufficient time to modify or upgrade conditions of the application without jeopardizing crops. Local recruitment must be done prior to approval of the clearance order as well as after its approval until the workers have left for the work location.

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Conditions to be satisfied

The benefits and conditions that the work orders must offer depend on the prevailing practices that exist in the occupation, crop, and area. Prevailing wage and practice surveys are conducted by the State Employment Service when labor trends indicate potential labor shortages. Employers may also request prevailing surveys if they anticipate a shortage of qualified local workers. Specific conditions must be met in the areas of:

- Housing
- Recruitment
- Wages
- Meals
- Tools
- Transportation

For more information

The Oregon State Employment Division can provide staff to explain the requirements and procedures for filing a clearance order. At the employer’s request, the division can also assist with planning, preparing, and modifying the clearance order.

Employers interested in obtaining more information should contact:

Local State Employment Service Offices

Oregon State Employment Division
H2A/Clearance Order Specialist
75 Union Street NE
Salem, OR 97311
(503) 378-8122

For more information:
http://extension.oregonstate.edu/catalog

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