

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. 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 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 will depend 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 will allow sufficient time to modify or upgrade conditions of the application without jeopardizing crops.

Conditions to be satisfied

The benefits and conditions that must be satisfied will 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

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shortage of qualified local workers. In addition, 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
875 Union Street NE
Salem, OR 97311
(503) 378-8122



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EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

The mission of the Oregon Employment Division is to improve the quality of life of Oregonians by (1) providing qualified applicants for employers; (2) assisting workers in finding suitable jobs; (3) providing unemployment insurance benefits to eligible claimants; (4) supplying labor market information, and; (5) participating in the economic development of Oregon.
