H-2A Temporary Agricultural Labor Certification Program

February 1, 2013

NOTICE: Updated H-2A Prevailing Wage Rates for Sheepherding/Goatherding Occupations

This notice contains important information regarding H-2A program obligation to offer and pay a specific wage to H-2A workers and domestic workers in corresponding employment engaged in sheepherding or goatherding activities in connection with an H-2A labor certification.

The H-2A Special Procedures for the Sheepherding and Goatherding Occupations (Training and Employment Guidance Letter 32-10, 76 FR 47256 (Aug. 4, 2011)) include a special variance to the offered wage rate requirements contained at 20 CFR 655.120(a), allowing the employer to offer, advertise in the course of its recruitment, and pay the monthly, weekly, or semi-monthly prevailing wage established by the OFLC Administrator for each state listed in an approved itinerary.

On January 8, 2013, the Department of Labor (Department) established new 2013 prevailing wage rates for the sheepherding and goatherding occupations, which became effective immediately. These wages were published in the Federal Register on that date, 78 FR 1260, for public review.

This is to notify all interested stakeholders that as a result of pending litigation regarding the application of the California sheepherding wage to adjoining or proximate states, the Department is withholding implementation of the January 8, 2013 prevailing wages for sheepherding occupations in **Arizona, Nevada, Oregon and Washington** in order to facilitate full judicial consideration of the underlying issues in litigation.

Effective February 1, 2013, the Department is withholding implementation of the previously published January 8, 2013 prevailing wage rates for the four states until further notice. This suspended implementation is applicable as of January 8, 2013. The wages which must be paid as of January 8, 2013 are based upon the previous prevailing wage findings issued by the Department for each state, and are listed below. These wages will be effective until further notice. The wage rate in California remains unchanged.

Employers who have not yet submitted their H-2A applications for processing should rely on the wage rates below when preparing their applications and job orders.

TABLE 2 – PREVAILING WAGE RATES FOR SHEEPHERDING AND GOATHERDING OCCUPATIONS

State	Updated Prevailing Wage Rates for Sheep/Goat Herder
Arizona.....	$750.00 Per Month
Nevada	$800.00 Per Month
Oregon.....	$1,227.67 Per Month
Washington	$750.00 Per Month

In addition to this notice, the Department is issuing individual notices to affected employers.

AILA InfoNet Doc. No. 13020447. (Posted 2/4/13)

H-2A Temporary Agricultural Labor Certification Program

February 1, 2013

NOTICE: H-2A Prevailing Wage Rates for the Open Range Production of Livestock Occupations: CORRECTION

This notice contains important information regarding H-2A program obligation to offer and pay a specific wage to H-2A workers, and workers in corresponding employment engaged in the open range production of livestock, in connection with an H-2A labor certification.

The H-2A Special Procedures for the Open Range Production of Livestock (Training and Employment Guidance Letter 15-06, Change 1 (Aug. 4, 2011)) include a special variance to the offered wage rate requirements contained at 20 CFR 655.120(a), allowing the employer to offer, advertise in the course of its recruitment, and pay the monthly, weekly, or semi-monthly prevailing wage established by the OFLC Administrator for each state listed in an approved itinerary.

On January 8, 2013, the Department of Labor (Department) established new 2013 prevailing wage rates for the open range production of livestock which became effective immediately.

This is to notify you all interested stakeholders that the established wage rates for **Texas, Wyoming, Idaho, Montana, North Dakota, South Dakota, and Oklahoma** have been issued in error due to inadequate sample sizes. The correct prevailing wage rates for open range production of livestock in these states are listed below and must be paid as of January 8, 2013. Employers who have not yet submitted their H-2A applications for processing should rely on the corrected wage rates (below) when preparing their applications and job orders.

TABLE 1 – PREVAILING WAGE RATES FOR SHEEPHERDING AND GOATHERDING OCCUPATIONS

State	*Corrected* Prevailing Wage Rates for the Open Range Production of Livestock
Idaho	$875.00 Per Month
Montana	$875.00 Per Month
North Dakota.....	$875.00 Per Month
Oklahoma.....	$875.00 Per Month
South Dakota.....	$875.00 Per Month
Texas.....	
Region 1…….....	$875.00 Per Month
Region 2…….....	$875.00 Per Month
Region 3…….....	$875.00 Per Month
Region 4…….....	$875.00 Per Month
Wyoming.....	$875.00 Per Month

In addition to this notice, the Department is issuing correction notices to individual affected employers.

AILA InfoNet Doc. No. 13020447. (Posted 2/4/13)