

NCAE SURVEY OF 2010 H-2A EMPLOYERS - FINAL SUMMARY

DECEMBER 2011

Overview of Survey Design:

The sampling frame for the survey was obtained from the Department of Labor's Foreign Labor Certification Data Center, website <http://www.flcdatacenter.com/CaseData.aspx>. This website contains files, by year, of H-2A applications that were received and entered into the Department of Labor (DOL) tracking system. The file for 2010 was used, the most recent available at that time. It contained 7424 records, but 3 records were deleted because of an erroneous "alien work state." The remaining 7421 records were stratified into 12 sampling strata, with records within each stratum sorted by region and "number of workers requested". A systematic sample of size 1444 was selected. Duplicate samples from the same employer were replaced with another application record from the file which was in the same strata, same state, and which had requested approximately the same number of workers. This action was to avoid sending multiple questionnaires to the same employer.

The survey was carried out by the Social & Economic Science Research Center at Washington State University (WSU). WSU used a mail-out / mail-back survey questionnaire and developed an online web response option. The questionnaire packet included a letter explaining the importance of the survey which was endorsed by 18 producers' organizations. NCAE and other endorsing organizations used their connections with producers to encourage participation in the survey. WSU sent a post card reminder and mailed subsequent questionnaire packets to producers who did not respond to the initial mailing, followed by telephoning non-respondents.

NCAE used the services of a consultant in agricultural statistics, Carol House (housca@gmail.com), to design the survey and oversee the process and results. She has 30+ years of experience designing and working with agricultural statistics and surveys.

Response Analysis:

517 questionnaires were returned completed or partially completed, giving an overall response rate of 44.9%. This is reasonable for a non-governmental survey. Adjustments were made at the stratum level to the sampling weights to account for the nonresponse. Response rates were reviewed by region of the country and by commodity group to ensure that all were well represented in the results. Response rates for all subgroups were 20% or greater, and substantially higher for some subgroups.

Number of valid questionnaires and response rates

Valid Responses	Number	Percent	Cumulative Percent
Phone Completes	54	10.4	10.4
Mail Completes	332	64.2	74.6
Web Completes	91	17.6	92.2
Phone Partial Completes	5	1.0	93.2
Web Partial Completes	35	6.8	100.0
Total	517	100.0	

Cross-tabulation of Sample by Survey Collection Mode and Region

		MODE Survey mode			Total	Sample	Response Rate
		1 Phone	2 Mail	3 Web			
Region	APPALACHAIA	15	54	14	86	396	22%
	CENTRAL US	6	32	19	57	189	30%
	MID ATLANTIC	3	15	6	24	42	57%
	NE	11	60	23	94	181	52%
	NW	3	57	24	84	134	63%
	OTHER	1	0	1	2	2	100%
	SE	7	29	13	49	182	27%
	UPPER MIDWEST	0	9	5	14	29	48%
	WEST	5	27	7	39	117	33%
	WEST CENTRAL	7	32	14	53	154	34%
	Unknown	0	14	1	15		
Total		57	332	127	517	1426	36%

Cross-tabulation of Population By Region

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	APPALACHAIA	1976	26.6	26.6	26.6
	CENTRAL US	737	9.9	9.9	36.6
	MID ATLANTIC	239	3.2	3.2	39.8
	NE	939	12.7	12.7	52.4
	NW	1021	13.8	13.8	66.2
	OTHER	45	.6	.6	66.8
	SE	600	8.1	8.1	74.9
	UPPER MIDWEST	214	2.9	2.9	77.8
	WEST	728	9.8	9.8	87.6
	WEST CENTRAL	922	12.4	12.4	100.0
	Total	7421	100.0	100.0	

By Stratum * Survey Collection mode Cross- tabulation

		MODE Survey mode			Total	Sample	Response Rate
		1 Phone	2 Mail	3 Web			
STRATA	11	18	82	32	143	349	41%
	12	6	58	23	87	168	52%
	13	8	73	17	98	286	34%
	14	12	39	8	59	277	21%
	21	0	19	10	29	52	56%
	22	2	8	4	14	25	56%
	23	1	2	4	7	16	44%
	24	3	6	3	12	65	18%
	31	2	12	8	22	65	34%
	32	3	2	1	6	28	21%
	33	3	9	4	16	74	22%
	34	0	8	1	9	21	43%
	99	0	14	1	15		
Total		58	332	127	517	1426	36%

Strata Definitions:

- 11 Applications fully certified, Fruit or Vegetable Producer
- 12 Applications fully certified, Nursery or Greenhouse
- 13 Applications fully certified, Field Crops or Livestock
- 14 Applications fully certified, Other (mostly tobacco, also aquaculture, etc.)
- 21 Applications partially certified, Fruit or Vegetable Producer
- 22 Applications partially certified, Nursery or Greenhouse
- 23 Applications partially certified, Field Crops or Livestock
- 24 Applications partially certified, Other (mostly tobacco, also aquaculture, etc.)
- 31 Applications denied or withdrawn, Fruit or Vegetable Producer
- 32 Applications denied or withdrawn, Nursery or Greenhouse
- 33 Applications denied or withdrawn, Field Crops or Livestock
- 34 Applications denied or withdrawn, Other (mostly tobacco, also aquaculture, etc.)

By Commodity Group * Survey Collection mode Cross-tabulation

Counts

		MODE Survey mode			Total	Sample	Response Rate
		1 Phone	2 Mail	3 Web			
Commodity	Fruit / Veg Growers	20	113	61	194	466	42%
Group	Nursery / Greenhouse	11	68	28	107	221	48%
	Field Crops / Livestock	12	84	25	121	376	32%
	Other	15	53	12	80	363	22%
Total		58	318	126	502	1426	35%

Summary of questionnaire items:

All totals, averages, and percentages are based on data expanded with sampling weights and non-response adjustment.

Section 1: Application for H-2A Workers for 2010

Q01 Did your operation submit an application (ETA Form 9142) to participate, in 2010, in the Department of Labor's H-2A program?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	6672	89.9	94.8	94.8
	No	364	4.9	5.2	100.0
	Total	7036	94.8	100.0	
Missing	Don't know	61	.8		
	No answer	324	4.4		
	Total	385	5.2		
Total		7421	100.0		

Q02 How many different applications did you submit to the program for 2010?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	A single application	4270	57.5	67.0	67.0
	More than one application	2099	28.3	33.0	100.0
	Total	6369	85.8	100.0	
Missing	Don't know	110	1.5		
	No answer	795	10.7		
	System	148	2.0		
	Total	1052	14.2		
Total		7421	100.0		

Q03 How many separate applications did you submit for 2010?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent	
Valid	0	24	.3			
	1	170	2.3			
	2	1237	16.7	61.5	61.5	
	3	392	5.3	19.5	81.0	
	4	171	2.3	8.5	89.5	
	5	27	.4	1.3	90.8	
	6	84	1.1	4.2	95.0	
	7	24	.3	1.2	96.2	
	8	45	.6	2.2	98.4	
	9	10	.1	.5	98.9	
	13	8	.1	.4	99.3	
	15	16	.2	.7	100.0	
	Total		2207	29.7	100.0	
	Missing	Don't know	60	.8		
		System	5154	69.4		
Total		5214	70.3			
Total		7421	100.0			

Note: Employers were told to skip Q2 if they submitted no application or only a single application.

Q04 Did you use an agent to assist you in the application process?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	6067	81.8	88.9	88.9
	No	756	10.2	11.1	100.0
	Total	6823	91.9	100.0	
Missing	Don't know	10	.1		
	No answer	440	5.9		
	System	148	2.0		
	Total	598	8.1		
Total		7421	100.0		

Q05 What was the final certification decision regarding your 2010 application by the Department of Labor's Office of Foreign Labor Certification (OFLC)?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Certified – Full	6056	81.6	90.6	90.6
	Certified – Partial	352	4.7	5.3	95.9
	Denied	201	2.7	3.0	98.9
	Withdrawn or other disposition	76	1.0	1.1	100.0
	Total	6684	90.1	100.0	
Missing	Don't know	63	.8		
	No answer	526	7.1		
	System	148	2.0		
	Total	737	9.9		
Total		7421	100.0		

Q06A-D Regarding your 2010 application, how many H-2A workers:

	Total	% of Requested Workers
a. Were requested for certification	162,576	100.0%
b. Were certified by OFLC (Chicago)	139,066	85.5%
c. Were admitted by the USCIS	135,317	83.2%
d. Began work on your operation	117,230	72.1%

Note: The total numbers differ substantially from what the DOL reports on its website for number of workers requested and number of workers certified. Notice however, that the % certified is much closer. The DOL numbers are:

Number of workers requested: 105238
 Number of workers certified: 94303 89.6%

Q07 For which commodities was the H-2A job order? (Check all that apply)

	Fruit	Vegetables	Nursery / Greenhouse	Livestock	Grains	Other
Total	1147	1228	825	2060	1585	3245
% of Valid Responses (does not add to 100%)	15.8%	16.9%	11.3%	28.3%	21.8%	44.6%

Q08 What tasks were H-2A workers intended to perform? (Check all that apply)

	Planting / Propagation	Pruning	Cultivation and/or ongoing care of plants	Harvesting / Packing	Feeding / Care of Livestock	Other
Total	3591	1634	3425	4667	2053	1791
% of Valid Responses (does not add to 100%)	49.6%	22.5%	47.1%	64.2%	28.2%	24.7%

Q09 Was your 2010 application Initially Fully Certified?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	4906	66.1	76.7	76.7
	No	1491	20.1	23.3	100.0
	Total	6397	86.2	100.0	
Missing	Don't know	64	.9		
	No answer	812	10.9		
	System	148	2.0		
	Total	1024	13.8		
Total		7421	100.0		

Section 2: Denials and Partial Certifications

Completed only by employers whose application was not initially full certified.

Q10 What reason(s) was given by OFLC (Chicago) in its Notice of Deficiency? Check all that apply.

	Hourly wage too low	Piece rate wage too low or other issue with piece rate	Requirement for "Work Experience"	Requirement for a background check or drug test	Productivity standards	Small errors or inconsistencies in the paperwork	Other
Total	69	51	163	30	118	1286	522
% of Valid Responses (does not add to 100%)	1.2%	0.9%	3.0%	0.5%	2.1%	23.5%	9.5%

Q11 Did you revise and resubmit your application for reconsideration?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	1582	21.3	88.6	88.6
	No	203	2.7	11.4	100.0
	Total	1786	24.1	100.0	
Missing	Don't know	62	.8		
	No answer	3698	49.8		
	System	1875	25.3		
	Total	5635	75.9		
Total		7421	100.0		

Q12 What was the outcome of this revised submission?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Certified - Full	1249	16.8	79.1	79.1
	Certified - Partial	127	1.7	8.0	87.1
	Denied	204	2.7	12.9	100.0
	Total	1579	21.3	100.0	
Missing	No answer	3832	51.6		
	System	2010	27.1		
	Total	5842	78.7		
Total		7421	100.0		

Q13 Did you appeal your partially certified or denied application to an administrative law judge?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	252	3.4	28.2	28.2
	No	643	8.7	71.8	100.0
	Total	895	12.1	100.0	
Missing	Don't know	16	.2		
	No answer	4218	56.8		
	System	2292	30.9		
	Total	6526	87.9		
Total		7421	100.0		

Q14 Did you have legal counsel or other professional assistance with your appeal?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	117	1.6	34.8	34.8
	No	219	3.0	65.2	100.0
	Total	336	4.5	100.0	
Missing	No answer	4612	62.2		
	System	2473	33.3		
	Total	7085	95.5		
Total		7421	100.0		

Q15 Was your appeal...

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Decided by an administrative law judge?	124	1.7	54.1	54.1
	Resolved through an agreement reached between parties before the hearing?	31	.4	13.6	67.7
	Other	74	1.0	32.3	100.0
	Total	229	3.1	100.0	
Missing	Don't know	10	.1		
	No answer	4682	63.1		
	System	2500	33.7		
	Total	7192	96.9		
Total		7421	100.0		

Q16 If your appeal was decided by an administrative law judge, what was the judge's decision?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	OFLC was reversed by the judge and the case remanded for processing	131	1.8	78.6	78.6
	OFLC denial of your certification was upheld by judge	36	.5	21.4	100.0
	Total	167	2.2	100.0	
Missing	No answer	4762	64.2		
	System	2492	33.6		
	Total	7254	97.8		
Total		7421	100.0		

Q17 Why did you choose not to appeal?

	Generally satisfied with OFLC (Chicago's) decision	It was too costly to appeal	There was insufficient time to appeal	Did not think the decision would be reversed	Other
Total	68	93	184	103	64
% of Valid Response	8.6%	11.3%	22.4%	12.5%	7.8%

Note: In Q13, 643 employers reported that they did not appeal their partially certified or denied application. This number is used as the denominator for the % in this table.

Section 3: Critical Dates and Timing Issues

Individual questions in this section were not summarized. Instead these questions were used to create several important date variables. Outliers (very large values) were omitted in these calculations because they were distorting the statistics.

DOLdays = the number of days that it took the DOL to make a decision on the application. Calculated as Q25 (date of OFLC final decision) minus Q18b (date application filed with OFLC).

USCISdays = the number of days that it took the USCIS to approve petition. Calculated as Q27 (date of USCIS approval) minus Q26 (date petition filed with USCIS).

DecisionToStart = the number of days an employer has following the OFLC decision before workers are need to begin work. Calculated as Q19 (start date of need) [or Q22 (amended start day of need)] minus Q25 (date of OFLC final decision).

LateDays = the number of days workers arrive after the “start date of need”. Calculated as
 LateDays = 0, if workers began work on or prior to the date of need.
 Otherwise, LateDays calculated as Q28 (date workers began work) minus Q19 (start date of need).

	LateDays		Total
	With No LateDays	With LateDays	
Total	1337	3450	4787
%	27.9%	72.1%	100.0%

		Average Number of Days
DOLdays	Average number of days it took OFLC to make a decision on H-2A applications.	38.4
USCISdays	Average number of days it took the USCIS to approve H-2A petitions.	14.3
DecisionToStart Days	Average number of days left to employers after the OFLC decision before the “start date of need”.	23.4
LateDays	When workers did not arrive by the “start date of need” (LateDays>0), the average number of days workers arrive after the “start date of need.”	22.6

*Outliers removed in calculating averages.

Q21 Did you file an amended "date of need"?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	426.36	5.7	7.4	7.4
	No	5354.36	72.2	92.6	100.0
	Total	5780.72	77.9	100.0	
Missing	Refuse	23.51	.3		
	Don't know	157.46	2.1		
	No answer	1236.17	16.7		
	System	223.13	3.0		
	Total	1640.28	22.1		
Total		7421.00	100.0		

Section 4: Domestic Workers

Q29 With how many different state workforce agencies did you file a Form 790?

Filed Form 790 With	Number of Employers	Percent	Percent of Valid Responses	Cumulative Percent	Average
0 Workforce agency	110	1.5	2.2	2.2	
1 Workforce agency	3723	50.2	75.2	77.5	
2 Workforce agencies	233	3.1	4.7	82.2	
3 Workforce agencies	569	7.7	11.5	93.7	
4 Workforce agencies	233	3.1	4.7	98.4	
5 Workforce agencies	33	.4	.7	99.0	
6 Workforce agencies	19	.3	.4	99.4	
7 Workforce agencies	5	.1	.1	99.5	
11 Workforce agencies	24	.3	.5	100.0	
Total	4947	66.7	100.0		
Unspecified	10	.1			
Don't know	438	5.9			
System	2027	27.3			
Total	2474	33.3			
Total	7421	100.0			
Average number of agencies with which employers filed 790					1.50
Average number excluding employers who did not file 790 with any agency.					1.53

Q30 How many referral job candidates did you receive from those state workforce agencies?

Q31 How many of these referrals were received after the "date of need"?

Q35 How many of these referral candidates accepted a job with you?

Q36 How many referral candidates began work on your operation?

Q37 How many referral workers worked through the entire contract period?

Number of Referral Workers		Percent of all Referral Workers
Q30. Received from state workforce agencies	34972	100%
Q31. Received after the "date of need"	9770	27.9%
Q35. Accepted a job	11343	32.4%
Q36. Began work	8857	25.3%
Q37. Worked through the entire contract period	1839	5.3%

Q32-Q34 Address the 50% rule for referral workers.

Q32 If you received more referral candidates than jobs on the job order, did your state workforce agency still require you to offer jobs to all referrals that you received during the first 50% of the contract period?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent	Percent of Those Receiving More Referrals Than Jobs
Valid	I did not receive more referral candidates than jobs on the job order.	2488	33.5	74.6	74.6	
	Yes, and I was required to offer a job to each referral received in the first 50% of the contract period.	476	6.4	14.3	88.9	56.3
	No, but I was not required to offer a job to each referral received during the first 50% of the contract period.	369	5.0	11.1	100.0	43.7
	Total	3333	44.9	100.0	100.0	100.0
Missing	Don't know	26	.3			
	No answer	3024	40.7			
	System	1039	14.0			
	Total	4088	55.1			
Total		7421	100.0			

Q33 How were you informed of this requirement?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Entered a response	398	5.4	100.0	100.0
Missing	System	7023	94.6		
Total		7421	100.0		

Note: See comments for Q33.

Q34 Was this requirement a change from previous years?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes, this requirement was different than in past years	183	2.5	25.8	25.8
	No, this was also required in the past	528	7.1	74.2	100.0
Missing	Total	711	9.6	100.0	
	No answer	4433	59.7		
	System	2276	30.7		
	Total	6710	90.4		
Total		7421	100.0		

Q38 If any referral workers left your employ before the end of the contract period, why did this happen?

	Worker quit or failed to show up for work	Worker terminated for cause, other than failure to show up	Worker failed to produce acceptable work authorization documentation	Worker terminated because there was no more work to be performed	Other reason for leaving	No referral worker left before entire period
Total	1083	291	143	51	295	305
Percent of Valid Responses	50.0%	13.4%	6.6%	2.3%	13.6%	14.1%

Note: Percent in each column is based on the 2168 employers who responded to question.

Q39 Considering all referral workers, what was the average number of hours one of these referrals worked on this job order?

Number of Referral Workers	
Number of referral workers who began work (Q 36).	8857
Total number of hours worked by these referral workers	227,321
Number of employers reporting hours worked	1614
Average hours of referral work per employer	140.8
Average hours per referral work who began work	25.7

Q40 How many total hours did you, or others on your operation, spend on paperwork processing for referral workers and training these workers for this job order?

Number of Referral Workers	
Number of employers responding	1694
Number of employers reporting some hours.	1286
Total number of hours reported by employers	90070
Average hours per responding employers	53.2
Average hours per employer who reported some hours.	70.0

Section 5: USCIS Processing

Q41 How well did the U.S. Customs and Immigration Service handle your petition for H-2A workers?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Approved petition in a timely manner	4099	55.2	69.1	69.1
	Approved petition, but not in a timely manner	1658	22.3	28.0	97.1
	Did not approve petition	85	1.1	1.4	98.5
	Issued a Request for Evidence	89	1.2	1.5	100.0
Missing	Total	5930	79.9	100.0	
	Refuse	10	.1		
	Don't know	118	1.6		
	No answer	1010	13.6		
	System	354	4.8		
	Total	1491	20.1		
Total		7421	100.0		

Q42 How well did the U.S. Embassy or Consulate handle the visa processing for your H-2A workers?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Processed in a timely manner	3836	51.7	65.8	65.8
	Processed, but not in a timely manner	1683	22.7	28.9	94.7
	Did not process	311	4.2	5.3	100.0
	Total	5830	78.6	100.0	
Missing	Refuse	10	.1		
	Don't know	105	1.4		
	No answer	1123	15.1		
	System	354	4.8		
	Total	1591	21.4		
Total		7421	100.0		

Q43 Did you use the U.S. Embassy in a second country to process visas for this work order?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	2299	31.0	42.5	42.5
	No	3107	41.9	57.5	100.0
	Total	5406	72.8	100.0	
Missing	Refuse	10	.1		
	Don't know	305	4.1		
	No answer	1347	18.2		
	System	354	4.8		
	Total	2015	27.2		
Total		7421	100.0		

Q44 How well did the U.S. Embassy or Consulate in this second country handle the visa processing for your H-2A workers?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Processed in a timely manner	1327	17.9	57.2	57.2
	Processed, but not in a timely manner	932	12.6	40.1	97.3
	Did not process	63	.8	2.7	100.0
	Total	2321	31.3	100.0	
Missing	Don't know	59	.8		
	No answer	3541	47.7		
	System	1499	20.2		
	Total	5100	68.7		
Total		7421	100.0		

Section 6: Economic Impact and Cost

Q45 How many hours did you, a family member, or others in your operation spend in the administrative processes to obtain H-2A workers for 2010?

Range of Hours	Number of Employers Spending That Range of Hours	%	Cumulative %
Zero	215	4%	4%
1-10	2203	43%	46%
11-20	802	15%	62%
21-40	1037	20%	82%
41-60	300	6%	87%
61-100	365	7%	95%
101+	270	5%	100%
Total	5192	100%	
Total Hours Spent to obtain H-2A Workers			180,666

Q46 Did you hire an agent to do some or all of the application/appeal process for your operation?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	5504	74.2	86.8	86.8
	No	838	11.3	13.2	100.0
	Total	6342	85.5	100.0	
Missing	Don't know	10	.1		
	No answer	688	9.3		
	System	381	5.1		
	Total	1079	14.5		
Total		7421	100.0		

Q47 Why did you hire an agent? Check all that apply.

	Process is very complex	Agent is more cost effective than doing the work ourselves	To help protect against liability	Other
Total	4774	3110	2808	971
Percent of Valid Responses	70.6%	46.3%	41.5%	14.4%

Q48 What was the economic loss (in dollars) or other injury to your operation due to the inability to get the workers you needed?

Range of Economic Loss Due to Inability to Get Workers	Number of Employers Incurring That Level of Loss	%	Cumulative %
Zero Loss	1708	69.1%	69.1%
\$1 to \$999	55	2.2%	71.3%
\$1,000 to \$9,999	120	4.9%	76.1%
\$10,000 to \$99,999	336	13.6%	89.7%
\$100,000 to \$999,999	183	7.4%	97.1%
\$1 million +	71	2.9%	100.0%
Total Economic Loss Due to Inability to Get Workers			\$148,353,056

Q48A Check here if some other injury to your operation. Please indicate what this was.

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	502	6.8	7.1	7.1
	No	6538	88.1	92.9	100.0
	Total	7040	94.9	100.0	
Missing	System	381	5.1		
	Total	7421	100.0		

Q49 What was the economic loss (in dollars) or other injury to your operation because the workforce was not available at date of need?

Range of Economic Loss Due Because Workforce was not Available at Date of Need.	Number of Employers Incurring That Level of Loss	%	Cumulative %
Zero Loss	1785	63.1%	63.1%
\$1 to \$999	12	0.4%	63.5%
\$1,000 to \$9,999	392	13.9%	77.4%
\$10,000 to \$99,999	386	13.6%	91.1%
\$100,000 to \$999,999	200	7.1%	98.1%
\$1 million +	53	1.9%	100.0%
Total Economic Loss Due to Workforce Not Available at Date of Need			\$168,240,700

Q49A Check here if some other injury to your operation because the workforce was not available at date of need. Please indicate what this was.

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	349	4.7	5.0	5.0
	No	6676	90.0	95.0	100.0
	Total	7024	94.7	100.0	
Missing	System	397	5.3		
Total		7421	100.0		

Q50 On which activities did the loss occur?

	Planting / Propagation	Pruning	Cultivation and/or ongoing care of plants	Harvesting / Packing	Feeding / Care of Livestock	Other	No Loss
Total	656	148	425	871	643	535	1852
% of Valid Responses	9.4%	2.1%	6.1%	12.5%	9.2%	7.7%	26.6%

Section 7: Enforcement Issues

Q51 The following questions pertain to audits conducted of your business by the Wage and Hour Division (W&H) of the Department of Labor

	2010		2009		2008		2007		2006	
	# YES	%	# YES	%	# YES	%	# YES	%	# YES	%
In these years, did you apply to participate in the H-2A program?	6404	97	6099	93	5750	91	5002	85	4377	78
Were you audited by the Wage and Hour Division during any of these years?	777	13	797	13	571	10	428	8	337	7
If audited, was it a paperwork-only audit?	482	10	386	8	353	8	280	7	231	6
If audited, did an investigator come to your place of business?	566	12	620	13	435	10	355	9	268	7
If audited, were any violations found?	274	6	209	5	139	3	175	4	39	1
If violations were found, were any fines levied or back wages sought?	228	5	168	3.7	106	3	108	3	10	<1
If violations were found, did you contest them at a hearing before an administrative law judge?	35	1	20	<1	20	<1	0	0	0	0

Q52 Prior to participating in the H-2A program, were you ever audited by the Wage and Hour Division?

	Q52 Prior to participating in the H-2A program, were you ever audited by the Wage and Hour Division?		Total
	1 Yes	2 No	
Total	529	6008	6537
%	8.1%	91.9%	100.0%

Q53 How many times were you audited in years before participation?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	0	573	7.7	60.0	60.0
	1	219	3.0	23.0	83.0
	2	112	1.5	11.7	94.7
	3	51	.7	5.3	100.0
	Total	955	12.9	100.0	
Missing	Don't know	31	.4		
	System	6435	86.7		
Total		6466	87.1		
Total		7421	100.0		
Average number of audits prior to participation in H-2A					0.62
Average number of audits prior to participation in H-2A for employers with at least 1 audit					1.56

Q54 How many times have you been audited in the years since you began participation?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent	
Valid	0	3852	51.9	65.7	65.7	
	1	1176	15.8	20.1	85.8	
	2	395	5.3	6.7	92.5	
	3	199	2.7	3.4	95.9	
	4	135	1.8	2.3	98.2	
	5	45	.6	.8	99.0	
	8	17	.2	.3	99.3	
	9	22	.3	.4	99.7	
	10	20	.3	.3	100.0	
	Total		5860	79.0	100.0	
	Missing	Unspecified	30	.4		
Don't know		90	1.2			
System		1441	19.4			
Total		1561	21.0			
Total		7421	100.0			
Average number of audits since participation in H-2A					0.66	
Average number of audits since participation in H-2A for employers with at least 1 audit					1.92	

Q55 Have you ever been sued in court by workers regarding matters related to your participation in the H-2A program?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Yes	293	3.9	4.4	4.4
	No	6437	86.7	95.6	100.0
	Total	6730	90.7	100.0	
Missing	No answer	365	4.9		
	System	326	4.4		
	Total	691	9.3		
Total		7421	100.0		

Section 8: Your Perspective

Q56 How many years have you been farming?

Not summarized because of data problem. A number of respondents appeared to answer the question of how long their farm has been in operation.

Q57 How many years have you (your operation) participated in the H-2A program?

Not summarized because of data problem. A number of respondents appeared to be confused about this question.

Q58 Please rank in order of priority (1 being the highest) the biggest challenges to using the H-2A program

Challenges	Overall Rank "1" is highest priority	Average Rank "1" is highest priority	Percent of Employers Who Rated It "1"
Administrative Burden	1	2.2	41%
Program Costs	2	2.5	37%
Delay in Processing by OFLC	3	3.1	18%
Delay in Processing by USCIS	6	3.7	9%
Delay in Processing by Consular Office	5	3.8	15%
Enforcement Actions by W&H	7	5.0	7%
Lawsuits	8	6.3	2%
Other	4	3.4	30%

New Regulations: The following 3 questions compare the H-2A regulations currently in place with the regulations in place prior to June 2010.

Q59 New regulations became effective for H-2A applications with "date of need" in June 2010 and thereafter. What impact did these regulation changes have on the overall burden and cost of participation in the program?

	Substantially more burdensome and costly	Somewhat more burdensome costly	About the same as under previous regulations	Less burdensome and costly	Substantially less burdensome and costly	Total
Total	3995	1349	766	19	10	6139
%	65.1%	22.0%	12.5%	.3%	.2%	100.0%

Q60 What impact did these regulatory changes have on the labor certification process?

	Substantially easier to get certified	Somewhat easier to get certified	About the same as under previous regulations	Somewhat harder to get certified	Substantially harder to get certified	Total
Total	88	63	1731	2102	2022	6007
%	1.5%	1.1%	28.8%	35.0%	33.7%	100.0%

Q61 What impact did these regulatory changes have on your ability to find qualified domestic workers in lieu of H-2A workers?

	Substantially easier to find qualified domestic workers	Somewhat easier to find qualified domestic workers	About the same	Somewhat harder to find qualified domestic workers	Substantially harder to find qualified domestic workers	Total
Total	31	25	4314	438	1117	5925
%	.5%	.4%	72.8%	7.4%	18.9%	100.0%

Q62 Are you planning to apply for H-2A workers in 2012?

	1 Yes	2 No	Total
Total	5907	719	6626
%	89.2%	10.8%	100.0%

Q63 If No, why are you not planning to apply for H-2a workers in 2012?:

	A. Too administrative ly burdensome or costly	B. Workers not available in a timely manner	C. Sufficient domestic workers are available for my needs	D. Mechanization has reduced my need for H-2A workers	E. Changes in what I produce have reduced my need for H-2A workers	F. No longer farming	G. Other
Total	512	134	55	23	72	132	253
%	57.3%	15.0%	6.1%	2.6%	8.1%	14.7%	4.7%

Q64 If YES, why are you planning to apply for the program in 2012:

	A. Generally satisfied with the program	B. Dissatisfied with the program, but have no legal alternative	C. Anticipate that an electronic employment authorization verification program will become mandatory	D. Other
Total	2770	2453	531	1785
%	42.2%	37.3%	8.3%	27.2%

Q65 Have you ever complained to your U.S. Senator or Representative about the difficulties in using the H-2A program?

			Total
	1 Yes	2 No	
Total	3560	3155	6715
%	53.0%	47.0%	100.0%

Q66 What response did you get?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Entered response	2903	39.1	100.0	100.0
Missing	Refuse	10	.1		
	System	4508	60.7		
	Total	4518	60.9		
Total		7421	100.0		

Q67 How would you rate your overall satisfaction with the H-2A program as it is currently administrated?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Not at all satisfied	1761	23.7	26.4	26.4
	Slightly satisfied	1433	19.3	21.4	47.8
	Moderately satisfied	2519	33.9	37.7	85.5
	Very satisfied	693	9.3	10.4	95.9
	Completely satisfied	275	3.7	4.1	100.0
	Total		6680	90.0	100.0
Missing	No answer	368	5.0		
	System	373	5.0		
	Total	741	10.0		
Total		7421	100.0		

Q68 Please provide any additional comments you would like to make regarding the H-2A program.

Responses provided in separate file.

Section 9: Operation Description

Q69 This section will be used to determine whether the H-2A program is administered differently for different sizes and types of farming operations. In 2010, what was this operation's gross value of sales?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Less than \$250,000	993	13.4	15.6	15.6
	\$250,000 to \$499,999	1755	23.7	27.6	43.2
	\$500,000 to \$999,999	1367	18.4	21.5	64.7
	\$1,000,000 or more	2242	30.2	35.3	100.0
	Total	6357	85.7	100.0	
Missing	Refuse	114	1.5		
	No answer	577	7.8		
	System	373	5.0		
	Total	1064	14.3		
Total		7421	100.0		

Q70 Which commodity grouping represents the largest value of sales for this operation in 2010?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	Grains, oilseeds, dry beans and dry peas	468	6.3	8.0	8.0
	Tobacco	1153	15.5	19.7	27.7
	Cotton and cottonseed	85	1.1	1.4	29.1
	Vegetables, melons, potatoes and sweet potatoes	618	8.3	10.6	39.7
	Fruits, fruit nuts, and berries	781	10.5	13.4	53.1
	Nursery / Greenhouse	324	4.4	5.5	58.6
	Cut Christmas trees and short rotation woody crops	97	1.3	1.7	60.2
	Other crops and hay	604	8.1	10.3	70.6
	Poultry and eggs	15	.2	.2	70.8
	Cattle and calves	530	7.1	9.1	79.9
	Milk and other dairy products from cows	24	.3	.4	80.3
	Hogs and pigs	38	.5	.6	80.9
	Sheep, goats and their products	635	8.6	10.8	91.8
	Horses, ponies, mules, burros and donkeys	62	.8	1.1	92.8
	Aquaculture	40	.5	.7	93.5
	Other animals and other animal products	379	5.1	6.5	100.0
	Total		5851	78.8	100.0
Missing	Don't know	24	.3		
	No answer	1164	15.7		
	System	383	5.2		
Total		1570	21.2		
Total		7421	100.0		

Q71 What was the management structure of this operation in 2010?

		Frequency	Percent	Percent of Valid Responses	Cumulative Percent
Valid	An individual or family operation (exclude partnerships)	2900	39.1	45.3	45.3
	Legal partnership operation (include family partnerships)	1279	17.2	20.0	65.2
	C-Corporation	736	9.9	11.5	76.7
	S-Corporation	1076	14.5	16.8	93.5
	Other (Please specify):	418	5.6	6.5	100.0
	Total	6409	86.4	100.0	
Missing	No answer	630	8.5		
	System	383	5.2		
	Total	1012	13.6		
Total	7421	100.0			