

COORDINATION OF INDIANA H-2A HOUSING AND INDIANA AGRICULTURAL LABOR CAMP INSPECTIONS

- ◆ **OSHA Housing Inspection Required for H-2A** - One of the conditions for H-2A applicants to have their job orders certified is for their housing to be approved by inspection according to OSHA Rules (CFR Title 29, 1910.142). This approval must be completed at least 30 days before the date of need or the job order will not be certified.
- ◆ **DWD Conducts H-2A Housing Inspections in Indiana** - The Indiana Department of Workforce Development (DWD) is responsible to conduct the H-2A Housing inspection in Indiana and must conduct the inspection at least 35 Days before date of need. Contact for this work is Tim Mogle with the Indiana Department of Workforce Development. He may be reached at 317-232-7486 or tmogle@dwd.in.gov.
- ◆ **Possible State of Indiana Regulations** - DWD should verify that the Indiana Agricultural Labor Camp inspection and licensing process is complete (required by Indiana if labor camp has five or more individuals) **before** inspecting, thus requiring more advance work by camp operators and Indiana State Department of Health to meet the DWD deadline required by the Chicago office of the U.S. Department of Labor.
- ◆ **ISDH Conducts Indiana Agricultural Labor Camp Program** - Indiana State Department of Health (ISDH) is responsible for Indiana Agricultural Labor Camp inspections and licensing under Rule 410 IC 6-9. Mike Hoover with ISDH is the key contact and may be reached at 317-233-7183 or Mhoover@isdh.IN.gov.
- ◆ **Multiple Housing Sites** - The issue of five people being requested but not all being in a single facility and regulated by the State of Indiana may need to be clarified in some cases. In addition, there may be cases where under five workers are being requested through the H-2A program but additional "migrant" workers may cause the employer to be subject to ISDH's Agricultural Labor Camp Program.
- ◆ **Timing Important in Meeting Certification Deadline** - The Chicago office of the U.S. Department of Labor has stated that the failure for housing being certified at least 30 days before the date of need will result in the H-2A job certification to be denied. It is the employer's responsibility to make sure that all housing requirements are met by the deadline.
- ◆ **MAAHS Employer Assistance** - Mid American Ag and Hort Services will assist in informing Indiana H-2A employers about the importance of meeting deadlines in this process. MAAHS will further assist its employer members about details that are important to successfully work through this process.

- ◆ **Urgency!** - Please recognize that failure to meet deadlines will result in the denial of U.S. Department of Labor Certifications for the H-2A program. Some third party agents in other states are not aware of state-based housing laws and rules and may be of limited assistance in guiding you through this process in Indiana. MAAHS will assist its employer members in understanding the process. Employers do need to know and understand the housing rules.
- ◆ **Scheduling the H-2A Inspection** – The employer is responsible to contact DWD to schedule the OSHA inspection. The inspection should be scheduled in advance to assure DWD staff is available at the required time.

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- ◆ **Preparing for the H-2A Inspection** – Providing a completed Form ETA 338 (follows in this section) and a copy of floor plans may make the inspection process more efficiently.
- ◆ **H-2A Program Information** - Employers may electronically file their H2-A applications by accessing the web site at www.h2a.doleta.gov. Additional information regarding the H2-A program is available at www.workforcesecurity.doleta.gov/foreign/h-2a.asp where you may print your own forms.

The contacts and this process may change over time.