



- 2) **H-2A Program.** The H-2A program is structured to ensure adequate labor supply to farmers and other agricultural employers. Once an employer demonstrates that the domestic labor force cannot meet the employer's workforce needs, the employer applies for temporary labor verification with the US Department of Labor (DOL). If approved, the employer then completes an H-2A visa petition with the US Citizenship and Immigration Services. After this process, a worker may apply for the H-2A visa and, if approved, can then travel to the worksite. In 2019, more than 23,000 H-2A farmworkers came to California.

DOL regulations require an employer to display an H-2A poster in a location where employees can see it. This poster covers a range of topics, including an H-2A's visa holder's rights related to wages, transportation and housing. AB 857 requires additional disclosures to be provided to H-2A workers on the first day of work, including important legal information related to health insurance, retaliation, workers' compensation and the right to be reimbursed for tools and equipment.

- 3) **Prior Legislation.** SB 1102 (Monning), of the 2019-20 Legislative Session, was substantially similar to this bill. SB 1102 was vetoed by Governor Newsom, who stated:

[T]his statutory construction departs from previous H2-A notice requirements and prevents the agency from amending the template when new laws are passed or new court decisions affect the rights and obligations of H2-A employers and workers.

Therefore, I am directing my Labor and Workforce Development Agency to develop and maintain a template contemplated in this bill to make available to H2-A employers, and I am returning SB 1102 without my signature.

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