

Gray Delany

From: Gray Delany
Sent: Tuesday, April 13, 2021 4:48 PM
To: Merson, Gary
Cc: mwilliams@feroxstrategies.com; HUNTER, ADAM
Subject: RE: H-2B listening session, economic impact survey

Thanks Gary. I do not quite understand what more information DHS and DOL could need. The positions certified by DOL speaks for itself. Does DOL not believe in its own labor certification process? Everyone knew back in January what the demand was. The decision should have been made months ago, one way or the other. But instead the decision is delayed, which causes severe pain to the seasonal employer community. This delay leads to landscapers cancelling contracts, hotels reducing room inventory and seafood processors cutting production. American workers then get overworked and burnt out. The H-2B workers sit at home desperate to come in and make money. With the delay, no one wins! Then DHS decides, months late, to make visas available. The seasonal employers are not happy with the delay and the opponents are still livid that any visas were released at all. They will oppose the visa release no matter if they were released in February or August. I don't mean to be difficult and I know that you can't unilaterally make the decision but I hope that if DHS is ever granted this authority again, and I pray we will have a permanent fix so it will not be necessary and we can take this off your plate, that you have a process in place to address this in a more timely manner. I know that the administration transition did not help which is probably a significant reason for the delay.

If you have time, you should watch these videos to understand the real world impact to seasonal employers.

Matt McDonagh
Owner, Big Rock Amusements
Frankenmuth, Michigan
https://twitter.com/SEA_labor/status/1377638130782720005
Matt is going to either have to dramatically reduce the size of his carnival or close down entirely.

Colon and Alice Grandy
Owners, Grandy Greenhouse and Farm Market
Grandy, NC
https://twitter.com/SEA_labor/status/1380178121157185538
The 40 year old farm market is closed and will not open unless they receive their H-2B workers.

Peter Foster
Operations Manager, Stage Neck Inn
York, ME
https://twitter.com/SEA_labor/status/1381637502692421633
Peter will have to reduce room inventory, reduce the inn's restaurant's hours and overwork his 60 full-time, year-round American workers.

Marty Grunder
Grunder Landscaping
Dayton, OH
https://twitter.com/SEA_labor/status/1379882753173360643
- 30% revenue decline
-lay off several of its 35 full-time, year-round Am. workers
-7 trucks parked for the season

Thank you Gary for your consideration of the concerns of America's small and seasonal businesses. They know the administration stands with them and is standing by anxiously awaiting your decision!

Gray Delany
Executive Director
Seasonal Employment Alliance
455 Massachusetts Ave NW, #216
Washington, DC 20001
631.408.5683
www.sealabor.com

From: Merson, Gary <gary.merson@HQ.DHS.GOV>
Sent: Tuesday, April 13, 2021 2:34 PM
To: Gray Delany <gdelany@sealabor.com>
Cc: mwilliams@feroxstrategies.com; HUNTER, ADAM
Subject: RE: H-2B listening session, economic impact survey

Thank you, Gray. Pls know that we are hard at work, reviewing the available data and in interagency discussions, to make a determination on the H-2B supplemental visa allocation.

Regards,

Gary

Gary N. Merson
Office of Strategy, Policy, and Plans
U.S. Department of Homeland Security

From: Gray Delany <gdelany@sealabor.com>
To: Merson, Gary
Cc: SHAHOULIAN, DAVID; HUNTER, ADAM; Rosenblum, Marc
Subject: H-2B listening session, economic impact survey

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Gary,

On behalf of the 2,500 seasonal employers the Seasonal Employment Alliance represents, I want to thank you and DHS for taking the time to hear the concerns on the impact of exercising your discretionary authority on H-2B stakeholders. It is clear from the call (26 comments in favor of release, 3 comments in opposition of release) that DHS must immediately release the full complement of visas it is authorized to release (69,320). If the visas are not released small hotels will have to reduce room inventory, landscapers will have to cancel contracts and lay off American workers supported by their H-2B workers and seafood processors will have to cut production. American workers will be the victim.

LIUNA claimed that they have a sufficient number of members to satisfy the labor shortage faced by seasonal employers. If this is the case, why didn't LIUNA refer their members to DOL's online jobs

bank? Every H-2B job was listed on this website and to receive a certification from DOL, employers are required to canvass the local labor market and preferentially hire qualified American workers. The U.S. Department of Labor (DOL) only issues an approved H-2B labor certification if the employer demonstrates that there are not enough willing, qualified, and able U.S. workers are available for the job. I would be interested in hearing LIUNA's response to this.

We recently completed a survey of our membership that details the economic impact to companies who have been denied access to the H-2B program due to the insufficient number of H-2B visas. It is clear it is the American worker and American economy that will suffer if DHS does not exercise its discretionary authority. The survey is attached. One item of note that our opponents ignore is that additional American worker applicants do not equate to additional American workers for seasonal employers. Our survey respondents received applications from 1,974 American workers during the month of March but only 5% remain with their companies today.

- 1,974 American worker applicants during the month of March
- 577 American workers interviewed
- 156 showed up on their first scheduled day
- 109 remain with their companies as of close of business March 31st

We encourage DHS to finalize the supplemental visa rule as soon as possible, because in this current economy, every step must be taken to facilitate economic growth and save American jobs. Time is of the essence. Even if the announcement is made today, workers would likely not arrive until late May/early June. This delay will have a significant economic impact on the seasonal employer community.

If you have any questions, do not hesitate to reach out. Thanks again.

Gray Delany
Executive Director
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