

A.23 Intra- and Inter-State Clearance Job Orders

Intra- and Inter-State Clearance Orders must be accepted for posting on JobNet. The recruitment area for these orders is determined by the Department of Labor and will extend beyond the work site area. The recruitment area may include all of the state of Wisconsin and perhaps recruitment in other states.

Initially the employer will place a regular job order to recruit locally. If labor needs are not met through the local job order, staff should inform the employer of the option to recruit more broadly by placing an Intra- or Inter-State Clearance Order. If the employer is interested, staff will contact the Monitor Advocate located in the Central Office for further guidance. Local staff will continue to assist the Monitor Advocate in all stages of this process.

The employer will assist the Monitor Advocate in the preparation of the Agricultural and Food Processing Clearance Order (ETA Form 790) and all necessary supplemental information. If the employer is seeking recruitment outside the state, the employer must prove that there is a shortage of the required labor in-state. All regulatory assurances must be included as part of the Clearance Order. If housing has already been inspected and approved, the approval should accompany the Order.

The Order is then submitted to the U.S. Department of Labor, Employment and Training Administration (ETA), Region V, for review. The Region V office will approve or deny the Order within 10 business days. If approved, the Regional V office determines the geographical area to extend the recruitment area, meaning whether the Order will be Intra- or Inter-State.

Once notification of approval has been received, the Clearance Order and all attachments are sent electronically directly to America's Job Exchange (AJE) <http://www.americasjobexchange.com/>.

The Department of Workforce Development (DWD) will continue to be responsible for overseeing and conducting on-site field checks of job sites where agricultural workers have been placed, responding to any work-related complaints from the worker(s), providing outreach, and explaining available services to workers and local staff. Modifications of a Clearance Order can be made if there is a change in crop or market conditions that affect the time for which labor is needed. A mandatory statement must appear on all Intra- and Inter-State Clearance Orders. The mandatory statement is:

"Neither the ETA nor the State of Wisconsin Job Service are guarantors of the accuracy or truthfulness of the information from the employer. However, if any material misrepresentation is made by the employer, procedures of the Employment Service Complaint System at 20 CFR 658, subpart F apply.

No Clearance Order accepted or recruited upon by the Wisconsin Job Service constitutes a contractual job offer to which the ETA of the Wisconsin Job Service is in any way a party. Both entities only provide employment assistance."