



# VINEYARD

Island of Martha's Vineyard, seven miles off southeast coast of Massachusetts. Winter population, 15,515; in summer, 75,035. Twenty miles from city of New Bedford, 80 miles from Boston and 130 miles from New York.



# GAZETTE

Devoted to the interest of the six towns on the Island of Martha's Vineyard, viz: Edgartown, Oak Bluffs, Tisbury (Vineyard Haven), West Tisbury, Chilmark and Aquinnek. These, with Gosnold, constitute Dukes County.



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## With H2B Visa Gap, Vineyard Employers Scramble for Help

By MIKE SECCOMBE

For 10 years, Mark Luce, innkeeper at the Dockside Inn and Oak House, has employed the same seven-member Jamaican extended family to help run his business. But this year, they won't be coming.

Darren Morris hires the drivers for the Martha's Vineyard Transit Authority. Every year he hires 15 or 20 Bulgarian workers to drive buses. But this year, none.

All over the Island, indeed all across the country, the employers of seasonal workers are facing similar crises, of long-standing staffing arrangements which now can't be met, services which are threatened, desperate efforts to find labor, and anger with the federal government.

It all stems from the failed attempt last year to agree on a comprehensive package of immigration reforms. When that reform effort collapsed, so did many existing arrangements for importing workers to fill seasonal vacancies.

In the absence of comprehensive reform, members of the Congressional Hispanic Caucus determined that they would block other immigration-related legislation until they got what they wanted. Specifically, this meant certain workers who come to America on short-term work visas.

Each year, 66,000 are allowed into the country, in two lots of 33,000 for summer and winter seasonal requirements, under the H2B visa category. Each year, employers complain that the number should be increased. As evidence of this, the cap for the summer intake was reached on Jan. 2 this year.

In partial recognition of this demand, each year there was an exemption made for returning workers. Until this year.

The ironic result is that while first-time workers will still come, those who have been here before have been shut out. It's ironic, because while there are credible concerns expressed by some advocates of seasonal workers that they are vulnerable to exploitation by unscrupulous bosses, it is the workers who have apparently had satisfactory past relations with their employers who are affected.

And from the employers' perspective, it is the best workers, the ones they have come to know and depend on, that are the ones they can't get.

Says Mark Luce: "We have been bringing these seven Jamaicans, one extended family, every year for about 10 years.

"We house them here. I feel like they are my second family. They do everything from front desk, to cleaning, to maintenance. We have never had any problems. They are wonderful people."

In all that time, he said, he had received just one complaint from a guest, about an alleged theft. The guest subsequently found the item they had thought stolen.

And he can't help feeling he has let them down, although there was not much he could do. He could not get them in on the returning worker exemption, and missed out on hiring them, or anyone else, under the 66,000 cap.

"This year all 66,000 [positions] were scooped up in one morning," he said, and went on to complain about the excessive paperwork required by the immigration service, in particular the \$1,000 payment which employers must make if they want their applications expedited.

"It's a bribe effectively," he said. "If you don't pay it, your request is never attended to."

And so this year he has been scrambling to find workers. He has sourced one person, who has yet to arrive, under another visa category, the J1 student visa, from Eastern Europe.

Otherwise, he will rely on hiring local workers, something which causes him some trepidation not only because demand is high, but because of past bad experiences.

"We had problems with theft, alcohol, drugs, people not turning up and not even calling to say they weren't coming in," Mr. Luce said.

Mr. Morris tells a similar story, although his concern with local workers is not their quality, but availability.

"We are scrambling, trying to find people for the summer. We didn't get any of the H2B visas for the summer. We normally take between 15 and 20.

"We've been recruiting real hard. I've had a pretty good response from people on the Island, but a lot want to do this as a second job, so they don't want to work 40 hours a week, which makes it hard to figure out how many people you'll need until you start rostering."

To find other drivers, Mr. Morris said, he had gone to student campuses around the country, trying to hire students who drove buses there.

"It's tough to get anybody to come to Martha's Vineyard," he said.

"We're still trying. We start our spring season Saturday [tomorrow], and we're just about there for spring, but we need more for summer season, which starts June 21.

"We need about 70 in the summer. We're probably looking for 10 people or so.

"It's just a shame its been held up in Congress," Mr. Morris said. "It's been a good program and it's been getting some bad press. The Southern Poverty Law Center has been talking [in recent testimony to Congress] in terms of it being a slave program. Like we're treating our workers horribly . But we get kids who've been here five and six straight years."

He thinks the problem is likely to continue next year as well.

"I can see the whole issue being on the back burner until the [November] elections are over," he said.

Many others share that fear. Mark Forrest, a spokesman for Cong. William Delahunt, said notwithstanding the efforts of their office and 19 state governors, including Deval Patrick, who wrote this week to the leaders both houses of Congress seeking relief, nothing appeared to be moving.

He also suggested that given the complexities and entrenched positions of the various players on the immigration issue, the prospects that their request will be met this year were remote.

The executive director of the Martha's Vineyard Chamber of Commerce, Nancy Gardella, made a similar prediction.

"It's a horrible situation for the Vineyard, for the Cape and for Nantucket to be in," she said.

Apart from trying to "educate legislators so they don't make this tragic mistake again," she said, the chamber had begun planning for next year.

"We've already been in conversation with ski resorts in Massachusetts and New Hampshire to create a scenario where we can have foreign workers for 18 continuous months of employment between the locations — the Islands and the ski resorts.

"Obviously, those conversations came too late to help this year but if we find that things don't look like they're going to change, we'll talk again in the fall, and try to match make between businesses in need here and there," she said.

That brought its own problems, though.

“The key is timing. If Vineyard businesses can’t begin to employ their staff early in the season, then they’re stuck, because they can’t afford to pay them when they’re not open,” she said.

And so it looks like a difficult summer ahead for many Island employers. At least one, though, will be okay.

Mike McCourt, general manager of Murdick’s Fudge, was a happy exception to the tales of woe.

He employs 16 Jamaicans each year, and said on average, they had been returning each year for about seven years.

“My attorney and I have worked together on this for five or six years,” Mr. McCourt said. “We know the difficulties of the system and saw problems coming and made sure we moved fast. We overnighted everything, and got them in two days before the deadline.”