

Labor Pains: St. Louis landscapers worry they'll be short Mexican workers to mow lawns and bag leaves

By [Keegan Hamilton](#)

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For the past nine years, Lee Mueller, owner of Reliable Landscaping and Tree Care in south St. Louis County, has hired half a dozen laborers through the government's guest worker program. Mueller says some of his imported staff, whom he calls his "amigos," used to work as dentists in Mexico. Now, for ten months each year, they earn about \$9 an hour trimming grass and bagging leaves.

Jennifer Silverberg



Lee Mueller believes the process for legally importing Hispanic workers needs reform.

It's a job Mueller says no U.S. citizen will take.

"Everybody and their brother has found it's impossible to get labor here in the U.S. Nobody wants to work," Mueller says. "These Mexican workers are highly motivated. Their families are at home looking for that support."

This year, however, Mueller fears he will be unable to get the work force he needs to stay afloat. For the second consecutive year, Congress has not renewed legislation that would increase the number of temporary work visas that can be

issued.

"If I don't get my amigos back, all of my foremen will have to become laborers," Mueller says. "I'll have to raise my rates 50 percent, I'll lose all my workers, and I'll probably end up losing my business."

Mueller is not alone in his troubles. Dozens of local landscaping companies and other seasonal businesses will likely face a labor shortage in the coming year because they are struggling to get the documents — officially called H-2B temporary worker visas — required to hire laborers from Latin America.

"Because we couldn't get workers last year we had to decrease what we could do project-wise, which decreased our overall sales," says Tara Siewing, owner of Nature's Recreation, an Imperial-based company that installs outdoor ponds and waterfalls. "It's causing us to not grow our business."

Temporary work permits have been around for decades. Under the current system, companies that prove they are unable to hire American citizens are allowed to bring in unskilled labor from abroad for up to ten

months each year. The foreign workers must pay taxes on their wages, undergo a background check and return home after their visa expires. The number of visas issued each year is currently capped at 66,000.

"The workers are not allowed to bring their families with them, and they have to have some tie to their home, such as a piece of property or a savings account, to make them want to go back," says Brenda Ancell, co-coordinator of Missouri's H-2B program. "They're not coming here to stay."

In 2005, owing to increased demand for temporary workers, Congress passed a law stipulating that anyone who had been granted an H-2B visa in the previous year would not count against the cap of 66,000. The law, called the Save Our Small and Seasonal Business Act, contained a provision requiring that the returning-worker exemption be reapproved each year.

When the exemption was not renewed in 2007, it left thousands of business owners scrambling to file their visa applications (distributed on a first-come, first-served basis) before the quota was met. Many did not get workers they needed.

"Time is of the essence. If you wait one day to apply, it can mean the difference between getting the visas and not getting them," says Leanna Buckel, owner of Ideal Landscape in south county. "It makes it very difficult for us companies that are trying to do it legally, the right way, when so many people just go out and hire illegals."

In addition to the visa shortage, many employers criticize the application process itself. They say it's costly and rife with bureaucratic red tape. Particularly galling to many business owners is the requirement by the Department of Labor (one of four government agencies that oversee the H-2B process) that stipulates they must run a help wanted ad in the largest local newspaper before applying for any H-2B visas.

"It's a longstanding requirement," says Jennifer Kaplan, a spokeswoman for the U.S. Department of Labor. "For employers to keep foreign workers, they are required by law to place an ad in the widest circulation newspaper in their area so that American citizens are aware of the job and can apply."

Counters Mueller: "We usually get a couple responses to the ads, but as soon as you tell them there's a drug test, they don't show up."

In St. Louis, businesses must run their help-wanted ad for three consecutive days in the *Post-Dispatch*. The Missouri H-2B program provides a 32-line template listing to the employers, who then add information about their specific job openings.

The landscaping business owners interviewed for this story reported paying between \$1,200 and \$2,200 for their ads in the daily paper, with the cost varying due to the length of the ad and whether they opted to purchase a package that included an online listing.

Ray Farris, classified advertising director at the *Post-Dispatch*, declined comment about the cost of the ads, and directed inquires to the paper's spokeswoman, Tracy Rouch.

Asked about the government-mandated advertisements and classified rates, Rouch replied with a written statement: "It is our policy, as with newspapers across the county, not to discuss specific advertiser rates, as they are confidential."

Arnie Robbins, editor of the *Post-Dispatch*, says he doubts that the landscapers are paying a premium for the ads just because they are legally required to run them in the area's largest daily. "I have no clue about that, none," he says. "I can't believe they'd pay more than the average citizen."

According to Ancell, both the Missouri H-2B program and the Department of Labor are aware of the high cost of the compulsory classifieds, but are unable to help fix the problem.

"We've had several calls about that. We have a monthly conference call with the Department of Labor and representatives from two different states who brought that up," Ancell says. "We haven't talked to any newspapers about it. That's not our responsibility."

"We've always had to jump through hoops and ring bells for this, but it's worse now," Mueller says. "I know I have to run the ad, but I don't like the idea of being bent over when I'm doing it."

As to the possibility that Congress will expand the temporary work visa program in 2009, Hank Lavery, the creator of Save Small Business, a nationwide coalition of more than 1,500 businesses, says the chances are slim.

"It's not looking real positive right now," says Lavery. "With the economy going south, any guest worker program is scary, politically. And that's too bad, because so many businesses aren't expanding because they just don't know if they'll have workers."