

Small businesses urge Congress to extend a provision for workers



Colon and Allie Grandy own Grandy Farm Market in Grandy, N.C. Colon Grandy has helped form a coalition of employers across the state that use seasonal workers with H2B visas.

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GRANDY, N.C.

For the past seven years, Colon Grandy has employed temporary foreign workers to help sell the heirloom tomatoes and fresh-cut flowers he grows on his property.

They help unload trucks of local fruits and vegetables and tend to the carloads of folks who stop in on their way to the Outer Banks.

The primary customers of Grandy Farm Market on U.S. 158 in Currituck County, about an hour south of Norfolk, are the beach-bound. Grandy's primary workers are the nine men and women from Mexico who arrive each April. They take positions he can't find locals to fill because of the seasonal nature of the work, Grandy said.

But the expiration of a federal visa program provision that has allowed small and seasonal businesses to bring back the same foreign laborers each year since 2005 has Grandy and others like him wondering how - or whether - they'll operate this spring.

Grandy is behind an informal coalition of North Carolina employers who have spent weeks calling, writing and visiting members of Congress seeking their support of a bill that would extend the provision.

The H 2B visa program, which supplies workers for the nation's tourism, landscaping and seafood industries, caps the number of workers from abroad at 66,000 a year. Under the provision, however, returning workers were not counted in the figure. Called the Save Our Small and Seasonal Businesses Act, it was signed into law in 2005 when the need for employees outgrew the cap.

The provision was renewed for a year in 2006, but attempts to renew it have failed so far, said Melissa Schwartz, communications director for U.S. Sen. Barbara Mikulski, D-Md., the bill's original sponsor.

Grandy and other supporters of the H2B visa program say it has gotten mixed in with the illegal immigration debate despite the fact that the workers are coming to the U.S. legally - and temporarily.

"It's a small-business issue," Grandy said.

Some critics argue that foreign workers take jobs away from Americans and that employers are after cheaper labor. But those who use the H2B program must prove they have made a good-faith effort to hire local workers and must pay a wage set by the Department of Labor, said Fernando Saenz, general manager of WorkForce Advantage, an Ashland-based business that aids employers who hire foreign labor.

Without the provision, it becomes "a very serious economic issue," Saenz said. Some small and seasonal businesses can't support year-round employees. "If they don't get the labor," he predicted, there will be a "domino effect."

The Sanderling Resort and Spa in Duck, N.C., employs about 24 people through the H2B program each year, said Joan Haley, human resources manager there. Half work in housekeeping; half work in food and beverage service. The resort will be without those workers this year if the provision is not renewed, Haley said. As a result, she is trying to get an extension for those workers now in the country.

If that doesn't work, Haley said, she will try to find more foreign student workers who come to the United States to work through another visa program.

"It's going to really impact the Outer Banks. We are a service-oriented area down here. Virginia Beach, too. All the way up the East Coast," Haley said.

Grandy said that if the provision is not put back in place, he will continue to operate his market. "It's going to put me in some kind of survival mode. The pitiful story is the crab guys."

Johnny Graham of Graham and Rollins Inc. employed about 70 Mexicans through the H2B program last year to help process crabs at his Hampton facility. The returning worker provision "is really the salvation to us."

But Graham learned on Jan. 2 that the 66,000 visa cap was reached and that his application did not make the cut.

"I haven't rested peacefully since Jan. 2.... We will be closing if someone is not brought in or something is not done. It's tedious work. It's not for everybody. It's not something you can pick someone off the street and train them for," Graham said.

Don Cross of Pamlico Packing Company Inc., a crab processing plant in Vandemere, N.C., didn't make the cut, either.

The majority of his work force - about 80 people - come from Mexico through the H2B program, he said. "They pay taxes, buy clothes, save what they can to send home. It's kind of the old American dream. It's one of the few working, functional guest-worker programs. They're doing it the right way."

With Congress back in session, Cross is hopeful the extension will be passed.

"My backup plan," he said, "is closing down."

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