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LABOR shortage

BUSINESSES STRUGGLING BECAUSE OF 62,500 FEWER SEASONAL WORKERS AFTER H-2B VISA PROGRAM CHANGE THIS YEAR

Radley Run Country Club general manager Joseph A. Mendez is having a difficult spring.

It rains, the sun comes out, the grass shoots up. When the club's grounds crew is fully staffed, spring upkeep is no problem.

But this year, Mendez is making do with 10 workers, eight shy of what it takes to keep the fairways mowed and greens in tiptop putting shape.

The Birmingham golf club is among many businesses that depend on seasonal help now struggling with the reality that some 65,000 fewer summer workers than last year will enter the U.S. through the H-2B program.

"My salary guys are putting in a lot of hours," Mendez said. "We'll have a few college kids when they actually show up and start working."

An exasperated Mendez said the few who had already started quit after the first day or two.

He has a little extra help now. A construction company with seasonal workers has a short window before building resumes, and Mendez is subcontracting the construction workers to do grounds work for him.

Overall, this is an expensive spring.

Subcontracting someone else's workers does not come cheap, nor does paying his salary workers overtime for 95-hour weeks.

"My guys are here at 6:30 in the morning, and when I leave at 8 at night, their cars are still here," Mendez said. "And on Saturdays they work eight hours and on Sunday, eight hours."

Despite the effort, not everything gets done and members are starting to complain, Mendez said.

For years, the number of annual H-2B visas was capped at 66,000. But in 2005, a provision known as the Save Our Small and Seasonal Businesses Act allowed returning H-2B workers to be exempt from that limit, thus doubling the number of H-2B visas available.

The result was a high of 129,547 workers entering the U.S. in 2007, according to federal statistics. But under pressure from the Congressional Hispanic Caucus and others, the exemption was not renewed for 2008, which meant a return to the 66,000 limit this year.

The change has led to shortages of seasonal workers for landscapers, golf courses, seashore resorts, amusement parks and carnival ride operators.

With these types of jobs' long hours and outdoor work in adverse weather conditions, "there is a chronic lack of (local) workers willing and able to do the work," said Michael T. Glah, president of International Personnel Resources of West Chester, a company that processes seasonal labor visas for U.S. companies. "People are not interested in the work."

Glah said the result is a labor shortage along with chronic turnover of local workers. Both cost the business not only its clients but its year-round employees and "lot and lots of money."

What happens is the full-time employee gets tired of training and retraining workers who quit, Glah said. The foreman, for example, ends up as a perpetual trainer or doing the job of the person who just quit. Then he quits.

H-2B is not about cheap labor.

The jobs must be advertised. If there is no local interest, then the company can apply for H-2B visa workers.

The employer must pay these employees the prevailing wage for the job they are being hired for. So, for example, if the Department of Labor determines that the prevailing wage for a landscaper is \$9 per hour, then the foreign employees hired through the H-2B program must be paid at least 95 percent of that wage, or \$8.55.

In Washington, at issue is whether seasonal foreign workers should be allowed special entry or whether their visas should be put on hold as lawmakers attempt to restructure the nation's immigration system.

On Thursday, the U.S. Department of Labor proposed changes to the regulations governing H-2B visas.

The suggested modifications to the program are intended to simplify and modernize the application process, but experts say without an increase in the number of visas issued, the potential rule changes are unlikely to solve the current labor crisis.

There was a glimmer of hope earlier this month when the Senate Appropriations Committee approved a three-year extension of an H-2B returning worker provision as part of an emergency spending package.

The measure went to the Senate floor for consideration. On Tuesday, the Senate removed the amendment attached to the emergency spending bill.

"I believe the U.S. Congress has let down companies who have committed themselves for a long period of time to hiring legal workers to do the work that Americans routinely do not want to do," Glah said.

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