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Seafood company in a pinch

Hampton-based Graham & Rollins might not be able to use seasonal Mexican workers for picking crabs.

By CHRIS FLORES | 247-4738

John Graham III has grown tired of repeatedly going to Washington, D.C., to beg Congress to renew a provision that allows his seafood company, Graham & Rollins, to bring in seasonal workers from Mexico to pick crabs in Hampton.

If Congress doesn't act before Christmas, he will be forced to close the downtown crab-picking location and scale back to survive, he said. The fourth-generation Hampton crabhouse, the last of its kind in Hampton, employs up to 120 workers annually, and only about 15 jobs usually can be filled by locals.

Because of the bureaucratic lag to get through the visa paperwork, Rollins said he can't get the workers he needs for next summer's peak crab-picking season unless he can start the process by the end of the year. Without enough employees, he will lose big accounts, and simply downsizing for a stretch isn't an option.

"It's catastrophic for us," Graham said.

Graham wants to bring back seasonal workers he has used in the past. These workers have been allowed by Congress in addition to the 66,000 foreign guest workers that American businesses hire each year. But the exemption for seasonal workers expired in September, sending the landscaping, hotel and seafood industries into a panic.

Colonial Williamsburg's hospitality arm has used the workers since 2001 and currently employs about 50. The organization likes to use the same people because they can be trained on procedures. CW has been pleased with the program but is worried about trying to mine a scarce local labor pool to replace well-trained workers for the tourism season starting next April.

"They are here long enough that we can train them in the way we want our employees to be trained," said Tom Shrout, spokesman for Colonial Williamsburg.

Although the foreign workers legally enter the United States through a government-monitored process, the program has gotten wrapped up in a national immigration debate. Some members of Congress have said they will not address the H-2B temporary visa issue unless it is part of a comprehensive immigration package.

"This is not an immigration solution," Graham said. "This is a small business program."

Under a new process, the Department of Homeland Security actually approves 33,000 slots for two halves of the year. The government already has received enough applications by October to fill spots through next April, when Graham traditionally starts re-hiring.

There were 97,279 H-2B workers nationwide in 2006, up from 86,958 in 2004. If Congress doesn't renew the returning worker exemption, that same pool of workers will fight over 66,000 slots that go to the first applicants. But employers must apply within four months of when they need the workers.

Landscapers will apply earlier than the seafood industry, so the 33,000 slots for workers Graham needs for the summer likely will be filled early next year before he applies. He is frustrated that the returning workers are ready, able and government-cleared to work, but he might not get to use them.

"You've got a program in place we've been abiding by for four or five years, and it's worked well," Graham said

This isn't the first time the crabhouse has faced potential closure over the H-2B program. Because of paperwork errors in 2005, Graham's workers had to get to the back of the H2-B line. The business would have closed if it wasn't for the

intervention of Virginia's senators. Graham & Rollins hired a law firm that specializes in doing the paperwork, so the problem won't ever happen again.

Graham dismisses the idea that this should get wrapped up in an immigration argument about depressed wages and lost American jobs. To participate in the H2-B program, employers must advertise the jobs locally first. The Virginia Department of Labor monitors that process and sets the wage — \$6.17 per hour for crab pickers next year — that employers must pay.

Graham can't keep the workers all winter because there isn't enough work for them. The cost of staying open each winter is the same difficult economic decision he will face if he doesn't get the H2-B workers next summer. But this time the decision will come during the peak time and affect the American administrative and sales staff.

"We're better off to close our doors than run at one-half or one-third speed because the overhead kills us," Graham said.