

# Richmond Times-Dispatch

## Seasonal jobs going unfilled

A temporary-worker visa program is entangled in the immigration debate

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At James River Grounds Management in Glen Allen, seasonal foreign help came eight weeks late this year, pushing back work orders for mowing and mulching, and squeezing permanent staff into costly overtime.

James River is among the fortunate.

John Graham III's crab-processing plant in Hampton may not see foreign seasonal help at all this year. With a void of reliable temporary labor, he is confronting the gut-wrenching possibility of being the Graham driven to shut his family's four-generation-old business.

"We've weathered a lot of storms, seen a lot of hard times, and we're seeing one right now with the [labor force]," he said

Landscaping and seafood processing are among Virginia's many seasonal industries that in the past decade have come to rely on foreign temporary workers to carry them through peak seasons.

Now, those employers say the federal temporary-worker visa program has become tangled in the politically charged immigration debate on Capitol Hill, where stalled progress is suffocating their livelihood.

The government caps the number of H-2B visa beneficiaries -- for nonagricultural work -- each year at 66,000 nationwide. In the past few years, some workers who previously came to the U.S. through the visa program were allowed to return and not count against the cap.

Last year, however, Congress did not renew the "returning worker" provisions of the Save Our Small and Seasonal Businesses Act of 2005 to cover this fiscal year.

That leaves Virginia businesses that have used the program for decades fighting for the same pool of workers as new businesses across the country, though they've made significant financial investments during the years, including housing and transportation for the workers.

"I think this year has been worse," said Fernando Saenz, owner of Workforce Advantage, an Ashland-based agency that helps employers obtain the seasonal workers.

Saenz estimates that one-third of his 150 clients have not received any workers with the visas since Oct. 1.

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Stressed employers object to some members of Congress linking the program to immigration policy. They say they are following the rules by hiring legal foreign workers because they can't find American workers willing to fill the jobs.

"This issue is not really an immigration issue. That is one thing we need to make Congress understand. These are not people who intend to immigrate to this country. It is a small, seasonal-business issue," said Frances Porter, executive director of the Virginia Seafood Council.

"It simply is becoming harder and harder to find unskilled labor to work seasonal jobs at not the most desirable work -- packing bait fish, shucking oysters, and picking crab meat."

That premise draws little sympathy in some corners. The notion that a shrinking supply of foreign seasonal labor will cripple businesses is "nonsense," said Ross Eisenbrey, vice president of The Economic Policy Institute, a nonprofit, nonpartisan think tank that researches the impact of economic trends and policies on workers.

"What changed in the economy that suddenly these businesses couldn't survive without these foreign workers? Nothing," he said. "It's wrong; it's bad policy."

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Before employers are granted H-2B workers, they must advertise the position locally for American workers. Eisenbrey said the three-day minimum advertising requirement is too low and employers should cast the net more widely.

"They ought to make extraordinary efforts to hire a U.S. worker," he said.

Maria Candler, president of James River Grounds Management Inc., thinks she has. She says she has tried yearly to hire unskilled local labor at "well over" minimum wage to no avail.

Among her attempts were to hire a homeless woman looking to get back on her feet and a man without a driver's license for whom Candler provided transportation.

Candler has hired roughly 100 H-2B workers a year for the past 12 years. They usually arrive by mid-February, the onset of Candler's busy season. This year, she was thankful for the ones who arrived in April.

"Without these [foreign] workers I will not be able to retain my permanent full-time staff, whose jobs are potentially at risk without this labor force," Candler said. "This program, as volatile as it is, is putting our American jobs at risk."

Two years ago, Graham's business, Graham & Rollins Inc., had 97 seasonal workers picking crabs. "As of now, I've got zero."

Mexican national Roman Lopez Ruiz has worked for Candler with an H-2B visa for the past 11 years. What he makes at James River Grounds Management from February to November is enough to improve the lifestyle of his wife, five children and aging parents in Mexico, he said last week through a translator.

Candler fears that without progress at the federal level, he might not come back next year. She and others have lobbied Congress.

Rep. Thelma Drake, R-2nd, has filed legislation to extend the "returning worker" allowance. Drake and Reps. Robert J. Wittman, R-1st, and Thomas M. Davis III, R-11th, signed a petition to force House action on a similar bill that would extend the allowance.

The petition needs signatures from 218 members of Congress to advance the bill directly to the House floor.

As of yesterday, it had 29. Contact Olympia Meola at (804) 649-6812 or [omeola@timesdispatch.com](mailto:omeola@timesdispatch.com).

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