

Worker visa program makes headway

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A program that helps Vermont ski areas and other tourism-related businesses fill jobs with foreign workers has passed the Senate and is now on its way to a House-Senate conference committee.

The legislation authorizes renewal of the returning worker exemption under the H-2B visa program for seasonal workers — workers viewed as a critical component for the state's ski industry that's now gearing up for the start of a new season.

The current exemption expired at the end of September, leaving employers and foreign workers in limbo.

The returning worker exemption provision was tacked onto the annual budget bill for several federal agencies. The bill passed the Senate last week by a vote of 75 to 19.

The Senate amendment would extend for one year the returning worker exemption for H-2B workers who return for seasonal work each.

Sen. Patrick Leahy, D-Vt., is chairman of the Senate Judiciary Committee, which has jurisdiction over immigration laws, was named to the conference committee.

According to Leahy, by allowing workers who had previously come to the United States on H-2B visas to return without being counted against the numerical cap, the exemption would help ski areas fill jobs when there is a shortage of U.S. workers available.

The H-2B visa program has an annual cap of 66,000 foreign workers. But U.S. Citizenship and Immigration Services announced that the 33,000 cap for the first half of the fiscal year that began Oct. 1, was reached on the first day applications were accepted.

If enacted, the one-year extension, which is retroactive to Oct. 1, would help alleviate demand for a limited number of H-2B visas.

Leahy said in a statement that extending the H2-B worker exemption is vital to the state's seasonal businesses and the state's economy.

"They and their workers need this extension, and they also deserve to know what the rules will be so they can plan accordingly," Leahy said. "We have been trying to enact clear and permanent rules for this program, and we will keep pushing until that happens. This short-term fix will help in the meantime."

Sen. Bernard Sanders, I-Vt., also supports extending the H2-B program but says it needs substantial changes.

"As this bill goes to conference committee I will do my best to see that may be it's extended for more than a year," Sanders said, "but it has provisions in there that currently do not exist that make sure American workers get a shot at these jobs, which is not the case right now (and) make sure prevailing wages are being paid to foreign workers so they are not being used to lower wage scales in America."

The House-Senate Conference Committee will meet to iron out differences between the two budget bills. The House bill does not contain the returning worker exemption.

Rep. Peter Welch, D-Vt., supports the amendment contained in the Senate bill, said spokesman Andrew Savage.

Welch is also co-sponsor of Save Our Small and Seasonal Businesses Act (HR-1843), which extends the H-2B returning worker exemption.

Parker Riehle of the Vermont Ski Areas Association is hopeful the bill extending the exemption will pass in time so ski areas can hire returning foreign workers for the upcoming ski season.

Riehle, the group's executive director, said approximately 800 H-2B visas were issued to foreign workers in Vermont last year. He could not say how many of those visas were earmarked for workers employed by the ski areas.

He added that the state's 19 ski areas also rely on J-1 visas, which are issued to foreign college students who come to the United States to work. An example, he said, are students from South America and Australia who work here in the winter during what is their summer vacation.

He said foreign workers employed by Vermont's ski industry is a mix of H-2B and J-1 workers.

Riehle also said that foreigners represent a small fraction of the 15,000 to 20,000 workers employed during the peak winter season.

"The challenge is to find enough Vermonters to employ for those positions and once they tap out they then turn to the (visa) program," Riehle said.

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