

February 7, 2008

Stalled Vote On Seasonal Worker Quota Threatens Local Businesses

By Mariah Quinn



Local businesses, including many landscaping businesses, are scrambling to find workers as a result of H-2B visa shortages. *Photos by Mariah Quinn*

Southampton - Hundreds of foreign workers who staffed landscaping companies, hotels, and other small businesses on the East End in summers' past may not be able to return to the area for seasonal employment in 2008 as Congress has yet to pass a bill that would exempt returning seasonal workers from current visa quotas. The resulting worker shortage may force local businesses to cut back on hours of operation and services offered if a solution isn't resolved by spring.

The federal H-2B work visa program allows small businesses to hire non-skilled foreign workers on a temporary basis when no U.S. workers are available. Locally, many businesses used the visa program to fill worker shortages during the high season of the summer months from May to September. Under the Save Our Small Business Act passed in 2005 and renewed in 2006, returning workers were exempted from the quota of 66,000 workers per year, allowing an additional 50,000 to 60,000 temporary workers to enter the country legally as seasonal workers. Local businesses, which often hire the same seasonal workers year after year, benefited from the exemption. However, the Save Our Small Business Act of 2007 has yet to pass a Congressional vote while the national H-2B quota of 66,000 was met as of Jan. 2, leaving small businesses scrambling to find other means of filling staffing gaps as the high season approaches.

"It's become a real political football and we're caught in the middle," Paul Monte, president of the Montauk Chamber of Commerce and chief executive of Gurney's Inn in Montauk, commented. Monte said the working visa program has become embroiled in the fractious immigration debate broiling in Congress. Workers on H-2B visas enter the country legally and can only stay for one year or less.



Nancy Hawke, of Strong Oil in Water Mill, called the H-2B visa program necessary for small business.

"People think it is an immigration program - it's not," commented Nancy Hawke, a manager at Strong Oil Co. in Water Mill. "It's a great program for small businesses, a great government program." Noting that "multiple services across the board, "use temporary workers" from the H-2B program, Monte said, "If we don't get these people here it will impact the quality of life."

Approximately 134,000 workers entered the U.S. on H-2B visas in 2006, according to the Department of Homeland Security, with the majority coming from Mexico (89,000) and Jamaica (11,000).

The Montauk Chamber of Commerce estimated East End businesses filed 834 applications for H-2B visas in 2007.

John Tortorella, of J. Tortorella Swimming Pools, Inc. of Southampton, who has hired more than 50 workers under the program in years past, said the situation left him without a contingency plan.

"The problem is that we don't have enough laborers unless they are illegal," he said, adding that by tying up the H-2B visa program, "the government is pushing us to do things illegally."

"We are being punished for doing it and following the rules," Tortorella asserted.

Should the H-2B situation go unresolved, "It's going to be devastating," Megan Ganga, business manager for James C. Grimes Land Design, Inc. in Montauk predicted, adding, "Most of the places out here depend completely on these people. Places may have to shut down."

The landscaping company had applied for 11 H-2B visas this year, and generally hired seven to 10 workers annually in years past. Gurney's Inn generally hires 90 workers under the program, Monte reported, with workers coming from Jamaica, Dominican Republic, Slovakia, Ecuador, Mexico, and Argentina. Strong Oil has hired the same four to five workers from Jamaica for the past 10 years. "They know our systems, and I've developed a good relationship with them," Hawke said.

Twenty local business owners attended a meeting at Gurney's Inn in Montauk on Jan. 24 in an effort to come up with alternative ways to find seasonal workers should the H-2B visa exemption not be passed. Businesses may try to recruit more foreign workers on student visas or run recruiting programs in areas of the United States with high levels of unemployment, Monte said. Seasonal employees may also be sought in areas such as Florida, and in ski areas in Colorado and the Northeast, whose low season coincides with the high season on the East End.

A representative from Congressman Tim Bishop's office attended the meeting; Bishop is one of the co-sponsors of the 2007 Save Our Small and Seasonal Business Bill, which would extend the exemption for returning workers permanently. "This week we sent a letter to President Bush, signed by 90 members of Congress, calling on him to take action," said Will Jenkins, Bishop's press secretary. Bishop is also actively working to get the bill out of committee and onto the House floor for a vote.

"We cannot leave small businesses who want to do the right thing with the unacceptable choice of going out of business or hiring illegal workers," Bishop said in a statement. "The President and Congress must resolve to enact smaller-scale remedies in order to alleviate the burden our broken immigration system imposes upon our businesses as we continue to work for broader immigration reform down the road."

The seasonal worker program also benefits year-round U.S. workers, Monte contends. "These seasonal workers give the seasonal business the additional revenue to stay open year-round, and gives them the ability to employ full-time American workers." If businesses are unable to generate more revenue during the summer because of worker shortages, they may have to shut in the winter, he added, resulting in more layoffs.

A change in the way visas were processed last year resulted in back-ups and problems for small businesses, and according to Hawke, the company [Strong Oil] got a taste of what problems might arise this year should there be a lack of temporary workers. "I did not get my workers last year, so last year we reduced our hours and consequently we lost business," she said.

"It ends up hurting my American employees," Hawke continued. "If I'm not open as much as I could be the company is not making the same amount of money," affecting bonuses and salaries for full-time workers. With the possibility of an economic recession looming on the horizon, Gurney's Inn's Monte concurred, "This is not the time to be playing with the H-2B program."



John Tortorella of J. Tortorella Swimming Pools, Inc. hired as many as 50 H-2B workers in years past.