

Vermont Department of Labor

Vermont H-2A and Migrant Seasonal Farmworker Program

House Committee on Agriculture, Food Resiliency, and Forestry

Cindy Robillard, Asst. Director of Workforce Development

February 12, 2026



A proud partner of the [americanjobcenter](#) network

What is the H-2A Temporary Agricultural Workers Program?

- Federal program
- Allows U.S. employers to bring foreign nationals to the U.S. for temporary agricultural jobs
- Supports labor for the agricultural sector
- Ensures protection for both U.S. and foreign workers

Vermont H-2A Program Statistics

- Approx. 70 Agricultural Businesses in Vermont participate in the H-2A Program
- Approx. 500-600 Workers were petitioned to work in Vermont for the 2025 season
- The program currently serves apiaries, fruit orchards, diversified fruit & veggie crop farms, maple farms, poultry farms, hop farms and logging

H-2A Application Process

- **The Farmer or their authorized** agent must file an Application and a Job Order electronically in the USDOL FLAG system, which is then transmitted to the State Workforce Agency (SWA), who is VDOL
- **VDOL/SWA** post the job in the Vermont JobLink system for recruitment of US workers
- **VDOL/SWA** requests that a pre-occupancy housing inspection be conducted by VFAAM Agricultural Inspector
Completed/approved inspection and water test (if not on municipal water) are uploaded in the FLAG system
- **U.S. Department of Labor's Office of Foreign Labor Certification** provides the farmer with its final determination after review of the application, housing inspection and confirmation of any referrals made to US workers
- **The farmer** completes an H-2A visa petition with US Citizenship and Immigration Services
- **Workers** apply for the H-2A visa with the Department of State and complete consulate interviews
- **Approved workers** travel to the worksite and arrive on the start date

H-2A Contract Requirements

- Employer is responsible for:
 - Cost of transportation to and from VT
 - Housing that meets all applicable safety standards
 - Transportation to and from worksite as needed
 - Worker's Compensation
 - Guarantee $\frac{3}{4}$ of wages

Adverse Effect Wage Rate (AEWR)

- Farms and ranches that rely on foreign born seasonal workers in the H-2A visa program must pay H-2A workers at least the AEWR in its region, unless the state minimum wage is higher, or a state workforce agency determines through its own survey that wages in the state are even higher than the AEWR
- This rate is set by the USDOL

Vermont AEWR 2021-2025				
2021	2022	2023	2024	2025
\$14.99	\$15.66	\$16.95	\$17.80	\$18.83

Adverse Effect Wage Rate (AEWR)

Interim Final Rule – released October 2, 2025

- DOL released an [interim final rule \(IFR\)](#) with a new methodology for calculating *hourly* AEWRs for *farm occupations*
- The new AEWR methodology in the IFR provides AEWRs at two experience/skill levels within each farm occupation in each state or territory
- These AEWRs are based on estimates of hourly wages from the BLS Occupational Employment and Wage Statistics (OEWS) program for each state or territory, with a deduction for the estimated value of employer-provided housing

Housing Cost Adjustments

- Per 8 U.S.C. §1188(c)(4), employers must provide H-2A workers with housing. The 2025 IFR includes a new housing cost adjustment in the AEWR

State Code	State Title	AEWRs for U.S. Workers Field and Livestock Worker Category *		AEWRs for H-2A Workers Field and Livestock Worker Category *		H-2A Adverse Compensation Adjustment ⁽³⁾
		Skill Level I ^(1A)	Skill Level II ^(2A)	Skill Level I ^(1B)	Skill Level II ^(2B)	
50	Vermont	\$15.96	\$19.23	\$14.35	\$17.62	(\$1.61)

H-2A Housing Requirements

- Employers must provide housing at no cost* to H-2A workers and to workers in corresponding employment who are not reasonably able to return to their residence within the same day
- If the employer elects to secure rental (public) accommodations for such workers, the employer is required to pay all housing-related charges directly to the housing's management
- Employer-provided or secured housing must meet all applicable safety standards
- VDOL partners with VFAAM under an MOU to conduct pre-occupancy housing inspections as a part of the H2A application process
- VDOL, VFAAM and VT Fire Safety have been working to ensure health and safety in the H2A housing stock through communication and outreach to farm employers

*New AEWR rate does allow for the Adverse Compensation Adjustment

Migrant Seasonal Farmworker (MSFW) Outreach

- Field Visits to workers in their working and living space
- Educate workers on resources to support their well-being including referrals to healthcare, Foodbanks, English as a Second Language
- Explanation of and support around the Employment Service Complaint System

Employment Service (ES) Complaint System

- Each state must have a State Monitor Advocate (SMA) to oversee the ES Complaint System
- Complaints can be made by an individual on their own behalf or as an Apparent Violation by VDOL or another community partner
- Complaints are reviewed by the SMA and referred to the proper enforcement authority

ES Complaint System – Referrals

- Housing and Safety Complaints:
 - VT VOSHA for farms with over 10 MSFWs
- Wage/Payroll Complaints:
 - VT Wage and Hour
- Discrimination Complaints:
 - VT Attorney General Civil Rights Division

	Total Complaints	MSFW Complaints
2024	67	4
2025	41	0

Questions?