

# THE QUARTERLY HARVEST

MARCH 2022, ISSUE VII

## INSIDE THIS ISSUE:

GREETINGS - 1

H-2A WORKER RIGHTS - 1

FREE RESOURCE - 2

STAFF SPOTLIGHT - 3

ABOUT THE AWP - 3

CONTACT THE AWP - 4

Welcome to our first newsletter of 2022! As the COVID-19 pandemic continues, we strive to safely return to a new normal life. It is important to continue to maintain a healthy physical and mental well-being during these challenging times. Stay positive!

We hope the newsletter continues to be a great learning tool for you. Read on to learn about the SMRLS' Education Law Advocacy Project and more.

Wishing you the best!

-Griselt Andrade, AWP Lead Attorney

## H-2A WORKER RIGHTS: REIMBURSEMENT OF EXPENSES

Every year, Minnesota and North Dakota agricultural employers seek to hire temporary workers through the federal H-2A agricultural worker visa program. Through this program, employers hire foreign workers to perform agricultural work in the United States for up to ten consecutive months in any 12-month period. Among other program

requirements, employers must pay or reimburse H-2A workers for certain travel-related expenses incurred while traveling to the employer's place of employment.

### **AIRFARE, MEALS, LODGING AND OTHER TRANSPORTATION COSTS**

Generally, employers must provide or reimburse H-2A workers for airfare, meals, lodging, visa fees, and other transportation costs (such as fare for taxis, trains, or rideshares like Uber or Lyft) incurred traveling both to and from the H-2A employer's place of employment. Employers must reimburse inbound airfare, meals, lodging, visa fees, and transportation costs once the worker has completed 50% of the employment contract. If the worker completes the employment contract or if the employer terminates a worker without good reason, the employer must reimburse the worker for outbound airfare, meals, lodging, and other transportation costs, either at the end of the employment contract or upon termination.

If a worker is terminated for good reason, the employer is not responsible for these outbound costs; however, if the worker has worked more than 50% of the contract, the employer must still reimburse inbound costs.

### **SPECIAL REIMBURSEMENT REQUIREMENT**

Under certain circumstances, employers must reimburse travel expenses at an earlier time than at the 50% mark of the employment contract.

An H-2A worker must be paid an hourly wage rate of at least the federal or state minimum wage, the prevailing wage rate in the area of work, or the Adverse Effect Wage Rate (AEWR), whichever is highest. Reimbursement of travel expenses may be required within the first workweek if the worker's wages, once the travel expenses are subtracted, are below the federal minimum wage (\$7.25 per hour). If the worker's first workweek wages fall below the federal minimum wage, employers must reimburse the worker to the extent necessary to raise the worker's wages up to the federal minimum wage of \$7.25 per hour.

### **REIMBURSEMENT FOR TRAVEL-RELATED MEALS**

H-2A employers are responsible for providing a worker, either in advance or by reimbursement, with the reasonable costs of daily travel-related meals. The minimum amount of daily travel expense for meals that a worker is entitled to cannot be less than \$14 per day for 2022. The maximum amount an employer is required to reimburse a worker, if the worker provides receipts, is \$59 per day for 2022. The minimum and maximum daily rates are set by law and changes each year.

If you are an H-2A worker and have questions or concerns about expense reimbursement, contact us at 1-800-652-9733.



## **FREE RESOURCE: THE EDUCATION LAW ADVOCACY PROJECT**

Are you a parent who is, has been, or will be a migrant, seasonal, or year-round worker residing in the southern 33 counties of Minnesota? Read on to learn about a free resource for your family!

SMRLS' Education Law Advocacy Project (ELAP) works to empower students and families to receive the education all children are entitled to. ELAP aims to build positive relationships among the family and school staff to agree upon school-provided services. These services include English-language instruction, transportation within a school district, disability support, advanced and college preparatory instruction, and access to technology/internet during the COVID-19 pandemic. ELAP can also act on behalf of a student to ensure that the school properly addresses issues involving bullying, harassment, and discrimination.



### **Education Law Advocacy Project**

Federal and state laws guarantee that all children have a right to an education. In other words, enrolling in school is a fundamental right which cannot be denied. Similarly, every parent has the right to decide about and be involved in their child's education. Schools are obligated to communicate with parents in a language they are able to comprehend,

as well as involve them in the decision-making process and keep them regularly informed.

The ELAP team can only help a student who is a U.S. citizen, is the child of a U.S. citizen or permanent resident parent, or who have a pending application for adjustment of status. The potential client's immigration status is strictly confidential and will never be shared by SMRLS. Additionally, ELAP can help resolve ongoing issues when the family expects to return to the same school.

ELAP can provide services to families who live within the southern 33 counties of Minnesota. To contact ELAP, please call SMRLS' intake line at 1-888-575-2954, or apply **online**.

## STAFF SPOTLIGHT

Griselt Andrade is the Lead Attorney for the Agricultural Worker Project (AWP). She joined in February 2014 and is based in the Moorhead, MN office.

As a migrant worker herself, working in the sugar beet fields of the Red River Valley, Griselt seized the opportunity to use her legal education to improve the lives of farmworkers in Minnesota and North Dakota. She is passionate about helping farmworkers and their families have access to justice and works zealously to ensure they maintain freedom of hunger, homelessness, sickness, abuse, and discrimination.

Griselt enjoys working at SMRLS because of all her great colleagues who work together for the same end goal. Additionally, SMRLS

provides a great work-life balance which is crucial to maintaining a good workforce.

Outside of work, Griselt loves spending time with her children in a variety of extracurricular activities as well as relaxing and spending time with her family, her doggy Chico, watching movies, and reading.



*Staff pictured: Griselt Andrade*

## ABOUT THE AWP

Are you working or have you recently worked in agriculture in Minnesota or North Dakota? Do you have a legal question or concern related to that work? If so, SMRLS' Agricultural Worker Project may be able to help. We assist agricultural workers with employment-related legal issues and are committed to improving the working and living conditions of agricultural workers in Minnesota and North Dakota.

## CONTACT THE AWP



Intake line: 1-800-652-9733



Call or send a text/WhatsApp: 507-475-0804  
(Minnesota) or 701-212-2642 (North Dakota)



Email: [awp@smrls.org](mailto:awp@smrls.org)



[Fb.com/AgWProject](https://fb.com/AgWProject)



Hours: Monday–Friday  
8 a.m.–5 p.m.



We speak English and Spanish and  
have interpreters available in other  
languages.