



**OHIO**  
LANDSCAPE  
ASSOCIATION

# The H-2B Visa Program

## GET THE FACTS

### The H-2B Program Benefits Seasonal Small Businesses & Their American Workers

The H-2B program is essential for small & seasonal businesses that can't fill seasonal jobs with American workers, despite extensive recruitment efforts. Seasonal industries that use the H-2B program include hospitality and amusement parks, forestry, landscaping, circuses, carnivals, food concessionaires, and more.

This program is important for American workers whose year-round positions are reliant upon seasonal laborers during peak seasons. For the H-2B workers, the program provides well-paying, seasonal jobs that allow them to provide for their families, while maintaining their homes in their native countries.

The program limits the availability of these visas to only 66,000 per year for the entire U.S. This number is inadequate to meet the seasonal needs of small businesses. Without relief, many seasonal businesses will be unable to fulfill contracts and will be forced to scale back on equipment & supply purchases, layoff of American workers, and in some cases shut down their entire operation.

Please pass legislation to re-instate the H-2B returning worker exemption that expired on October 1st, 2016, as part of the Homeland Security Appropriations Bill and please support legislation that includes the returning worker exemption and legislation that ensures a usable, stable program which small businesses can rely on to grow.

**MYTH:** H-2B is a source of cheap labor that drives down American wages.

**FACT:** H-2B wages are set by the Department of Labor using prevailing wages. These unskilled labor positions currently pay almost double the federal minimum wage.

**MYTH:** H-2B is immigration.

**FACT:** H-2B workers fill only temporary seasonal positions. They can only work up to 10 months and must go back to their home country. These are LEGAL seasonal workers who are filling temporary seasonal positions only.

**MYTH:** Use of the H-2B visa program adds to local unemployment.

**FACT:** Each H-2B visa supports 4.64 American jobs. Employers can hire more American's in full-time supervisory and support roles if they have a reliable source of seasonal labor.

**MYTH:** H-2B workers take American's jobs.

**FACT:** H-2B was created to fill seasonal, temporary jobs most Americans don't want. (Landscaping, hospitality, amusement parks, hotels, etc.) Employers must make every attempt to fill positions domestically, going through an extensive recruiting process - verified by the Department of Labor - to be sure openings can't be filled with American workers. They are required to hire every eligible American at prevailing wage - the same pay rate received by H-2B guest workers.

**MYTH:** H-2B workers put a strain on American social services.

**FACT:** H-2B workers do not bring their families. H-2B workers and their employers pay all the same payroll taxes that are paid for American workers, including Social Security.

**MYTH:** H-2B hurts the local economy.

**FACT:** H-2B workers fill unskilled seasonal positions that Americans do not want, allowing local businesses to grow, purchase more materials & equipment, and hire more American workers. While in America, workers buy groceries, clothing, rent apartments, and more to support the local economy.

\*Starting H-2B worker wage in the landscape industry.

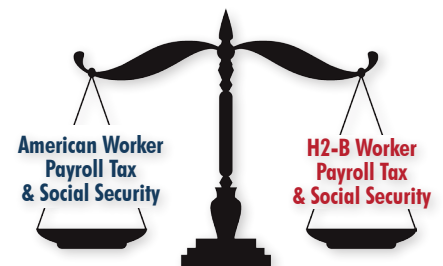
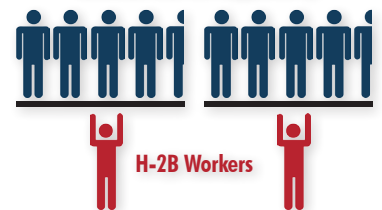
Federal minimum wage  
**\$7.25 per/hr**

**\$13.10 per/hr**

\*In Ohio, the majority of H-2B landscape laborers wages were set at \$13.10 for 2017.



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## CONGRESSIONAL ACTION IS NEEDED

**ASK: AS PART OF ANY FISCAL 2017 YEAR END SPENDING BILL, PLEASE RE-INSTATE THE H-2B RETURNING WORKER EXEMPTION THAT WAS INCLUDED IN THE FISCAL YEAR 2016 CONSOLIDATED APPROPRIATIONS ACT (P.L. 114-113) AND IN FY 2017 DEPARTMENT OF HOMELAND SECURITY BILL THAT WAS PASSED BY HOUSE APPROPRIATIONS COMMITTEE ON JUNE 22, 2016.**

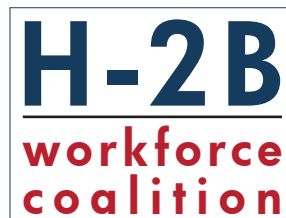
**ASK: PLEASE ALSO CO-SPONSOR THE FOLLOWING BILLS, WHICH ADDRESS THE MOST PRESSING PROBLEMS FACING THE H-2B PROGRAM, AND DIRECTLY AFFECT THE BUSINESSES THAT RELY ON THE PROGRAM.**

### **S. 792, Save our Small and Seasonal Businesses Act of 2017 (Senator Tillis, R-NC)**

- Co-sponsors: King (I-ME, Thune (R-SD), Collins (R-ME), Rounds (R-SD), Cornyn (R-TX), Murkowski (R-AK), Blunt (R-MO), Warner (D-VA), Flake (R-AZ), Cassidy (R-LA), and Graham (R-SC)
- This bipartisan legislation would streamline the program to eliminate ambiguities and establish clear parameters for employers hiring H-2B workers, require increased coordination between federal agencies, and bring transparency to the program operations for greater efficiency while ensuring American workers are not displaced.
- Provides H-2B cap relief by exempting well vetted H-2B workers who worked in the program of one the previous three years.
- Staff Contact: Courtney Temple (Tillis); courtney\_temple@tillis.senate.gov; 224-6342

### **H.R. 2004, Strengthen Employment and Seasonal Opportunities Now (SEASON) Act (Rep. Chabot, R-OH)**

- Co-sponsors: Chaffetz (R-UT), Harris (R-MD), Yoder (R-KS), Gibbs (R-OH), Long (R-MO), Goodlatte (R-VA), Meehan (R-PA), Stewart (R-UT) and Thompson (R-PA)
- Provides expedited processing of H-2B applications so that U.S. employers have access to workers during their peak work seasons. Department of Homeland Security is to run the H-2B program and ensure employer compliance with the program's obligations.
- Would provide H-2B cap relief by exempting well vetted H-2B workers who worked in the program of one the previous three years.
- Provides H-2B cap relief by exempting well vetted H-2B workers who worked in the program during the previous fiscal year.
- Staff Contact: Ashley Gutwein (Chabot); ashley.gutwein@mail.house.gov; 225-2216



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