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PLANET Continues To Fight DOL Rule, Aims To Save The H-2B Program

PLANET continues to be a leader in the fight to preserve the H-2B program. They are working hard in Washington, D.C., and in court to stop both the H-2B wage rule and the new H-2B program rule that was released February 21 by the U.S. Department of Labor (DOL).

The new program rule, which goes into effect April 23, 2012, would require employers to hire any qualified U.S. worker up to 21 days before an H-2B worker is scheduled to begin, even if the employer has already offered the job to an H-2B worker, assisted with that worker's visa process, and paid transportation, housing, and other associated fees. The proposed rule would also involve labor unions in the hiring process and would require employers to pay transportation and subsistence costs for potential U.S. workers who are employed for at least 50 percent of the season. In addition, the rule includes provisions requiring employers to pay workers with "corresponding employment" duties similar wages.

During the past two weeks, PLANET has been urging and will continue to urge members of Congress to support a resolution that, if passed, would prevent the DOL from implementing both the wage rule and program rule (H.J.RES.104, S.J.RES 38).

While they continue to push for a legislative fix, they understand that such a feat will be extremely difficult before the new rule goes into effect on April 23. For that reason, the PLANET Board voted to support a second H-2B lawsuit in the Northern District of Florida, the same location where their H-2B wage rule challenge is pending. This second lawsuit would seek a preliminary injunction to prevent the rule from taking effect and is their best chance of stopping this onerous rule.

PLANET and other organizations are contributing to the lawsuit, but they need your support as well. If the H-2B program is important to your business, please consider making a contribution to the lawsuit. Every little bit counts. Remember, if you used the program this year, until September 30, 2012, their action saved you a large amount in wages by not having to pay the per hour increase the DOL wanted to impose in January. If you ever wish to use the program in the future, your funds are needed to fight to keep the program usable.

You can support the lawsuit by sending a check to the following address:

Greenberg Traurig, LLP
c/o Laura Reiff
1750 Tysons Blvd.
Suite 1200
McLean, VA 22102

Please indicate “client matter number 132998.010300” on the check.

You can also make a donation by credit card at gtlawbilling.com. Please include your cardholder and billing information and complete the other required information as indicated below before selecting “Submit”:

Office Location: Tysons Corner

Invoice: Retainer

Attorney Name: Laura Reiff

Client Name: 132998.010200

Comments: Your Company Name

If you have any questions, please contact [Tom Delaney](#), PLANET's Director of Government Affairs, at 800-395-2522.

Questions on any of the topics addressed in this “WALP Watch”? Contact the WALP Office at info@walp.org or (425) 967-0729.