

**INSTRUCTIONS FOR
LOG OF APPARENT VIOLATIONS-MSFW
(DEO 1300)**

Completion of Log:

- Item 1.* No.: This should be the number of the violation as it sequentially appears on the log.
- Item 2.* Employer, Contractor, or Individual: This is the name of the employer, contractor, or individual who is suspected of violating the employment related law.
- Item 3.* Date Referred: This is the date the apparent violation is referred to an enforcement agency by the manager or designated staff and not the date referred to the manager by staff. *Note: For report purposes on the Services to MSFW Report, DEO-1659, only apparent violations referred are reported.*
- Item 4.* Source: Requires a check (√) in the appropriate box as to the source of the suspected violation. Field check will not normally be indicated as these are structured monitoring procedures involved with the agricultural clearance system. Only offices authorized to perform field checks may use this box.
- Item 5.* Type of Violation: Requires the type of violation to be indicated with only one type of violation per line (i.e., one violation of one law). Staff should remember in the case of an H-2A type MSFW apparent violation alleging employment conditions, that these types of violations shall be forwarded to the nearest USDOL Wage and Hour office since they are responsible for enforcing all contractual terms and conditions described in the H-2A job orders. Florida Farm Labor Registration Law (Chapter 450, Part III, Florida Statutes) apparent violations should be referred to the Department of Business and Professional Regulation Farm Labor Program. It is important to remember that a copy of all H-2A type MSFW apparent violations (situations relative to H-2A/criteria, employers not accepting or rejecting U.S. workers referred to them by One-Stop staff) be sent to the Senior Monitor Advocate. The Senior Monitor Advocate should be called immediately in the event U.S. workers are withheld prior to the arrival at the job site of H-2A workers.

The One-Stop Center shall forward a copy of H-2A MSFW apparent violation describing the action taken to resolve the apparent violation, to the Senior Monitor Advocate. In addition, the Senior Monitor Advocate shall be sent a copy of any MSFW apparent violations regarding an H-2A employer, agent and/or association not complying with H-2A regulatory procedures.

- Item 6.* Referred: Requires that one agency per line be indicated as with Item 5. This policy is to eliminate inaccurate reporting of violations. *Note: Violations can only be informally resolved prior to referral to an enforcement agency. Once a referral is made, informal resolution cannot be accomplished.*

Item 7. Enforcement Agency Decision: Should be completed when an agency advises the manager of the findings.

Complaints as Apparent Violations

Informal complaints received from individuals or agencies which are not documented or handled under the 20 CFR complaint system should be considered apparent violations. Whenever a formal complaint is filed under the Employment Service complaint system, the violations alleged in the complaint are to be excluded from entry on the Log of Apparent Violations. The Wagner-Peyser Complaint System handbook may be found at http://www.floridajobs.org/docs/workforce-professionals/wp_complaintresolhndbkrev0609.pdf.

(All questions regarding proper completion of the Log of Apparent Violations should be directed to the Senior Monitor Advocate. Apparent Violation Logs should be submitted by the 5th working day of the month to the Senior Monitor Advocate, 107 E. Madison Street, Caldwell Building, Mail Stop Code G229, Tallahassee, FL 32399-4137.)