

Mr. Thomas Dowd, Administrator
Office of Policy Development and Research
Employment and Training Administration, USDOL
200 Constitution Avenue, NW.
Room N-5641, Washington, DC 20210

Re: Regulatory Information Number (RIN) 1205-AB61;
20 CFR Part 655: Wage Methodology for the Temporary Non-Agricultural Employment
H-2B Program

Dear Administrator Dowd:

I am writing in response to your proposed rule on methodology for calculating H-2B worker wages. If finalized, this proposed rule would have devastating consequences for my business. Despite extensive efforts to find and recruit American workers, I will have difficulty filling seasonal labor positions. These positions are crucial and support the work for my year-round American workforce.

The proposed rule would arbitrarily increase wages and could actually force me to cut back on the number of employees I hire. According to the U.S. Department of Labor (DOL), the proposed rule would increase the hourly wage for landscaping services by approximately \$3.60. While such an increase in itself would have a negative impact on business, the actual cost to the company would be much higher because this figure does not include the labor increases for similarly employed American workers. It also doesn't include the labor increases for more experienced American workers whose pay should reflect the greater skill or experience level and be proportional to the hourly wage earned by lesser skilled workers.

There is a limit to how much consumers will pay for professional landscaping services before they simply cancel the service. Increasing the cost of services will lead to a loss of customers. Absorbing the additional labor costs without passing them on to the customer will make it very difficult for a company to remain profitable. Further, it will become harder to compete with local businesses that do not use the H-2B program and are not bound by the higher labor costs. It is already difficult to compete with companies who do not share my commitment to employing a legal workforce.

Rather than creating a new and unfair wage structure, the DOL should maintain the existing four-tiered wage methodology. The wages of both American and H-2B workers in the landscape industry already reflect higher levels of compensation for higher levels of skill and experience. Maintaining the existing four-tiered wage system makes sense because it reflects the diversity of skill levels and experience held among workers in the industry. In addition, it has been established from data collected by surveying the industry and is based on locality.

Thank you very much for the opportunity to comment on the proposed rule.

Sincerely,