



TEMPORARY WORK

Recruiter Training Resource Series

TEMPORARY VS SEASONAL EMPLOYMENT

Temporary employment means “employment that lasts for a limited period of time, usually a few months, but no longer than 12 months.”

Seasonal employment is employment that occurs only during a certain period of the year because of the cycles of nature and that, by its nature, may not be continuous or carried on throughout the year.



3 WAYS TO DETERMINE TEMPORARY EMPLOYMENT



TEMPORARY

There are three ways in which an SEA may determine that employment is temporary:

- a. **Employer Statement** - The employer states that the worker was hired for a limited time frame, not to exceed 12 months;
- b. **Worker Statement** - The worker states that he or she does not intend to remain in that employment indefinitely (the worker's employment will not last longer than 12 months);
- c. **State Determination** - The SEA has determined on some other reasonable basis that the employment will not last longer than 12 months.

EMPLOYERS STATEMENT

What is an example of an employer's statement indicating that the employment is temporary?

An example of a statement from an employer who harvests ferns for the floral industry might be: "employer _____ (name) stated that she will hire the worker only for the months of February through May to accommodate the increase in floral gifting around Valentine's Day, Easter, and Mother's Day." In this example, the employer stated that she is hiring the worker for a short period of time that will not exceed 12 months.



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WORKERS STATEMENT

What is an example of a statement from a worker that indicates that the employment is temporary?

An example of a worker's statement might be: "the worker stated that he plans to leave the job after seven months in order to return to his home with his family." Similar to the employer's statement, the worker's statement indicates that he will only remain in the job for a short period of time that will not exceed 12 months.



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STATE DETERMINATION

- For employment that is constant and available year-round only if, within 18 months after the effective date of this regulation and at least once every three years thereafter, the SEA documents that, given the nature of the work, of those agricultural and fishing workers whose [children](#) the SEA determined to be eligible using some other reasonable basis, virtually none remained employed by the same employer more than 12 months.



TEMPORARY

WHAT IF THEY WORK A SERIES OF JOBS?

Is a worker who was hired to perform a series of different jobs, which together lead to the worker being employed by the same employer for more than 12 months, employed on a temporary or seasonal basis?



No. Workers who are hired to work for more than 12 months by the same employer, regardless of how many different jobs they perform, are not “engaged in new temporary or seasonal employment,” as provided in the definitions of migratory agricultural worker and migratory fisher.

MAKE SURE TO DETERMINE

Agriculture workers must work at eligible qualifying work that is seasonal or temporary in nature. **Temporary employment means “employment that lasts for a limited period of time, usually a few months, but no longer than 12 months.”**

Recruiters should make sure they can show that the eligible work is temporary through a worker or employers' statement or through a state determination.

