



APS

Agri-Placement Services, Inc.

Agri-Placement Services: Recent news

March/April 2010

Keeping our clients up-to-date on important issues

In This Issue

Immigration targets employers in, I-9 audits

Reform faces political obstacles for 2010

Vermont Senator wants dairy in H-2A

Milking time evaluations offered

From Mexico to Haiti via a dairy

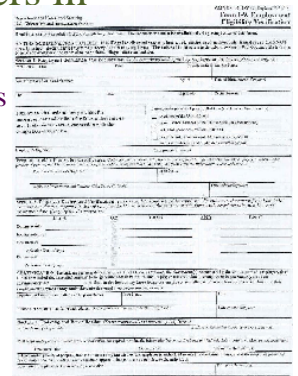
APS Web site is a resource

Dear APS client:

This newsletter service is designed to keep you informed of key developments affecting your business as it relates to our services, and how you can be involved.

Immigration enforcement targets employers in I-9 audits

Immigration enforcement in the past year and a half has shifted its emphasis from unauthorized workers to the businesses that employ them, according to a Vermont immigration lawyer who recently held three workshops for farmers following immigration audits at four farms in Vermont. That enforcement is targeting one important step in the hiring process: the completion of the I-9 hiring form. These so-called I-9 audits subpoena the I-9 forms from employers, plus payroll records supporting these documents (to compare names, social security numbers, etc.).



Earlier this month, APS representatives Peter Conlon and Julia De Vries and APS owner F. Brandon Mallory attended one of these workshops in Middlebury, VT. They learned that APS's emphasis on making sure all workers produce necessary work authorization documents and completing all necessary hiring forms (I-9 and W-4) is the best protection a farm can have when facing an Immigration and Customs Enforcement audit. Farms should double-check their own personnel files to be assured that they have an I-9 form completed correctly and in "good faith" for each employee. I-9 forms are required for any employee in any business, unless they were hired before 1986. I-9 forms show that employers are making "good faith" efforts to verify that workers have authorization to work in the United States by requiring that all employees produce documentation. When faced with a non-English speaking employee, a translator is supposed to assist in completing the form and sign in the space provided. The audits at the four farms in Vermont at the end of 2009 were part of a 1000-employer sweep nationwide targeting a range of businesses. It was the second such effort in 2009 and appears to be the Department of Homeland Security's answer to a call from Congress to target employers who are hiring unauthorized workers in an illegal fashion - most notably by not checking documents and paying "under the table." On a positive note, DHS Secretary Janet Napolitano said in November that she will continue to call for immigration reform now that her agency has met the goal of employer enforcement and tougher border security.

Comprehensive immigration reform remains a great political challenge

While immigration violation enforcement appears to be on the increase, immigration reform in the Congress is stalled. With the need for more jobs in the United States, the bruising battle over health care, and 2010 being an election year, the prospects for some sort of change that will affect farms would seem unlikely. Those efforts include:

* Comprehensive immigration reform: While the Department of Homeland Security Secretary Janet Napolitano has called for this, the political minefield it creates makes this a real challenge for 2010.

* AgJOBS: While still seen as the best way to solve the issue of agricultural needs in the United States, the bill has detractors on both sides of the political spectrum. The organization ACIR (Agricultural Coalition for Immigration Reform), which many APS farms supported financially, continues to lobby hard for this bill.

* Adding dairy to the H-2A temporary worker visa Program: See article below.

Vermont Senator seeks to include dairy in H-2A temporary visa program

Sen. Patrick Leahy, D-VT, says he will introduce legislation to address the Labor Department's new rules that exclude the dairy industry from participating in the H-2A program that allows temporary agricultural workers into the United States with visas.

Leahy asked the Labor Department to include dairy in H-2A, citing other farm jobs that qualify, such as sheep herding, despite being year-round work.

"This rule falls short, leaving dairy farms in the lurch," Leahy said. "The final rule continues to exclude the dairy industry from lawfully hiring seasonal foreign workers when needed. The agency claims that because dairy workers are needed year-round, they do not fit the 'temporary or seasonal' definition of an H-2A worker."

In its new rules on seasonal agricultural workers, the Labor Department said it has no legal authority to include the entire dairy industry in the H-2A visa program. The program allows farmers to lawfully hire foreign workers when needed, to help keep American farms productive. Dairy farmers have been unable to take advantage of the H-2A visa program due to the year-round nature of dairy farming.

Leahy says the law he is proposing will make explicit in law that dairy farms can use the H-2A program, ensuring that dairy farmers throughout the nation can find the labor they need to stay in business, meeting the needs of their communities and the nation's families.

The reality, however, is that H2-A is becoming so cumbersome on employers that fewer of them are using it, making it less than ideal for dairy farms. APS continues to support the idea of temporary work visas for dairy workers, but favors the provisions of the AgJOBS bill, which would be simpler and potentially less expensive for employers.

Milking time evaluations by APS

Are you finding yourself too pressed to really evaluate how your workers are doing following your farm's milking procedure? Aaron, Peter and Ivan would be happy to schedule their monthly visits during a milking time and closely monitor your workers to make sure they are sticking to protocol. We can time the steps of your procedure and provide the farm a write-up as to what we find. For example, at one recent visit, the farm's APS representative watched and timed the workers, finding, that if followed, the farm's milking procedure met the recommended pre-dip contact time and milk let-down time perfectly. But, while prepping the cows on one side of the parlor, the workers would interrupt themselves to post-dip the cows on the other as the units came off, throwing all the recommended times off. In addition, one of the newer workers was not post-dipping completely each cow. Correcting those problems only took a conversation and explanation why the prepping procedure and post-dip were so important, and the workers appreciated being better informed about why they do what they do in the parlor. Your APS representative is well-versed - Spanish and English - in the "whys" and "hows" of milking and other farm operations, and welcomes the chance to use that knowledge. So please feel free to ask us to help you gather this sort of information that can help you in the busy life that is managing your farm.



From Mexico to Haiti via a dairy

Every once and while a touching story emerges from our APS farms, and such was the case last month at Blue Spruce Farm in Bridport, VT.

While meeting with the farm's employees, one earnest worker took APS representative Peter Conlon aside for a private conversation. Usually this type of request means there is delicate problem that needs to be solved among the workers. This was not the case. Refugio, a skilled, 20-something dairy milker who has been working on the farm for more than a year, wanted to know how he could contribute \$200 to the "Cruz Roja" or Red Cross to assist in relief efforts in Haiti. He said he had been following the story on TV and wanted to do something, but didn't know how. The farm owners agreed to donate online on his behalf and deduct the \$200 from his paycheck.

APS Web site offered as resource



The APS web site is a good place to keep up-to-date on the AgJOBS bill, as well as other issues that might face APS clients. We also maintain a list of helpful links and informative articles that are available without a password.