



APS

Agri-Placement Services, Inc.

THE APS ADVISOR: RECENT NEWS

A WORKFORCE YOU CAN RELY ON

AUGUST 2015

OUR MISSION IS TO PROVIDE ETHICAL PRINCIPLES IN HUMAN RESOURCES LEADERSHIP THAT SUPPORTS FARM PROFITABILITY AND EMPLOYER AND EMPLOYEE WELFARE, WHILE SUCCESSFULLY EARNING THE SATISFACTION, RESPECT, AND TRUST OF EACH.

OUR VISION IS TO BECOME THE NATIONAL LEADER IN THIRD-PARTY AGRICULTURAL HUMAN RESOURCE SERVICES AND EMPLOYER-EMPLOYEE RELATIONS.

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Is Dairy Farmworker Housing Flying Under the Radar of Government

By F. Brandon Mallory

Some governmental agencies and many farmworker advocacy organizations are pushing for health and safety inspections of dairy farm labor housing, similar to those required of seasonal farmworker housing. Currently, there are dairy farms facing lawsuits, the results of which could set precedent and place in motion a requirement for dairies to face crippling housing inspections and stiff fines for noncompliance.

Because dairy farmworkers are permanent and year-round, up until now, the housing provided to these employees has not been subject to the same regulations governing the lodging provided to migrant and seasonal farmworkers. Farmworker advocates, however, are drawing media attention to dairy labor housing with allegations of deficiencies, including accusations of insect and rodent

infestations, broken windows, lack of sufficient heat in the winter and inadequate ventilation in the summer. There are reports of overcrowding, fire hazards and unclean water.

By law, each year, seasonal farmworker labor camps must undergo rigorous pre-occupancy safety inspections by one or more federal or state agencies such as OSHA (Occupational Safety and Health Administration), the Department of Labor or the Department of Health.

The housing must remain in compliance throughout the season, with the farm operator primarily responsible to ensure such housing remains in compliance.

Living accommodations provided to year-round dairy farmworkers may not be subject to such inspections by these agencies, leaving oversight for safety standards unclear or left to the discretion of the farm opera-



tor.

In addition to safety concerns, there are also laws governing the use of housing as remuneration for wages, with strict allowances to which farms must adhere. Recent reports indicate dairy farmworkers have been overcharged for housing allowance, a violation of wage and hour laws.

Another area of concern relative to farmworker housing is a lack of understanding of the relationship between the farm employer and the employee. Is the relationship that of a property owner and a tenant, where the farmworker (tenant) controls, within certain limits, what takes place in the farm owner-provided housing? Or is the farm owner **Con't p. 2**

TN Visas— A New Approach

By John Caraway III

Looking for a skilled herdsperson? Did you know that there is a special visa called the TN Visa that allows Mexican citizens with a 4-year degree in a relevant field to come to the U.S. to fill professional positions? There are several universities in Mexico that are graduating agriculturally-minded people with the knowledge and skills required to work in the industry. Eligible speciality fields include Agriculturist, Animal Husbandry, Animal Scientist, Dairy Scientist, and Veterinarian.

Between 4,000-5,000 TN Visas are issued by U.S. consulates in Mexico each year. These visas last for 3 years and are fairly simple to renew, which provides an opportunity for job stability. The recipients of these visas are also able to apply for education visas for their spouses and children, thereby creating the ability to settle in more permanently where they work and provide a long-term labor solution. This sort of stability can be a valuable resource to any organization. **Con't p. 3**

Farmworker Housing . . . (con't)

responsible for what goes on in and around the housing? On the one hand, it appears the farm owner is responsible but many believe the farmworker has autonomy consistent with any tenant who rents property from another. Depending upon this relationship, who then is responsible for such things as cleanliness or ensuring there are charged batteries in the working smoke detector?

The ambiguity around the housing that dairy farms provide to their farmworkers could open a Pandora's Box for the dairy industry. If we do not want to find ourselves fighting lawsuits brought by well-funded worker advocacy organizations, we had better proactively ensure our housing meets every town or county ordinance for health and safety. This includes providing smoke and carbon monoxide detectors, ensuring the housing is free of pests, offering adequate space for the number of occupants, and signing a written agreement that such housing is a condition of employment and not that of a tenant and landlord. If not, the dairy industry may find itself subject to new laws that will not only give the government strict oversight, but also create greater expense to farms and greater exposure to lawsuits.

Dairy Farmworker Housing Affects Profits

By Clay Martin

A home is so much more than a residence or place to live. It is a place where life happens. A dwelling that affects well-being, state of mind, and quality of life. The following excerpts are from two conversations with Felipe and Alonzo about their homes on the farm. Their names are fictitious, but their heart-felt words are real as they shared their thoughts with me about employee housing.

As Felipe shared his thoughts with me about his housing, I noted he used the word in Spanish for "home," a more personal word showing a sense of ownership and responsibility, instead of using the word "house," a more generic word which describes an entirely different environment. A house is something that is used, like a means to an end. "I'm not sure if employers realize how important nice housing is to us," reflected Felipe. "With our lifestyle here in the United States, there isn't much to consider besides our jobs and housing situations, which are combined. For me to be able to return to a nice *home* is crucial."

Felipe continued by expressing the importance of a nice bathroom. He said, "After a 12-hour shift on a

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Farm Safety Measures

By Andre Skandar



APS takes pride in our knowledge and experience teaching your Hispanic employees about safety on your farm. If you're a dairy farmer, you know how easy it is to get caught up in the hundreds of tasks your business presents. More than likely you have family or hired help working on your farm, and as the farm owner it is your responsibility to keep them safe through education and training. In many cases, as busy as you are, you may overlook common safety hazards that could easily be remedied. It is a great habit to always keep your eyes trained to look out for these hazards and have them addressed immediately.

Education is the key to avoiding many farming accidents and APS will gladly help educate your staff with you. In case of an emergency, the easiest way to account for all your employees is to have a designated on-site meeting area, and make sure everyone knows where it is. If you don't have one, discuss the importance of this during your next management meeting. A list of emergency contacts should be posted somewhere visible, and it is wise to post them at the emergency meeting area as well. Keep your first-aid kit handy, easily accessible, fully stocked, and make sure everyone knows where it is. Fire extinguishers always need to be full, close at hand and ready to use. Many are one-use, so it is important to timely replace those that have been used.

Avoid clutter and keep your walkways clean, slip and trip free. Smoke detectors and electrical breakers should be periodically checked to ensure they are functioning properly. Proactively fix any equipment that may look like it needs attention. Everyone needs the right tools for the job including access to PPE (personal protective equipment) such as gloves, safety glasses, respirators, etc. Providing your Hispanic employees with the essential safety skills to properly operate skid steers, tractors and any other heavy equipment is extremely important. Keep in mind that prior to working for you, some of your employees may have never driven a vehicle before. For most of us who have worked around vehicles our whole life, we can usually spot a potential accident about to happen. For someone who has

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Court Upholds Decision to Halt Obama Immigration Order

By Aaron TeCrony

On May 27th the Fifth Circuit Court of Appeals in New Orleans blocked President Obama's most recent order attempting immigration reform. The order was questioned by a GOP lawsuit and stopped by Judge Andrew Hannon in Texas in February. This reform would have protected immigrant children brought to the U.S. against their will, as well as parents of U.S. citizens, from certain types of deportation.

Reactions to the Court's decision are quite varied. The White House, through their spokesperson Brandi Hoffine, had the following comments,

"President Obama's immigration executive actions are fully consistent with the law, squarely within the bounds of his authority, and were designed to bring greater accountability to our broken immigration system, grow the economy, and keep our communities safe. The action is the right thing to do for the nation." Governor Greg Abbott, R-Texas, the then-attorney general, used the appeals court decision to argue further that Obama legally overreached his powers again with his immigration actions. "We live in a nation governed by a system of checks and balances, and the president's attempt to bypass the will of the American people was successfully checked

again today."



Supporters for this reform continue to believe that the original injunction by Judge Hannon is based on a technicality of procedures rather than on unconstitutional acts by the president. The ruling will most likely be appealed again in July to the 5th Circuit Court of Appeals, and top presidential advisors believe the final decision will lay in the hands of the U.S. Supreme Court.

Information for this story was taken from the USA Today and The Wall Street Journal's web sites.

Profits... (con't) dairy, what I want most is a place to bathe and feel fresh and new again and to rest up for my next shift. A nice, comfortable bathroom with hot water, adequate water pressure, and a working fan and lights are so paramount." He continued, "I realize that farmers are very busy and can't always get everything in the housing fixed right away, but what they need to realize is that a lot of the dairy farmworkers are willing to fix things for them if we are provided the appropriate materials and tools."

Alonzo shared similar views. He stated, "After working all day, what's better than a comfortable place to eat and sleep? Most dairy farmworkers lives include working, sleeping, and eating. We have few opportunities to socialize off the farm premises, so when we are not working, we are home."

Suitable, comfortable employee housing is one very important key to maintaining contentment. Content employees are more likely to perform better, turnover less, and invest more deeply in the overall outcome of the farm. On a scale of one to ten, Alonzo ranked comfortable housing a nine. He further commented that housing directly affects employee turnover, which I can personally verify. The conversation culminated with him stating, "If the farm gives us appropriate housing, and takes care of the housing needs in a timely manner, then we feel valued and taken care of."

APS is aware that regular use can result in normal "wear and tear." We recommend surprise checks on the house at least once a week to make sure things are well-maintained and to keep employees accountable. If you would like additional tips on how to make sure housing is well maintained, please ask your APS representative.

Safety... (con't) only ever worked around livestock and no motorized vehicles, however, this may not be as easy to identify. Take that extra time to discuss potential safety hazards, warning signs, routine maintenance, and machine use precautions if employees are expected to use that machine.

Accidents are bound to happen, and when they do, having taken additional steps to prioritize your farm's safety will help prevent injuries, save lives, and avoid hefty fines. Simply having quarterly safety meetings will not only educate your staff, but it will also meet OSHA (Occupational Safety and Health Administration) safety requirements.

This, along with many other reasons, is where APS comes in. Let us take charge and help lead your Hispanic labor force.

TN Visas... (con't)

These professional visa recipients are a particularly good choice on farms with a number of Spanish-speaking farmworkers already in place. They can help to bridge the cultural gap between the farm owners and managers and the Hispanic laborers. Not all visa recipients speak English, but the ones who do can facilitate day to day communication on the farm.

If you have questions or would like to know more about this visa program, simply contact your APS representative for further details.

Signature Number OMB No. 1651-01

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Signature Record

Family Name
A M P L E

First (Given) Name
A N E

Country of Citizenship
E W Z E A L A N D

Birth Date (Day/Mo)
23 / 03 / 61

APR 23 2006
JUN 25 2006
ADMITTED AT
L-1
April 23, 2006

CHP Form I-94 (10/1)
STAPLE HER

See Other Side

We Are Pleased to Introduce our Newest APS Team Member: Luis Yoris



Luis is responsible for overseeing client operations in Western New York, Western Pennsylvania and Ohio. Luis is a native of Spanish-speaking Venezuela, who moved to Western New York 5 years ago. He was raised on his family's farm, making him familiar with some aspects of large animal husbandry. Luis has inserted himself 100% into U.S. daily life and can easily bridge the US-Hispanic culture gap. One of Luis' first jobs here was on a 550+ cow dairy farm during which he acquired invaluable, hands-on knowledge of daily routines on a modern U.S. dairy. He is eagerly adapting to his APS role improving employer-employee relations as well as production on client farms. And yes, the picture is from his local newspaper of him climbing into a tractor!

APS to Attend World Dairy Expo

We are pleased to announce for the first time APS will be an exhibitor at the World Dairy Expo in Madison, Wisconsin from September 29 to October 3. If you are attending the expo, please stop by and say hello to one of our representatives. We love seeing familiar faces on and off the farm and are always eager to meet customers as well as others who work in the industry. We hope to see you there!

- **F. Brandon Mallory**, Company President / Director
- **Ivan Jaramillo**, Field Development / BHRS Manager (Central NY / Midwest)
- **Peter Wawro**, BHRS Manager (Central NY / North & Central PA)
- **Julia DeVries**, Finance Manager / Assistant Director
- **Eduardo Rodriguez**, BHRS Manager (Western NY / PA / MD)
- **John Caraway III**, BHRS Manager (New England / MI)
- **Aaron TeCrony**, BHRS Manager (DE / VA) / Office Administrator
- **Clay Martin**, BHRS Manager (Northern & Central NY / MI)
- **Luis Yoris**, BHRS Manager (Western NY / Western PA / OH)
- **Andre Skandar**, BHRS Manager (New England)



APS
Agri-Placement Services, Inc.™

Common Dairy Farm
Vocabulary and Phrases
English/Spanish



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