



APS

Agri-Placement Services, Inc.

THE APS ADVISOR: RECENT NEWS

A WORKFORCE YOU CAN RELY ON!

APRIL 2013

OUR MISSION IS TO ENSURE A STABLE AND CONSISTENT LABOR FORCE FOR DAIRY FARMS AND OTHER BUSINESSES, IMPLEMENTING MORALLY SOUND PRINCIPLES OF HUMAN RESOURCES MANAGEMENT FOR EMPLOYERS AND THEIR EMPLOYEES.

INSIDE THIS ISSUE:

STRONG OPTIMIISM	1
LABOR LAW COMPLIANCE	1-2
AGRICULTURE WORKFORCE COALITION	2
REVISED FORM I-9 RELEASED	2-3
ENCOURAGE THE HEART	3
MILK QUALITY INCENTIVES	3
MAKING THE WEB WORK	4
VOCAB BOOK	4

Strong Optimism for Immigration Reform Remains

By F. Brandon Mallory

The Republican Party's deteriorating connection to Latino voters is without question the primary catalyst driving lawmakers' bipartisan effort to change immigration policy this year. This effort is being led by the so-called "Gang of Eight", a bipartisan group of eight senators consisting of four Democrat members and four Republican members: Chuck Schumer (D-NY), Dick Durbin (D-IL), Bob Menendez (D-NJ), Michael Bennet (D-CO), Lindsey Graham (R-SC), Marco Rubio (R-FL), John McCain (R-AZ), and Jeff Flake (R-AZ).

Some are saying our best hope in years to repair our very broken immigration laws lie with these eight senators and by all reports, they all work well together and are making progress. "I'll tell you what; this is one of the best

experiences I've had. Everybody's serious, everybody's knowledgeable, they've been around the issue . . . sort of what I came up here to do—sit down with serious people to solve serious and hard problems," said Graham. "I'm guardedly optimistic," has been McCain's response when recently asked the status of talks. "It's nice to be in a room where people are actually trying to solve problems and accomplish something," said Bennet.

It appears each member of this coalition sees things from a different perspective. Menendez has made family reunification a focus. Durbin has championed the cause of undocumented immigrants brought to the country as children. Graham and Schumer have jointly tried to help broker an agreement between business and labor over a program to bring future workers to the country, including agricultural workers. Several lawmakers said the guest worker piece, in-

cluding cap numbers and wages, remains the toughest obstacle. Nevertheless, there seems focus on getting a bill that can pass and become law this year.

Everything appears very secretive and few details have come out. However, all the stakeholders are weighing in and there seems to be no shortage of players—everyone from the "Bibles, Badges and Business" folks, to the "round them up and kick them out of the country folks" and everyone in between. It appears consensus around border security first, crack down on employers (electronic verification for sure), and improved legal immigration, and less clarity around the question of a future workforce or any kind of "guest worker" program. We believe this coalition will produce a bill by the first week or so after Congress returns from Easter/Passover recess. www.huffingtonpost.com/news/gang-of-eight-immigration

Labor Law Compliance

By F. Brandon Mallory

agriculture since farm products are perishable and farmers experience tighter profit margins and face immigration concerns.

Unfortunately, it is not economical to hire an experienced, full-time employee assigned solely to labor law compliance matters. Fortunately, APS provides employers with an economical, proactive alternative with our labor law compliance review service. Non-compliance to agricultural labor laws has cost farms tens of thousands of dollars during the course of a single on-farm investigation conducted by U.S. Dept. of Labor or state wage and hour investigators. Federal wage and hour, state wage and hour, and ICE investigations were up in 2012 compared to 2011. In 2012, federal and state agents investigated more than 20 of our client farms. Most were found to be in full compliance and none were assessed any fines. It is well documented that our labor law compliance review service is effective and helps our clients save money. APS approaches agricultural labor law compliance on three fronts:

Agricultural employers are faced with many of the same labor management issues as other employers. Yet, these pressures seem greater in agricul-

U.S. Dept. of Labor Wage and Hour Law Compliance:

- Migrant and Seasonal Farmworker Protection Act (MSPA)
- Fair Labor Standards Act (FLSA) - minimum wage, overtime, recordkeeping and other wage-related requirements
- Field sanitation
- Child labor laws
- Posting requirements

State Wage and Hour Law Compliance:

- Minimum wage
- Work agreements
- Certificate of Migrant/Farm Labor Contractor registrations
- Wage Theft Prevention Act (WTPA)
- Labor housing inspections
- Payroll and recordkeeping

Form I-9 Compliance:

- Proper completion of Form I-9 03/08/13 N
- Proper retention and storage of current and past employees' I-9s

**Labor Law . . . (con't)**

To request more info about a labor law compliance review, call APS at 315-986-4738 or follow this link to contact APS via our website:

www.agri-placement.com/home/resources/

The reason you are in business is to make a profit. To achieve this objective, you depend on your employees to do a myriad of jobs at their highest level of productivity while dealing with language barriers and cultural differences. Spend more time leading your personnel and management teams and spend less time on compliance details required by governmental agencies. We have worked 22 years in New York and throughout the Northeast in the arena of HR management and labor law compliance. Let us save you time and money. Schedule an on-farm labor law compliance review now. We will work with you and your staff on any one or all of these federal and state compliance requirements.

**Bottom Line Blurb: Agriculture Workforce Coalition (AWC)**

America's farms and ranches are among the most productive in the world, but they have struggled in recent years to find enough workers to pick the crops or take care of the animals. Current programs simply do not work. By most estimates, these programs supply only 2%-3% of the agricultural workers needed. Recognizing the need for a new direction, a group of organizations, representing a broad cross-section of American agriculture, has come together and formed the AWC.

As the unified voice of agriculture, the AWC is developing proposals to help ensure that farmers and ranchers can find the hired hands they need to work on their operations both now and in the future. APS looks forward to working with the AWC and our champions in Congress during the comings days and weeks to bring this labor crisis to a resolution during 2013. Explore this website for more info about the AWC and its proposals. www.agworkforcecoalition.org

Revised Form I-9 Released

By Peter Conlon

The U.S. Customs and Immigration Service (USCIS) recently released the revised I-9 Employment Eligibility Verification form to be used with all new hires. The new version is available for immediate use, but employers have until May 7 to fully convert to using the new version of the form. APS representatives will begin immediately using Form I-9 03/08/13 N for all new hires on client farms. Download the revised form with this link: www.uscis.gov/files/form/i-9.pdf.

The most obvious change is that the revised form is lengthier. While the form is designed to be clearer and easier to complete, it now has two pages of fields with added optional areas for a phone number and an e-mail address of the new hire in Section 1, which is to be completed by the new hire or with the assistance of a translator/preparer (your APS representative). In Section 2, where employment verification documents are listed, additional space is added for List A documents. At times, additional List A documents are required, such as when employing foreign students here on temporary study visas. There are also additional instructions with the form about completing these expanded areas.

Employers should remember that I-9s are required for all employees, not just non-citizens. The only exception for this is employees that have been with an employer prior to implementation of the form on November 6, 1986. The revised form is for new hires only or for reverification purposes for current employees. It is not necessary to redo I-9s for current employees who already have a properly completed I-9s, unless reverification applies.

The release of the revised form comes as Northeast dairy organizations are lobbying key senators to call for a halt of I-9 audits on farms until a comprehensive immigration reform bill is passed. The groups, which include Agri-Mark, Dairylea, DFA-Northeast and VT Farm Bureau, have written to senators in VT, NY, and PA high-

(con't p. 3)

Encourage the Heart

By Aaron TeCrony

Many feel a business' key asset is its employees, so as businesses navigate today's modern, fast-paced marketplace, few can afford to deal with employee turnover. Dairy farms are particularly susceptible to employee turnover as the daily job rigors can cause employees to become fatigued, discouraged, or disillusioned. According to Kouzes and Posner in their book, *The Leadership Challenge*, great leaders "Encourage the Heart" of their employees to bolster persistence, dedication, and drive to enthusiastically continue marching onward.

One of the most basic human drives is to be recognized, accepted and rewarded. Different people respond to different kinds of rewards. Actively search for chances to give feedback when someone deserves a compliment, so that recognition, support and praises can be genuinely given. Not everyone responds to money as a reward, however, appropriate raises should be given when deserved. Other types of rewards to show support may include treating employees

to a meal, giving them phone cards, or showing your confidence in them by adding more job responsibilities. When employees feel they are positively contributing, this leads to job satisfaction and better retention rates. Dairy farm jobs require long hours and many dairy farm employees enjoy this work and should be admired. Leaders need to recognize contributions by showing appreciation for individual excellence. Studies have found that "having a caring boss" is rated higher than "money" or "fringe benefits."

All employees should be acknowledged for their contributions and public recognition is a very powerful avenue to do so. When people are recognized publicly, it opens up chances for them to tell their story of the accomplishment. As conversations and discussions ensue, a sense of community begins to form. When employees feel involved in something, they have a tendency to pull harder for the whole. If leaders can make their employees feel like heroes, then this will lead to higher self-esteem, thus generating more productivity and efficiency. Little is accomplished when rewards are given privately. If employ-

ees want to share their accomplishments, they must think about doing so without appearing boastful or conceited.

Leaders who "Encourage the Heart" understand how important it is to recognize when employees go the extra mile and deserve praise and appreciation for achievements and dedication. It is said that employees don't quit jobs, they quit managers. To prevent this, employers should strive to create a positive environment that their employees wish to be a part of and where contributions are noticed and rewarded through public praise. Saying "thank you" is a powerful and inexpensive reward that is crucial in creating strong, dedicated employees who are happy, hard-working assets of a successful business.

"Encourage the Heart" is the conclusion of a five-part series on successful leadership practices.



Milk Quality Incentives

By Peter Conlon



With milk cooperatives putting more emphasis on milk quality and paying higher bonuses for lower levels of somatic cells, keeping your employees well informed of expectations and outcomes can help your farm achieve its goals.

No matter how experienced your workforce may be, they can always benefit with a review of milking procedures during a regular APS farm visit. This is also a good time to go over why your procedures are the way they are (contact time with pre-dip, let-down time, etc.) The same goes for stall cleaning and bedding maintenance procedures. Milking and stall cleaning procedures are the two key areas where your workforce can make the biggest difference on milk quality.

With that in mind, employees appreciate and respond to being kept informed about milk quality on a regular basis, especially somatic cell counts. Use a regular APS farm visit to go over results and set goals to make your employees feel included and part of the overall farm effort. Posting regular results in a common area is also a great way to keep your employees up to speed. Also, be sure to explain how to read the results.

Many farms also debate incentives for achieving and maintaining milk quality goals. Often, however, pizza for your crew is a welcome reward for a job well done and reminds your employees of the farm's short-term and long-term goals.

Form I-9 . . . (con't) lighting the hardship and confusion this enforcement action is causing in agriculture. Sen. Patrick Leahy (D-VT) is chairman of the Senate Judiciary Committee, which will be the first stop of any immigration reform bill. Sen. Charles Schumer (D-NY) is also a key player in immigration reform.

APS recently participated in a USCIS webinar to be better educated about the revised form, which is actually not significantly different from the previous version. APS will offer live webinars about the revised form prior to the USCIS compliance deadline of May 7. Check the APS website for dates and times to be posted soon and register for a session.

Making the Web Work for You!

By Alona Myers

As you may know, APS launched our new website in December with exciting changes. Riding the technology wave, our site is designed with Smartphones in mind so that you can have access to info when and where you want it. Our site's new web platform is more dynamic and has the potential to be more interactive as we develop and integrate new tools. Some of the tools we've already added include basics like commodity prices and local weather, as well as access to a wide range of products through the "APS Shop" powered by Amazon.com. We now have a Blog and post relevant news articles, a great way to stay up-to-date between quarterly APS newsletters.

Currently we are developing a new resource area on the site to create a one-stop destination designed to cater to many of your HR and labor law compliance needs. Some of these resources will include, but will not be limited to:

- Free or low-cost training materials on a variety of relevant topics
- Quick and easy access to reference info
- Access to strategic partnerships in agriculture and related industries

The goal of APS' tech team is to make our site as useful and comfortable as a pen or a pocket knife. To that end, APS has been conducting surveys and doing research so that we can give you the best experience possible. Visit APS today on the web at www.agri-placement.com.



- **F. Brandon Mallory**, Company President/Director
- **Dawna Mallory**, Office Assistant
- **Julia DeVries**, Finance Manager/Assistant Director

- **Peter Conlon**, Northeast (VT, NH, ME, MA) Bilingual Support Manager
- **Aaron TeCrony**, Western NY/PA & DE/MD/VA Bilingual Support Manager

- **Ivan Jaramillo**, Northern NY Bilingual Support Manager/Field Development Manager
- **Jacqueline Luna**, Central NY/PA Bilingual Support Manager



Common Dairy Farm Vocabulary and Phrases English/Spanish



A WORKFORCE YOU CAN RELY ON!

Common Dairy Farm Vocabulary Booklet is now available as a downloadable eBook!

This compact, bilingual dairy dictionary contains key agricultural vocabulary, helpful phrases, basic questions, common verbs, useful adjectives, basic Spanish letter pronunciation guide, and much more designed specifically for dairy farms. Extra note pages included!

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P.O. Box 375, Macedon, New York 14502

Agri-Placement Services, Inc.

