



# APS

Agri-Placement Services, Inc.

## THE APS ADVISOR: RECENT NEWS

A WORKFORCE YOU CAN RELY ON!

March 2014

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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## Farm Labor Shortages and Immigration Policy

By F. Brandon Mallory

Those of us who supply agricultural labor to farms and the labor-intensive farms that employ these laborers are truly at a crossroads. The status quo is not only unacceptable, but it is no longer maintainable! We get calls almost daily from farmers since finding enough farmworkers is becoming increasingly more difficult. We are running out of options as we head for a “perfect storm” as described below. We simply must devise a workable system that will allow farms to source the laborers they need and when they need them to produce our food.

Several factors have caused these labor shortages. These factors include increased border security, vigorous Border Patrol and Immigration and Customs Enforcement investigations, stakeouts, deportations, and Form I-9 audits. Even local sheriffs and State police are going out of their way to seek out those who

they suspect might not have legal immigration documents. U.S. citizens from Generations X, Y and Millennials, are, quite frankly, largely uninterested in doing difficult farm work. All of these factors coupled with an improving U.S. and Mexican economy spell unprecedented farm labor shortages in the U.S.

Once again, I see a glimmer of hope. On January 30, 2014, House Republican leaders outlined a plan of broad immigration principles, including possible legalization for the 11 million immigrants living and working in the U.S. with illegal documents. Although House Speaker John Boehner has categorically stated they will not take up the comprehensive immigration legislation that the Senate passed last year, they have moved in the direction of being serious about doing something during this midterm time-frame.



Below is a summary of the proposed House Republican “Statement of Principles” or the “Standards for Immigration Reform”:

- 1. Border Security and Interior Enforcement Must Come First:** It is the fundamental duty of any government to secure its borders, and the U.S. is failing in this mission. We must secure our borders now and verify that they are secure. In addition, we must ensure now that when immigration reform is enacted, there will be a zero tolerance policy for those who cross the border illegally or overstay their visas in the future.
- 2. Implement Entry-Exit Visa Tracking System:** We must fully imple-

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## Agriculture Campaign

The [Agriculture Workforce Coalition \(AWC\)](#), the [American Farm Bureau Federation](#), and more than 70 of the

largest American agriculture groups joined with the [Partnership for a New American Economy](#) to launch #farmimmigration, a month-long agriculture campaign to push Congress to support renewed efforts to enact immigration reform this year.

The campaign will stress the agriculture sector’s critical need for immigration reform with activities online and on the ground, in Washington D.C. and in key districts. The month started with a Capitol Hill Briefing on Wed., Feb. 5, where Congressional staff heard from farmers and ranchers about the need for immigration reform. Throughout the month, the campaign will release new research on labor shortages while farmers and ranchers will be on the ground telling their stories through farm tours, social and traditional media, videos, and community events for members of Congress in their districts. To learn more about the campaign, visit the I Am Immigration website here: <http://www.iamimmigration.org/>.



ment a functioning Entry-Exist System using bio-metric technology to verify identity and prevent fraud. **Farm Labor Shortages . . . (con't)**

**3. Employment Verification and Workplace Enforcement:** We must fully implement a workable electronic employment verification system.

**4. Reforms to the Legal Immigration System:** Visa and green card allocations need to reflect the needs of employees and the desire for these exceptional individuals to help grow our economy. The goal of any temporary worker program should be to address the economic needs of the country and to strengthen our national security by allowing for realistic, enforceable, usable, legal paths for entry into the U.S. Of particular concern are the needs of the agricultural industry, among others. It is imperative that these temporary workers are able to meet the economic needs of the country and do not displace or disadvantage American workers.

**5. Youth:** One of the great founding principles of our country was that children would not be punished for the mistakes of their parents. It is time to provide an opportunity for legal residence and citizenship for those who were brought to this country as children through no fault of their own, those who know no other place as home. For those who meet certain eligibility standards, and serve honorably in our military or attain a college degree, we will do just that.

**6. Individuals Living Outside the Rule of Law:** Our national and economic security depends on requiring people who are living and working here illegally to come forward and get right with the law. **There will be no special path to citizenship** for individuals who broke our nation's immigration laws. These persons could live here legally and without fear in the U.S., but only if they were willing to admit their culpability, pass rigorous background checks, pay significant fines and back taxes, develop proficiency in English and American civics, and be able to support themselves and their families (without access to public benefits). Criminal aliens, gang members and sex offenders and those who do not meet the above requirements will not be eligible for this program.

Since writing this article, Speaker Boehner made the following statement during remarks on immigration policy: "House Republicans are not prepared to move forward in partnership with a Democratic administration that they believe will not fairly and impartially carry out the laws they pass." I hope this is political posturing and not a line drawn in the sand! Also recently, a multi-industry letter signed by 636 business organizations in support of immigration reform was sent to Speaker Boehner, Majority Leader Cantor, Majority Whip Kevin McCarthy, and Republican Conference Chair Cathy McMorris-Rodgers. This letter may be accessed online at the U.S. Chamber of Commerce website: <https://www.uschamber.com/letter/multi-industry-letter-immigration-reform>

We will stand by and keep you informed since we have been working on immigration reform for 20 years now. Perhaps this is the closest we have come; however, close is not enough! We have to get it done! To us, one of the biggest threats to our national security is the threat that our farms cannot function in the U.S. and that we become a primary importer of our food, as we have become primary importers of our oil! If you are experiencing labor shortages, need help managing employees, or advice with Form I-9 or Dept. of Labor law compliance, please contact APS.

## **NY Farm Worker Omnibus Bill (farms required to pay premium for overtime): A Farmer's Perspective** *By Dale Stein, Stein Farms*

The population is growing in New York City and Albany, but it is stagnate in the rest of the state. I believe it is only a matter of time until the NY Senate is controlled by NYC Democrats. When this happens are we even going to be asked whether this bill should be passed or even if NY farms can survive with it?

I believe it is time we started showing what the truth is on NY farms when it comes to what we really compensate our employees; not just say we pay well but show the figures and what this bill would really cost NY farmers and in the end NY farm workers. We will lose this fight if we continue as we have. The leaders in the Senate and the Governor's office must see the truth about our farms. The accompanying table shows what we compensate our 14 farm employees. For the sake of space, all benefits are totaled into one figure, but benefits include: health, life, and disability insurances; free housing including all utilities and cable television; paid vacation up to 21 paid days; retirement plan with 3% of salary farm contribution; double-time pay on holidays; and a side of beef per person per year. Depending on how long the employees have been with us and positions held will determine what benefits they get.

The overtime is figured on time and one half over 8 hours/day and over 40 hours/week as the omnibus bill would require. The \$67,087/year overtime cost is the largest government cost/year ever imposed on my farm. Even the Concentrated Animal Feeding Operation (CAFO), costs less. We spent \$300,000 over ten years and about \$20,000 per year to be in compliance. There is a basic rule in business that the advocates and most politicians do not understand: #1. No matter how much you want to do something. #2. No matter how much you are TOLD you have to do something. #3. If you can't pay for it, YOU CANNOT DO IT. That is all this comes down to in the end. There is not enough

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## ICE Enforcement Increases *By Peter Conlon*

U.S. Customs and Border Patrol agents appear to be increasing their surveillance of stores frequented by immigrant workers within their zone of jurisdiction which may include anywhere within 100 miles of the border with Canada. Enforcement activity has been reported in Woodsville, NH and Farmington, ME, in addition to areas in the northern part of VT, NY, and NH, where typically this activity has been commonplace.

In the absence of any meaningful immigration reform that provides relief for dairy farmers, who have no agricultural visa options for year-round workers, we ask that you alert your state's U.S. Senators and U.S. Representatives in D.C. to the impact this enforcement has on agriculture in the Northern states, and further ask them to use their influence to put a halt to it.

U.S. Congress members can be emailed through their websites (Google search for names) or follow these links to find contact info: U.S. Senate [www.senate.gov](http://www.senate.gov) and U.S.

House [www.house.gov](http://www.house.gov). If your time is limited, at least alert your state's U.S. Senators. Below is a letter you can copy and paste into the email function on each congressperson's website. Or feel free to use your own words. Thank you for your efforts.

To the Hon. \_\_\_\_\_:

*The agricultural community is very concerned about the continued stopping, questioning, and apprehending of farmworkers by Immigration and Customs Enforcement (ICE) officials at stores where immigrant workers frequently shop, such as Wal-Mart.*

*This is particularly common in the Northeast where U.S. Customs and Border Patrol agents from border stations often hours away will stake out stores, and stop only those shoppers who seem to fit the profile of a Hispanic farmworker. These interactions are not based on any report of criminal activity. The reason for this kind of profile enforcement is a puzzle to us, the employers of these hardworking people.*

*Immigrant workers continue to be a key part of the agricultural industry in*

*this country, often doing work that local workforce has no interest in doing. U.S. agriculture and consumers have come to count on them to provide a stable and inexpensive food supply. These farmworkers pay taxes and contribute tens of millions of dollars per year to the Social Security system.*

*We ask that you help put a stop to this use of ICE resources, which could be better deployed protecting our borders from true criminals or easing the frequent traffic jams that can occur at the busier crossings with Canada.*

*Farming in the far northern U.S. is challenging enough (especially this winter) without having to worry about the federal government watching and targeting an important workforce each time they need to buy food.*

*Thank you for your consideration.*

*Sincerely,*



## Omnibus Bill ... (con't)

money on farms to pay for this bill. As farmers we all must step up and tell the Senate and Governor's office what this bill will really do to our farms and show it in the full truth even if it shows how bad some are off financially.

All of us buy insurance for fire, crop, liability, and more. We spend a smaller amount of money up-front to prevent a catastrophic financial event from happening to our farms. I believe we should look at this the same way. Spending a smaller amount of money up-front to come to some type of agreement with the Governor and the Senate to get this bill off the table and not have to fight it every year.

Hourly Wage	\$ Benefits	Hours/Year	Gross Wages	\$ / Hour	Hours/Week	Over-time \$
12.5	15092	2700	48842	18.09	52	3875
13.25	5924	2800	43024	15.37	54	4770
12.25	4907	2318	33302	14.37	44.6	1458
11.3	6168	2835	38203	13.48	54.5	4266
11.35	4387	3298	41819	12.68	63.4	6912
10.5	3071	2839	32880	11.58	54.5	3985
10.95	3378	1511	19923	13.18	29.1	1440
12.9	643	1446	19296	13.34	27.8	1277
11.6	2920	3517	43717	12.43	67.6	8335
10.75	3508	3184	37736	11.85	61.2	5934
10.75	3508	3519	41337	11.75	67.7	7735
11.5	9247	3354	47818	14.26	64.5	7326
10.75	5824	3537	43846	12.4	68	7831
8.85	5483	2519	27776	11.03	48.1	1943
						67087

Finally, the consumers have too great of disconnect from farming to be able to understand and know us. It is too easy for them to believe the extreme that the advocates claim is the norm on all farms. We must step up and show all the truth about how we treat and compensate our employees and the true financial status of farms and the true financial impact of this bill.

## Being Prepared for 9-1-1 Emergency

By Aaron TeCrony

Nobody wants to make this difficult phone call, but if the situation demands it, do your employees know what to do? Are your employees prepared to call if you are not around? It is impossible to predict how people will react to a serious emergency when extreme stress is involved; however, things could go easier if a bit of forethought and training are done now.



First of all, do all employees know where the phone is? This may sound like a trivial question, but it is very important. The 9-1-1 dispatcher will ask many questions, such as, where are you located? It is much easier to look above the phone and read a posted notice with the farm's street address with specific directions. Do all employees know the farm's name? Spanish-speaking employees may only be able to say "Emergencia Rancho Smith" repeatedly, but this should not stop them from calling. The dispatcher will soon figure out English is not spoken, and possibly transfer to a Spanish-speaking one. They may even recognize the farm's name and further this info to EMS en route. If the farm's address cannot be communicated well enough, the call will be traced. Many cell phones today have GPS built in. It is worth noting that any cell will make a 9-1-1 call regardless of available credit. Another important thing to remember is to not hang-up until the dispatcher says you can. In Spanish, you say "9-1-1, no cuelgue" (nueve, uno, uno, no kwel-gay).

After the call is made, the farm can prepare for EMS to arrive. If possible, send someone to the road to help direct EMS to the emergency. If chemicals are involved, have the chemicals' Safety Data Sheets (SDS) available which are descriptions from the manufacturer. Employees should be trained on where SDS are kept as well as their function. Be sure employees are aware that when EMS and police respond to a 9-1-1 call, there may be lots of flashing lights and sirens. Knowing this, all employees should remain present and try to help. Tell them in Spanish to stay and help, "Quedese y ayude" (kay-day-say e ay-u-day). Please consider these simple preemptive steps to make a difficult phone call a bit easier. Review them at an employee meeting and ask your APS representative to facilitate as needed.

- **F. Brandon Mallory**, Company President/Director
- **Dawna Mallory**, Office Assistant
- **Julia DeVries**, Finance Manager/Assistant Director
- **Alona Myers**, Marketing Manager
- **Erica Tobey**, BHRS Assistant
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- **Aaron TeCrony**, BHRS Manager, Western NY/PA Region and Mid-Atlantic Region (OH/VA/MD/DE)
- **Peter Conlon**, BHRS Manager, Northeast Region (VT/NH/ME/MA)
- **Clay Martin**, BHRS Manager, Central NY/PA Region
- **Britney Henderson**, BHRS Manager, Northern NY Region



Common Dairy Farm Vocabulary and Phrases English/Spanish



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### Common Dairy Farm Vocabulary and Phrases Booklet

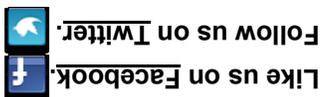
This compact, bilingual dairy dictionary contains key agricultural vocabulary, helpful phrases, basic questions, common verbs, useful adjectives, basic Spanish letter pronunciation guide, and much more designed specifically for dairy farms. Order booklets via the APS website.

**Hard Copy Features:**

- 4"x5½" dimensions; 45 spiral-bound pages
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**Booklet Prices:**

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