



APS

Agri-Placement Services, Inc.

THE APS ADVISOR: RECENT NEWS

A WORKFORCE YOU CAN RELY ON!

JULY 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.

INSIDE THIS ISSUE:

ICE RAIDS	1-2
SHERIFFS	1
SUMMER HEALTH	2-3
CULTURAL CONNECTIONS	3
WELCOME NEW TEAM MEMBERS	4
VOCABULARY BOOKLET	4

ICE Raids Increase Labor Shortages

By F. Brandon Mallory

For the past four years APS has experienced an ever-increasing struggle with sourcing the quality workforce we have become accustomed to using. These labor shortages resulted from stricter border security, Form I-9 audits, an improving economy in Mexico, and several other factors. But one of the most challenging causes of worker scarcity is the arrest, detention, and eventual deportation of workers in the interior of the U.S. by Immigration and Customs Enforcement (ICE) agents.

www.ice.gov

APS has been around since 1999. To our credit, very few of our clients have experienced any immigration entanglements. This is not because ICE has not been active. All of us have heard horror stories of raids and entire farm crews being lost in an instant. Our clients have escaped virtually unscathed because of diligent worker selection and implementation of strict worker conduct requirements. Today, however, even these practices have not been enough to avoid aggressive ICE enforcement.

From West-ern NY to Maine and places in between, we have heard, and in some cases experienced, a loss of farm-workers due to ICE arrests. In two recent incidents, ICE staked out Wal-Mart in order to apprehend and eventually deport workers from two dairy operations in New England. We believe these dairy farms were targeted. We believe this because we acquired photo-graphs of work-



Con't p. 2

What the Sheriffs Said About ICE

By Maggie McHugh of Northeast Dairy Farmers Cooperatives

This article should be very interesting to all farmers as the National Association of Counties has found an increasing number of county sheriffs across the U.S. are bowing out of their new roles as immigration officers.

Once again, due to inaction on immigration reform in Washington, we go to the

A lawsuit in federal court in Clackamas County, Oregon, is responsible for the great leap away from ICE. U.S. Magistrate Judge Janice M. Stewart (U.S. District Court for the District of Oregon) found that in the case of *Maria Miranda-Olivares v. Clackamas County* that the ICE request to a local constabulary to detain someone is just that, a request and not a command. Virtually immediately county constabularies across the states of Oregon, Washington, California and Colorado stopped holding inmates beyond the usual 48 hours if the "only authority" to do so was from ICE. San Miguel County, Colorado, Sheriff Bill Masters is on record as stating, "Court cases based on the 10th Amendment and cited in the *Galarza v. Szalczyk* (Lehigh, Pennsylvania, Third Circuit Courts of Appeals) decision clearly prohibit the federal government from commandeering local sheriffs to enforce federal regulations." He added that his jail has held 30 to 40 inmates for ICE over the past 10 years, but he never considered the questions of constitutionality raised in the Pennsylvania case. He had assumed that the requests were based on some type of judicial review. "What I am concerned about is doing the right thing," he said. "And it's been made very clear to me that we're not doing the right thing. The federal government is not doing the right thing; they need to follow the Constitution like everybody else." Now, he will require ICE agents to file an arrest warrant, signed by a U.S. magistrate, before detaining an inmate for immigration agents. Gillam County, Oregon, Sheriff Gary Bettencourt also states "As sheriffs, we take an oath to defend the (U.S.) Constitution; if the court says we're in violation of rights, we stop. It wouldn't make sense to continue and have that liability. Whether they agree or disagree, no sheriff is going to take that risk."

ers and information that ICE inexplicably obtained with APS or employer knowledge. A **ICE Raids . . . (con't)** third incident took place in Western NY where ICE picked up a worker along the side of the road near the farm. Some time later, two other workers from the same farm disappeared without a trace. It was later determined that ICE took the other two workers from the farm labor housing in the middle of the night.

These events are but the tip of the iceberg of ICE activity and include only those occasions where we have firsthand information. We have heard of many other such cases. Even this week, Thomas S. Winkowski, ICE Principal Deputy Assistant Secretary, is meeting with farmers in California about ICE activity in their state. Alejandro Mayorkas, Deputy Secretary of Homeland Security, has been quoted that farms should not be singled out and targeted and that workers disappearing from farms in the middle of the night is not the way things should be done.

There is a lot of work behind the scenes with ICE and our elected officials. We believe that some relief will come from this effort. In the meantime, talk with an APS representative and learn all you can to ensure you are minimizing your likelihood of becoming an ICE target.

Want FDA Inspectors on Your Farm?

By Bob Gray of Northeast Dairy Farmers Cooperatives



Recently Erin Smith, a Policy Specialist with the Pennsylvania Department of Agriculture, prepared an excellent paper on the potential questions and impacts the dairy industry could have under FDA's proposed Food Safety and Modernization Act (FSMA) rules. <http://www.fda.gov/Food/GuidanceRegulation/FSMA/default.htm>

Here is the background on the issue as presented in her paper: **"Background:** Individual dairy farms could potentially be 'captured' and thus subject to the Food Safety and Modernization Act (FSMA) rules in one of two ways: 1) Directly, by being included in the Intentional

Adulteration rule; 2) Indirectly, by being subject to supplier verification provisions of the Preventive Controls rule, which processors will be subject to.

With some exceptions, FDA's proposed rule on intentional adulteration under FSMA will apply to both domestic and foreign facilities that manufacture, process, pack, or hold food and are required to register as a food facility under section 415 of the Food, Drug and Cosmetic Act (FD&C). The rule will require domestic and foreign facilities to address vulnerable processes in their operations to prevent acts on the food supply intended to cause large-scale public harm. The FDA has identified four key activities within the food system that in general are most vulnerable to such forms of adulteration, including:

1. Bulk liquid receiving and loading;
2. Liquid storage and handling;
3. Secondary ingredient handling (the step where ingredients other than the primary ingredient of the food are handled before being combined with the primary ingredient); and
4. Mixing and similar activities.

Comments on the proposed rule are due by June 30, 2014. This rule may be final after FDA reviews the comments received, meaning that a second comment period is unlikely even if dairy is included in the rule. Thus it is essential that dairy processors and individual producers comment on the proposal."

Although dairy farms are not presently covered under the proposed rule, the intentional adulteration section of FSMA states that "this section does not apply to farms, except those that produce milk".

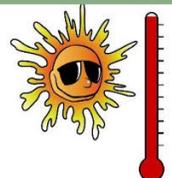
Therefore will dairy farms be subject to the Intentional Adulteration rule? Other issues are the size of dairy farms that would be covered under this proposed rule and what standards should be applied to dairy farms such as preventive controls, Good Manufacturing Practices or training requirements. These are all very good questions and the proposed FSMA rules need to be reviewed very carefully to determine the potential impact they could have on dairy operations.

Summer Health Concerns

By Aaron TeCrony

As spring gives way to summer, warmer weather and sunny days have arrived. Along with warmer weather and sunny days come various summer health concerns that farm employers and their employees need to be re-

minded about, such as dehydration, heat illnesses, and sun overexposure. All of these health concerns should be taken seriously and prevention measures should be put in place both indoors and outdoors.



Cultural Connections

By Clay Martin

Cultural exchange has been a passion of mine for many years. After living five years in three different countries during my Peace Corps service, I was forced to gravitate towards indigenous cultures and learn native dialects. I learned to speak Ngobere of the Ngobe indigenous group in Panama and became privy to the cultural secrets of the Ecuadoran Tsachila tribe. This, so far, has been the paramount experience of my life. You might ask, "What does this have to do with my dairy farm?" Your immigrant employees come from faraway lands, not only making sacrifices by leaving their family behind, but also deciding to leave the comfort of their cultures and native languages. This venture is not easy for anyone.

When I was able to speak a new word in my villagers' language or express to them my interest in learning more about their culture, I was granted more respect, and we established a better rapport. I'm a firm believer that this is something that can occur on farms as well! Both employees and employers can engage in cultural ex-

change forming a stronger bond. Many employees from the Mexican states of Oaxaca, Guerrero and Puebla speak either Zapoteco or Mixteco

as their first language. By asking your employee how to say "How are you?" in his native tongue may put a smile on his face. Ask him to teach you a unique word specific his region or country. An example of this would be in Puerto Rico, "chavos" means money, but in Mexico, it means "boys".

Showing interest in one's culture or language is a phenomenal way to build relationships. Better relationships create happier employees; happier employees have better attitudes; and better attitudes produce higher milk quality. I encourage you to be curious and try to learn a word or a



phrase or two in Spanish or Zapoteco or Mixteco. Showing interest in your employee's language or culture can have some unexpected dividends. Wade Davis, National Geographic Explorer-in-Residence, has spent his life studying a vast array of cultures from pole to pole. I feel the power and importance of culture is summed up in this quote: "Culture is a blanket of comfort that gives meaning to lives. It's a body of knowledge that allows the individual to make sense out of the infinite sensations of consciousness."

Summer . . . (con't)

Even though the milking parlor is indoors, this is an area where dehydration can occur. The milking parlor can quickly become an extremely hot and muggy work setting. Having adequate ventilation and using fans creates a more comfortable environment for the people working as well as for the cows as they are being milked. Wearing loose, breathable clothing made of thin cotton is a good choice to avoid overheating. While working indoors, drinking plenty of water throughout the day is a great way to stay hydrated. It is better to drink frequent, small amounts of fluids rather than infrequent, large amounts of fluids. Also, caffeinated and sugary drinks should be avoided completely or kept to a minimum as caffeine and sugar may actually dehydrate the body. Dehydration can happen quickly, so awareness and prevention is very important.

While working outdoors, heat illnesses become serious health threats as the temperature and the humidity rises. Heat exhaustion and the more severe heat stroke can happen when the body cannot cool itself efficiently. Symptoms are grogginess, disorientation, reddish clammy skin, absence of perspiration, and in rare instances, loss of consciousness. Be on the lookout for these symptoms. If they appear, try to cool the person down immediately by getting the victim into the shade, putting him in front of a fan, loosening his clothing, or lying him down with raised feet if dizziness is involved. Administer frequent, small sips of water with electrolytes. In severe cases, seek professional medical help immediately.

In addition, sun overexposure is a main health concern as well as the leading cause of skin cancer. An insurance salesman once said that Western NY was the number one area in the U.S. for cancer! Simple steps can be taken to protect the body from sun overexposure. Many large, modern tractors and other farm equipment have cabs which help reduce sun exposure. While working outdoors for long periods of time, wear a light, long-sleeved shirt, apply plenty of sunblock to all exposed skin, and wear a wide-brimmed hat to help shade ears, face and neck at all times.

Raising awareness and taking preventative measures are the best ways to combat summer health concerns caused by the sun and excessive summer heat. A few minutes of education is far more desirable than dealing with these health issues after they have escalated. Take some time to discuss awareness and prevention during your next APS meeting.

Please Welcome Our Two Newest APS Team Members!

APS continues to expand more rapidly than ever before. So far in 2014, we've added 10 member operations and 2 seasonal member operations and it is time for our BHRS management team to expand as well. Although we bid farewell to long-time Northeast manager Peter Conlon (10+ years of service) as well as Northern NY manager Britney Henderson (1 year of service), we recently hired two new managers and are currently in the process of hiring two more. Andre Skandar and Eduardo Rodriguez are new to our BHRS management team, both joining us in May 2014.

Andre recently relocated to Central VT from a small city in Western NY, where he successfully managed his family's restaurant for 5 years. Although Andre spent most of his recent years living and working in Western NY, he spent roughly half of his life in his father's homeland of Bolivia, growing up speaking both English and Spanish. For Andre, family always comes first. He is very close to his parents and two siblings and adores his only niece. Andre feels right at home living in VT. In the summer he enjoys spending time doing outdoor activities such as fly fishing, hiking and camping. In the cooler months you might spot him on the ski slopes in search of fresh snow. Andre is excited to be a part of our dynamic team as Peter Conlon's replacement in the Northeast.

Eduardo was born and raised in Mexico City, Mexico. He studied classical music at the Mexico City Conservatory of Music. In 1977 he moved to the U.S. He has four daughters, two here in the U.S. and two more back in Mexico. His hobbies are music and the Spanish Conquest of 1519 by Spanish conquistador Hernan Cortes. He also loves to read, hike, and camp. In 2 years, he will be retiring from the NYS Department of Labor and plans on moving back to Mexico. He has a wealth of human resources and translation experience and has worked with APS previously from 2004-2009 servicing operations in Pennsylvania. He is happy to be back with APS again this time assisting one of our managers, Aaron TeCrony, in Western NY/PA/MD.

- **F. Brandon Mallory**, Company President and Director
- **Dawna Mallory**, Office Assistant
- **Julia DeVries**, Finance Manager and Assistant Director
- **Alona Myers**, Advertising/Marketing Manager
- **Ivan Jaramillo**, Field Development & Support Manager and BHRS Manager (Central NY/PA/OH)
- **Aaron TeCrony**, BHRS Manager (Western NY/PA/OH & Mid-Atlantic—MD/DE/VA) and BHRS Administrator
- **Andre Skandar**, BHRS Manager (Northeast—VT/NH/ME/MA)
- **Clay Martin**, BHRS Manager (Northern NY)
- **Eduardo Rodriguez**, BHRS Manager (Western NY/PA & Mid-Atlantic—MD)
- **Erica Tobey**, BHRS Assistant



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.

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