

## RESOLUTION # 27

### FARM LABOR

1           **WHEREAS**, from the planting and harvesting of grains, fruits and vegetables, to  
2 the daily care of plants and animals, agriculture is a labor-intensive industry; and while  
3 most farms in New Jersey are family-owned and operated, many of them need to hire  
4 additional labor in order to operate successfully; and

5           **WHEREAS**, in order to ensure the future of its agriculture, New Jersey must not  
6 only preserve its farmland, but also address the needs of its farm workforce; and

7           **WHEREAS**, ensuring the availability of an adequate, legal farm labor workforce  
8 must be addressed on both the state and federal level; and the federal government  
9 needs to create a counterfeit-resistant identification system, needs to establish an  
10 earned adjustment of status program, and needs to reform the current practices for  
11 obtaining temporary agricultural worker visas; and

12           **WHEREAS**, Congress has thus far failed to address immigration reform in a  
13 comprehensive manner that would establish a clear path to legal status and provide for  
14 an adequate seasonal and year-round workforce through guest worker programs and to  
15 be relied upon by agriculture and related industries which cannot attract enough current  
16 United States citizens to fill their labor needs, both seasonal and full-time year-round;  
17 and

18           **WHEREAS**, instead, Congress has considered legislation mandating that  
19 employers use an error-prone database (E-Verify) to check the legal status of  
20 prospective employees, and that those employers be held legally responsible for  
21 decisions that may result in workers of non-legal status being hired; and

22           **WHEREAS**, a Farm Credit analysis of the impacts of an E-Verify-type system  
23 being implemented without first establishing an adequate agricultural guest worker

24 program shows severe impact to farm operations, including the likelihood of farmers  
25 either switching to non-labor-intensive crops or going out of business; and

26 **WHEREAS**, bills pending in the Legislature (A-2354 and S-785) would require all  
27 employers to provide paid sick leave to employees, specifically one hour of paid sick  
28 leave for every 30 hours worked, which would greatly complicate the availability and  
29 usefulness of seasonal workers in a farm setting, leading the New Jersey Farm Bureau  
30 to urge opposition to the bills; and

31 **WHEREAS**, labor supply and training are key for sustaining and growing the  
32 agricultural industry in New Jersey, and programs that support worker training, health  
33 and safety, and address issues such as housing, are and will continue to be part of the  
34 Department's outreach and education efforts; and

35 **WHEREAS**, the New Jersey Departments of Agriculture and Labor & Workforce  
36 Development are working jointly to revise New Jersey's agricultural-labor survey in order  
37 to better position New Jersey farmers to hire guest workers from the current federal H2A  
38 program and/or other guest-worker programs developed on the federal level; and

39 **WHEREAS**, New Jersey farmers have reported encountering difficulty in  
40 anticipating certain aspects of state-level farm-labor regulations, such as those  
41 governing how much the farmer can charge workers for items such as sodas or snacks,  
42 because there are no set rules regarding those charges, and the farmers can wind up  
43 being directed by NJDL&WD to write individual checks to hundreds or thousands of  
44 workers, some of whom may no longer even be present at the farm, to reimburse them  
45 for the difference between what they paid and what NJDL&WD eventually determined  
46 was appropriate to be charged; and

47 **WHEREAS**, New Jersey farmers also encounter difficulty when multiple labor  
48 inspections, some by state authorities and some by federal authorities, occur in a  
49 relatively short period, often during the height of the farm's season, and would benefit

50 from coordination by state and federal authorities to visit the farm on the same day, thus  
51 limiting repeated disruption to the farm's operations.

52 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 100<sup>th</sup>  
53 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 4-5,  
54 2015, support the efforts of the Department to ensure a stable source of well-trained and  
55 legal farm workers, and that we support efforts to ensure the proper training and  
56 education of the farm work force, especially as it relates to worker health and safety.

57 **BE IT FURTHER RESOLVED**, that we support the immediate adoption and  
58 implementation of federal legislation which reforms the policies and procedures for  
59 temporary agricultural worker visas, creates counterfeit-resistant identification to ensure  
60 the availability and supply of farm labor, both seasonal and year-round, and that we urge  
61 the New Jersey Congressional Delegation to support these efforts in both the House and  
62 Senate.

63 **BE IT FURTHER RESOLVED**, that we strongly urge federal lawmakers and  
64 policy directors to delay the implementation of any E-Verify or other employer-driven  
65 legal status verification system until after the passage and implementation of an  
66 agricultural guest worker program that will ensure sufficient labor for America's farmers.

67 **BE IT FURTHER RESOLVED**, that we urge the Department, New Jersey Farm  
68 Bureau and New Jersey Agricultural Experiment Station to work cooperatively with the  
69 Governor and the Legislature to develop an agricultural education program to help  
70 farmers navigate through complex federal guest-worker programs.

71 **BE IT FURTHER RESOLVED**, that we support the use of USDA Farm Labor  
72 Housing Programs to address the housing requirements needed to provide decent, safe  
73 and sanitary living conditions for the agricultural workforce.

74 **BE IT FURTHER RESOLVED**, that we request that the U.S. Congress and the  
75 U.S. Department of Labor (USDOL) streamline the process for obtaining temporary visas

76 for a farm-worker verification process and establish a streamlined guest worker  
77 certification process for agricultural workers, including the farm-labor workforce that may  
78 have worked on our farm operations for a number of years but did not have, in the past,  
79 a legal status.

80 **BE IT FURTHER RESOLVED**, that we support similar efforts to benefit the labor  
81 availability of year-round hiring.

82 **BE IT FURTHER RESOLVED**, that we oppose the pending legislation (A-2354  
83 and S-785) that would require all employers to provide paid sick leave of one hour per  
84 30 hours worked, as it would greatly complicate the scheduling involved in using  
85 seasonal workers on farming operations and further negatively impact farm viability.

86 **BE IT FURTHER RESOLVED**, that we support the joint effort of the New Jersey  
87 Departments of Agriculture and Labor & Workforce Development to revise the state's  
88 agricultural-labor survey in order to make guest workers more obtainable by New Jersey  
89 farms, and urge the United States Department of Labor to approve the revised survey so  
90 that it can be implemented as soon as possible in New Jersey.

91 **BE IT FURTHER RESOLVED**, that we direct the Department to work with all  
92 appropriate agricultural industry groups in the state to conduct outreach and education  
93 on how any federally approved change to the New Jersey farm labor survey will help  
94 them to better obtain labor.

95 **BE IT FURTHER RESOLVED**, that we urge the New Jersey Department of  
96 Labor and Workforce Development to clarify rules regarding the rates farmers can  
97 charge workers for items such as sodas, snacks or meals, so that farmers can determine  
98 ahead of time what appropriate charges will be for that season.

99 **BE IT FURTHER RESOLVED**, that we urge the New Jersey Department of  
100 Labor and Workforce Development and the United States Department of Labor to  
101 closely coordinate their labor inspections on New Jersey farms for the same day, instead

102 of visiting on separate days, in order to minimize the disruption to New Jersey farming  
103 operations during the height of their seasons.

104 **BE IT FURTHER RESOLVED**, that we urge NJDL&WD to hold regular  
105 educational sessions with farmers prior to each growing season to ensure farmers  
106 understand the regulations under which they must operate.