

RESOLUTION # 13

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, to be
15 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 unwittingly by
22 farmers; and

23 **WHEREAS**, a Farm Credit analysis of the impacts of an E-Verify-type system
24 being implemented without first establishing an adequate agricultural guest worker
25 program shows severe impact to farm operations, including the likelihood of farmers
26 either switching to non-labor-intensive crops or going out of business; and

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

31 **WHEREAS**, the New Jersey Departments of Agriculture and Labor & Workforce
32 Development have revised New Jersey's agricultural-labor survey, with instructions that
33 guide farmers to include more information about experience needed for certain farm
34 jobs, in order to establish a database of information regarding prevailing practices on
35 experience; and

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

44 **WHEREAS**, New Jersey farmers also encounter difficulty when multiple labor
45 inspections, some by state authorities and some by federal authorities, occur in a
46 relatively short period, often during the height of the farm's season, and would benefit
47 from coordination by state and federal authorities to visit the farm on the same day, thus
48 limiting repeated disruption to the farm's operations.

49 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 101st
50 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 10-
51 11, 2016, support the efforts of the Department to ensure a stable source of well-trained
52 and legal farm workers, and that we support efforts to ensure the proper training and
53 education of the farm work force, especially as it relates to worker health and safety.

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

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

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

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

71 **BE IT FURTHER RESOLVED**, that we request that the U.S. Congress and the
72 U.S. Department of Labor (USDOL) streamline the process for obtaining temporary visas
73 for a farm-worker verification process and establish a streamlined guest worker
74 certification process for agricultural workers, including the farm-labor workforce that may

75 have worked on our farm operations for a number of years but did not have, in the past,
76 a legal status.

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

79 **BE IT FURTHER RESOLVED**, that we support the joint effort of the New Jersey
80 Departments of Agriculture and Labor & Workforce Development to revise the state's
81 agricultural labor survey in order to make guest workers more obtainable by New Jersey
82 farms and to create a database of information regarding worker experience as a
83 prevailing practice for certain farm jobs in New Jersey.

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

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

92 **BE IT FURTHER RESOLVED**, that we urge the New Jersey Department of
93 Labor and Workforce Development and the United States Department of Labor to
94 closely coordinate their labor inspections on New Jersey farms for the same day, instead
95 of visiting on separate days, in order to minimize the disruption to New Jersey farming
96 operations during the height of their seasons.

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