

## RESOLUTION # 11

### FARM LABOR

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

5           **WHEREAS**, in order to ensure the future of its agriculture, New Jersey must not only  
6           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 must  
8           be addressed on both the state and federal levels; and the federal government needs to  
9           create a counterfeit-resistant identification system, needs to establish an earned adjustment  
10          of status program, and needs to reform the current practices for obtaining temporary  
11          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 an  
14          adequate seasonal and year-round workforce through guest worker programs, to be relied  
15          upon by agriculture and related industries, which cannot currently attract enough  
16          experienced and qualified United States citizens to fill their labor needs, both seasonal and  
17          full-time year-round; and

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

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

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

27 **WHEREAS**, inaction on federal efforts to solve the difficulties within existing guest  
28 worker programs is likely to result in farmers needing to turn to more domestic workers, who  
29 are much harder to attract to farm work, to fill the gaps left by insufficient annual caps on  
30 guest workers and the inability of some farmers to navigate the existing guest worker  
31 programs; and

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

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

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

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

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

53 **WHEREAS**, New Jersey farm operators also utilize the H2B Nonagriculture Foreign  
54 Temporary Worker visa program to source the seasonal workers for their retail, agri-tourism,  
55 farmers markets, and landscape enterprises and are facing great hardship in obtaining  
56 necessary workers due to the annual federal visa cap of 66,000 workers per fiscal year.

57 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 104<sup>th</sup> State  
58 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 6-7, 2019,  
59 support the efforts of the Department to ensure a stable source of well-trained and legal farm  
60 workers, and that we support efforts to ensure the proper training and education of the farm  
61 work force, especially as it relates to worker health and safety.

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

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

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

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

79                   **BE IT FURTHER RESOLVED**, that we request that the U.S. Congress and the U.S.  
80                   Department of Labor (USDOL) streamline the process for obtaining temporary visas for a  
81                   farm-worker verification process and establish a streamlined guest worker certification  
82                   process for agricultural workers, including the farm-labor workforce that may have worked on  
83                   our farm operations for a number of years but did not have, in the past, a legal status.

84                   **BE IT FURTHER RESOLVED**, that we urge government at both the state and  
85                   federal levels to devise and implement incentives sufficient to attract domestic workers to  
86                   agricultural jobs, and especially to focus those efforts on veterans of military service, who  
87                   have proven they can handle physically demanding jobs in challenging conditions.

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

93                   **BE IT FURTHER RESOLVED**, that we urge the United States Department of Labor  
94                   to reconsider its ruling, as communicated to the NJDOL, to deny changing NJDOL's survey  
95                   form to help more fully develop a database of information regarding worker experience as a  
96                   prevailing practice for certain farm jobs in New Jersey.

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

101           **BE IT FURTHERS RESOLVED**, the delegates support a permanent increase in the  
102           annual H2B visa cap and support the implementation of a “Returning Worker Exemption” for  
103           previous H2B workers so that their visas will not count against the annual cap.

104           **BE IT FURTHER RESOLVED**, that we urge the state Council on Affordable Housing  
105           (COAH) to allow municipalities to count non-seasonal farm labor housing towards COAH  
106           credits for municipalities to not only stimulate the provision of low- to moderate-income  
107           housing for agricultural workers, but to incentivize municipalities who may otherwise  
108           discourage the construction and provision of farm labor housing.

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

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