

Prevailing Wage and Practices - Agricultural Employment Surveys

The Maryland Department of Labor (MDOL) has started conducting the 2021 Agricultural Employment Surveys (AES), beginning May 17th and continuing until early October. The results will provide an inside look at Maryland's prevailing wages and employment practices for agricultural jobs within the state by sector - useful information for those employers preparing agricultural job offers.

Agricultural employment is a complex undertaking that requires employers to consider not only which wage to offer, but also to factor in other services, such as providing transportation and housing, using farm labor contractors, etc. Access to prevailing wage and practice data can help farm employers competitively recruit and retain the best workers. Likewise, producers who are looking to expand their operation or diversify can benefit from reviewing survey reports to understand the regional employment trends they will need to conform with to provide attractive employment opportunities.

The AES are normally done in-person through farm visits by Maryland Department of Labor (MDOL) representatives, however, social distancing measures over the last year due to the COVID-19 pandemic have led to changes in survey administration. MDOL has switched to a phone and mailing campaign. The surveys for wage and practices are two separate forms that ask for information by sector (crop) and state region. Maryland is divided into three regions: Central, Eastern Shore, and Western. Farmers will receive copies of the survey via mail that can be filled out and mailed back to the MDOL. Options to send responses back via e-mail, fax and telephone are also available this year.

To date, MDOL plans to begin phone surveys for the following crops and regions during the dates in the table.

Agricultural Area	Crop Activity	Estimated Dates of Crop Activity	Date of Survey Period
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Central	Nursery	Mar 2 - Dec 15	May 17 – May 21
Eastern Shore	Nursery	Mar 2 – Dec 15	May 17 – May 21
Statewide	Turf	Mar 2 - Nov 15	June 7 – June 11
Statewide	Christmas Tree	Mar 16 – Dec 18	June 21 – July 2
Central	Diversified Crops	June 1 – Aug 31	Aug 2 – Aug 6
Eastern Shore	Sweet Corn Harvest	June 22 – July 31	July 12 – July 16
Eastern Shore	Cantaloupe Harvest	June 30 – July 31	July 12 – July 16
Eastern Shore	Tomato Harvest	July 27 – Aug 31	July 12 – July 16
Eastern Shore	Watermelon	July 1 – Aug 15	July 12 – July 16
Southern MD	Vegetable	Aug 1 – Sept 15	Aug 16 – Aug 20
Statewide	Grape	Aug 14 - Oct 1	Sept 6 – Sept 24
Statewide	Horse Farm	Mar 2 – Nov 16	Sept 13 – Sept 17
Western MD	Fall Apple Harvest	Aug 31 – Oct 30	Sept 27 – Oct 01

The state-run AES help establish prevailing wages and prevailing, or normal and common, practices in agriculture by asking for information about the number of U.S. and H-2A workers; average productivity and earnings of piece rate workers; variables affecting rates and hiring practices; experience standards, and more. Prevailing wages can be piece rates or hourly wages. Prevailing practices are those practices engaged in by employers, that fifty percent or more of employers in an area and for an occupation engage in the practice or offer the benefit, which can include the provision of family housing, frequency of wage payments, providing advance transportation, and the utilization of labor contractors.

Farm employers seeking certification to employ H-2A workers must offer and pay the higher of the Adverse Effect Wage Rate (AEWR), the prevailing wage in the area, or the federal or state minimum wage. The AEWR is usually the highest of these wages and covers a range of farm jobs in a state or multistate region, however, employers should still check the prevailing wage applicable to their particular operation and location.

State results are submitted and assessed by the Office of Foreign Labor Certification (OFLC) to decide whether they can make a prevailing wage determination. Anonymized reports with previous year data for wage can be found online in the Agricultural Online Wage Library (AWOL) (<https://www.foreignlaborcert.dolleta.gov/aowl.cfm>) and for practices in the Agricultural Employment Practice Survey Library (https://www.foreignlaborcert.dolleta.gov/aowl_survey_pdf.cfm).

States often struggle to get farmers to participate, and a decreasing number of states continue to conduct prevailing wage and practices surveys. For many commodities, there is “no finding” because the state workforce agency did not conduct surveys or did not obtain data from a sufficient number of employers and workers. However, when there is sufficient participation the results can offer producers meaningful insight into what their regional hiring trends are and help them know when a job order, wage, and position requirements will be acceptable under the Foreign Labor Certification program requirements.

Successful survey efforts depend on farmer participation; the greater the participation, the better the integrity of the results. According to Norton Pereira, the State Rural Services Coordinator at the MDOL, “Maryland has a solid reputation in not only doing them every year but also getting meaningful results. We would like to continue that tradition with farmers’ help.”

For more information or to submit questions about the Maryland surveys, contact Norton Pereira at norton.pereira@maryland.gov or by phone at (301) 326-6006.

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