

Finding and Keeping Agricultural Labor



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Agricultural Business and Policy Extension

November 2021 Unemployment Rates

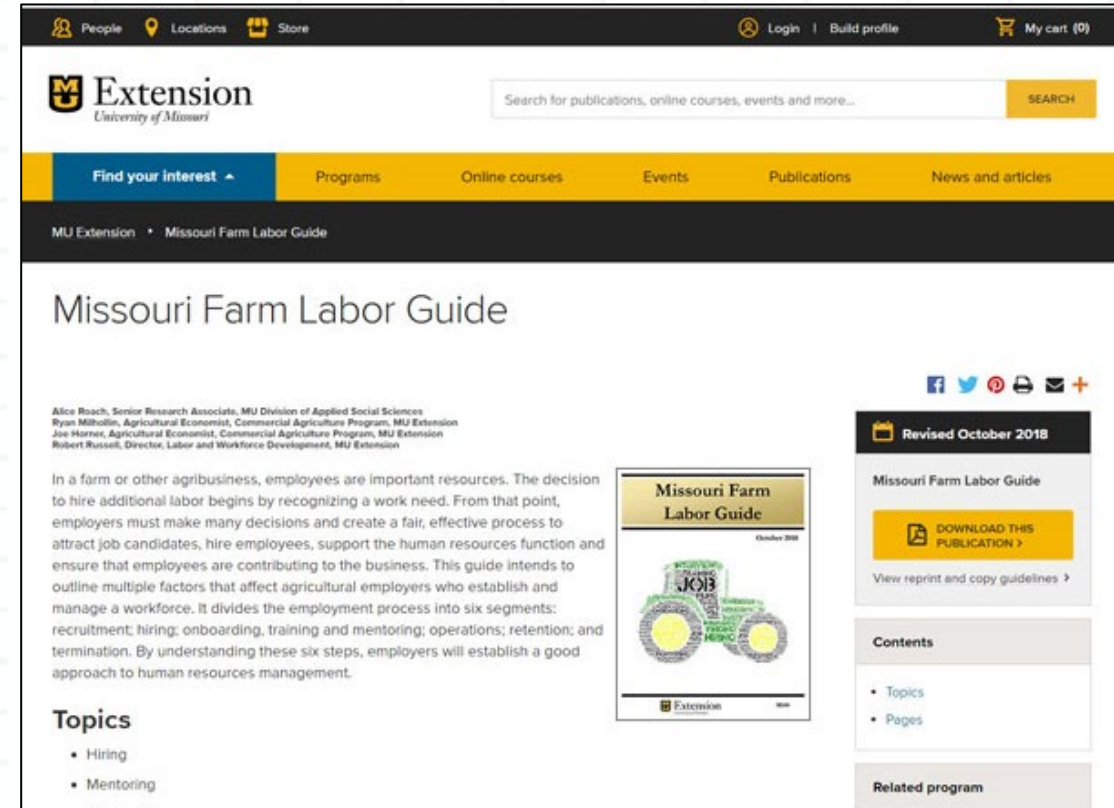


Source: USDA, National Agricultural Statistics Service

Missouri Farm Labor Guide

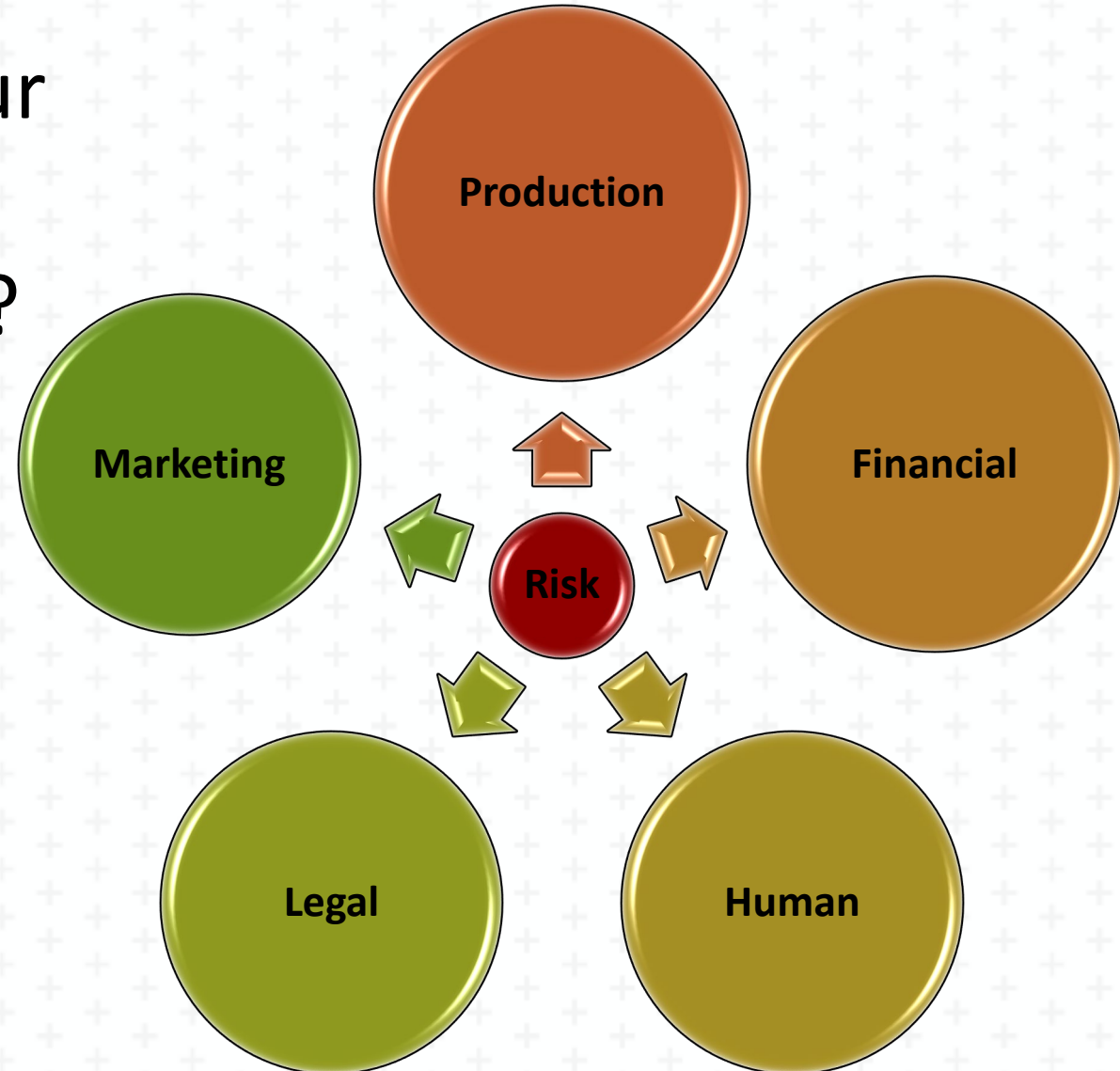
- **Topics included:**
 - Recruiting the employee you want
 - Being competitive in compensation
 - Good hiring practices
 - Managing agricultural labor
 - Mentoring and onboarding
 - Termination

Access the guide at
muext.us/FarmLaborGuide



Agricultural Risks

What risks on your operation can be affected by labor?



Questions to Ponder

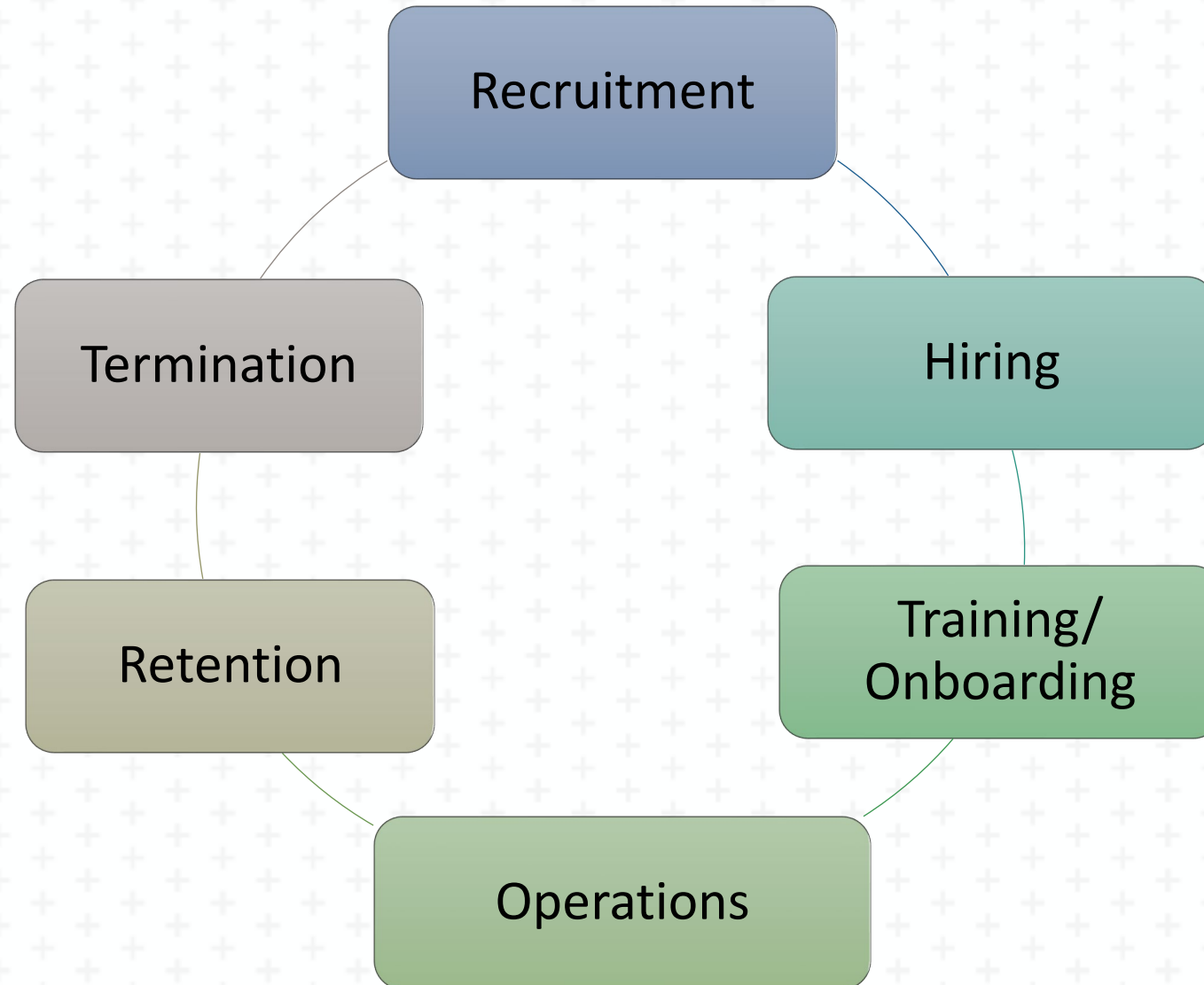
- Do we understand and comply with state/federal labor laws?
- Do we recruit and retain employees well?
- Do we effectively train employees?
- Do we have human resources SOP?



**Hiring self-assessment
from Vermont farm labor
dashboard**

[uvm.edu/aglabor/dashboard/
assessment](https://uvm.edu/aglabor/dashboard/assessment)

Employment Process



Recruitment

- Identify and define the work need.
- Write a job description.
- Find job applicants.
 - Social media, newspapers, radio, community bulletin boards, network community/industry, university, job posting/career websites
- Ask candidates to fill out application.

**Job description writer from
U.S. labor department**

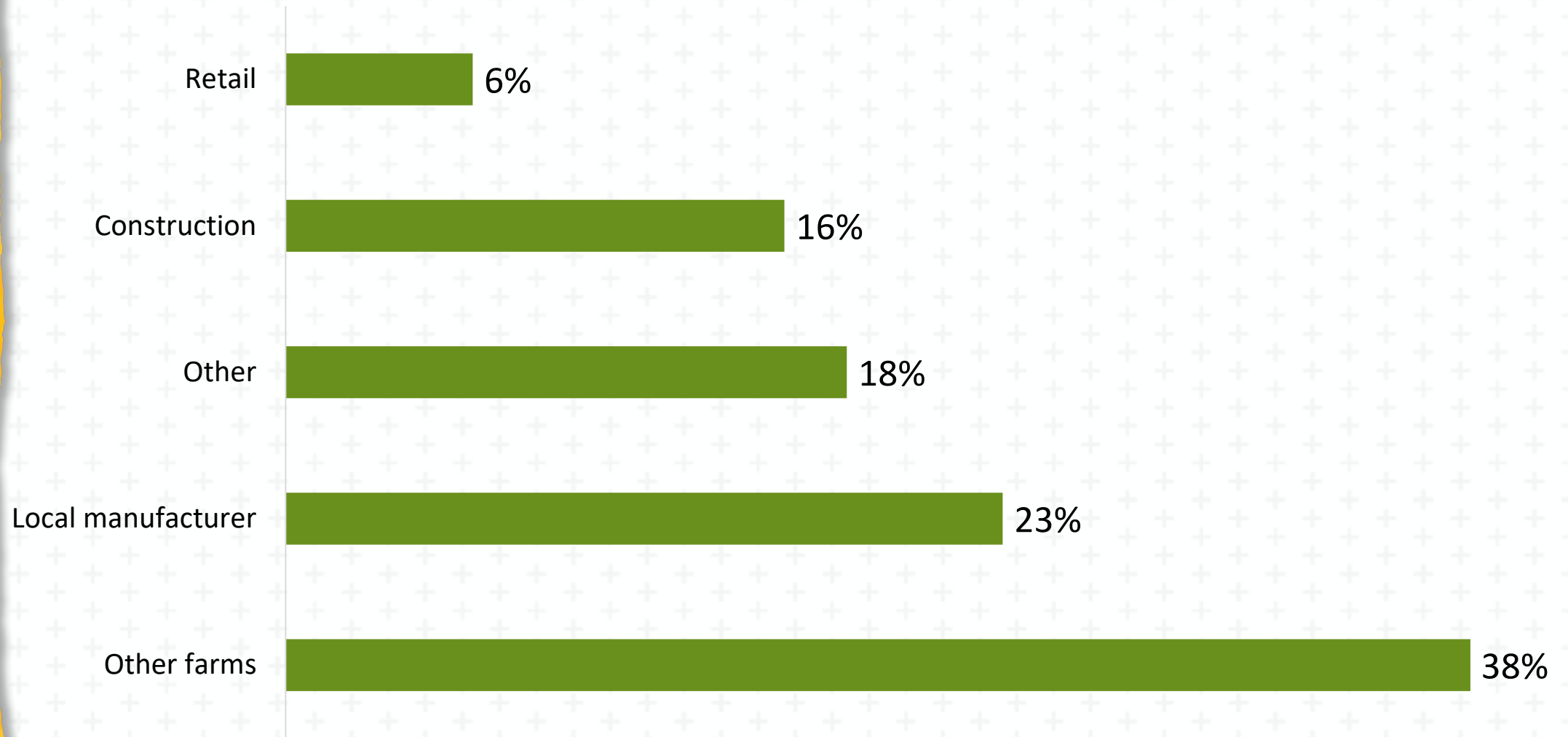
careeronestop.org/BusinessCenter/Toolkit/GettingStarted.aspx

**Application template from
Missouri Farm Labor Guide**

muext.us/FarmLaborGuide

Competition for Labor

What is your No. 1 competitor for labor?



Source: Farm Journal 2019 Ag Labor Survey

Interviewing

- Ask open-ended questions.
- Use the same set of questions for all interviewees.
- Follow the 80/20 listening rule.
- Avoid unacceptable questions (*i.e. race, age, religion, sexual orientation, disabilities, medical, family/marital status*).



After the Interview

- Investigate potential hires.
 - Background checks, drug testing, Record of Arrest and Prosecution from the Nebraska State Patrol, reference checks, eligibility verifications (E-Verify, visas)
- Extend an offer.
 - OK to offer over the phone
 - Follow-up with written offer
- Complete new hire paperwork.
 - Get Employer Identification Number (EIN)
 - Federal and state withholding paperwork (W-4)

Checklist

- ☒ Responsible
- ☒ Competent
- ☒ Teamwork



Onboarding/Training

- Onboarding assimilates new hires into the business.
 - Create an onboarding plan.
- Training refers to making ongoing educational opportunities available to employees.
 - Select an approach to training.
 - Can be formal or spontaneous
 - Mentoring

**Onboarding template
from Cornell Ag
Workforce Development**

[agworkforce.cals.cornell.edu/
onboarding](http://agworkforce.cals.cornell.edu/onboarding)



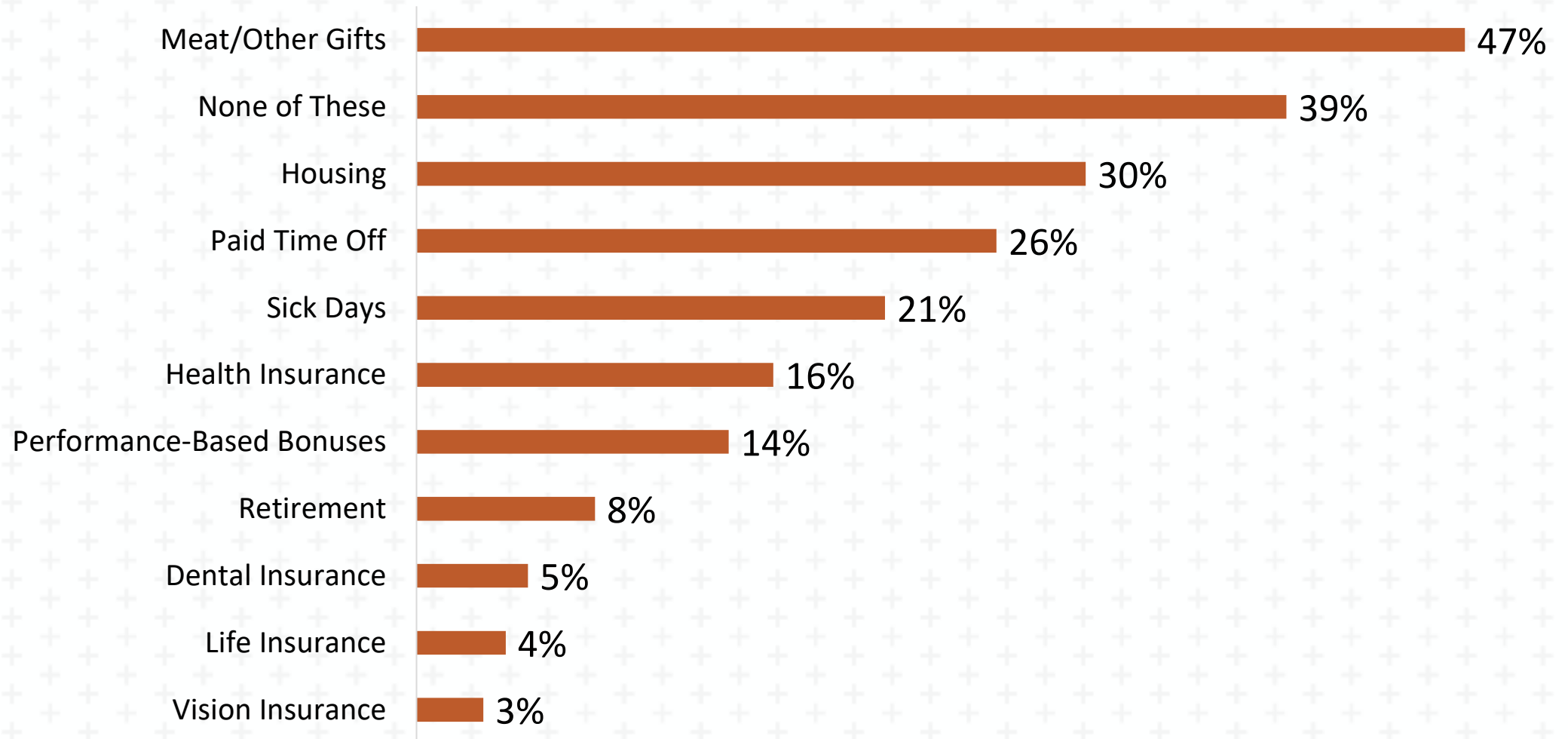
Operations

- Compensation
 - Offering a competitive wage
 - Overtime (Fair Labor Standards Act)
 - Non-monetary compensation
- Incentive pay
 - Match pay to your goals
- Benefits
 - Health insurance, retirement, time off, etc.
- Taxes
 - Federal/state/local



Benefits in the Workforce

Do you offer any benefits?



Source: Farm Journal 2019 Ag Labor Survey

Develop an Employment Manual

- An official source for operational policies, practices, standards and other details for your business
- Good tool for sharing information with employees
- Employers clearly explain their expectations, which protect from legal or compliance issues later



**Personnel policy
generator from Vermont
farm labor dashboard**

[uvm.edu/aglabor/dashboard/
personnel-policy-generator](https://uvm.edu/aglabor/dashboard/personnel-policy-generator)

Best Practices to Support Retention

- Offer incentives — financial or gifts — contingent on performance.
- Promote employees who have earned it.
- Offer training and continuing education.
- Provide spontaneous feedback.
- Support a positive work-life balance.
- Give public recognition.

Note - The practices you choose don't necessarily need to be expensive. However, employees should value the practices you adopt, so get to know your workers!

Termination

- **Employment-At-Will**

- Employees or employers may terminate employment arrangement at any time provided that:
 - There is no contract.
 - There was no discrimination.
 - Public policy exception did not apply.



Summary

- Some estimates show that 25% turnover of farm help isn't unlikely.
- Replacing an employee can cost 20% of the former employee's salary.
- What can you do to avoid high turnover rates/improve retention, enhance your worker productivity and minimize your business risks?





FOREIGN GUEST WORKERS

H-2A PROGRAM

Cherie Priest – Brown County

Section H2-A of the Immigration and Nationality Act (INA)

- Authorizes the lawful admission of temporary, nonimmigrant workers to perform agricultural labor.
- Work to be done must be temporary or seasonal in nature and agricultural based.
- Required to file an application with the Employment and Training Administration (ETA) stating that there are not sufficient workers who are able, willing, qualified, and available.

- Standard filing process for hiring H-2A workers takes 75 – 90 days. Applications state number of workers and start and end dates.
- Apply for a domestic job order with State Workforce Agency.
- Apply for a temporary labor certification with the Department of Labor's Chicago National Processing Center.
 - ✓ DOL provides final determination. (approves or rejects application)
- Complete an H-2A visa petition with US Citizenship and Immigration Services.



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- Recruit workers.
- Workers apply for the H-2A visa with the Department of State and complete consulate interviews.
- Approved workers travel to the worksite and arrive on the start date with an arrival/departure record.

Requirements after approval:

- H-2A employers must provide employment to any qualified, eligible U.S. worker who applies for the job opportunity until 50% of the period of the work contract has elapsed.
- The employer must pay all H-2A workers the adverse effect wage rate (AEWR). For Nebraska, effective 12/29/2021 the rate is \$16.47/hour.
- Employers must provide housing at no cost to H-2A workers. Employer-provided or secured housing must meet all applicable safety standards. (Housing will be inspected by the State Department of Labor prior to approval of application.)

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- Employers are required to either provide each worker with 3 meals per day at a DOL-specified cost, or to furnish free and convenient cooking and kitchen facilities for workers to prepare their own meals, and transportation to grocery store once a week.
- Employers must provide transportation between living quarters and work site at no cost.
- Must cover or reimburse employee for inbound and outbound travel expenses and consulate fee (\$190).

Costs of H-2A Visa Program

- Labor Certification: \$100 application fee, plus \$10 per certified worker.
- Non-Immigrant Worker Petition (paid to Homeland Security): \$460 filing fee. (flat fee, 1 or multiple workers)
- H-2A Visa Application : \$190 consulate fee (reimbursed to employee on arrival).
- Transportation – from home country and back: Varies depending on the country of origin or if an in-country transfer.

Taxing workers

- H-2A workers are **not** required to pay Social Security and Medicare taxes on their wages.
- **Employers** are also **not** required to pay these taxes on the worker.
- U.S. federal income tax is withheld **only** if requested by the worker and Form W-4 is completed.
- Nebraska requires that State income tax **is** withheld from H-2A visa worker paychecks.

TIPS

- Plan ahead! Delays on the government side are common. Even when things go smoothly, workers will probably not arrive till a week or two AFTER your start date.
- Think carefully about your dates. “Seasonal and temporary” means applications will be rejected if dates are longer than 10 months.
- Dates are nearly impossible to change in future years. The government does not understand that in agriculture, our needs can be different each year depending on things like weather. If you are approved for a summer contract March 15 thru October 15, they will not approve a contract in a future year for any other dates.

- You can apply for more than one contract per year.

Example:

- Summer contract March 1- October 15
- Winter contract October 20 – Feb 28

Contracts must be temporary (less than 10 months) and seasonal. Tasks for each contract need to correspond to the seasonal need. Summer contracts should relate to tasks involving crops, such as planting, cultivating, harvesting. Winter contracts should have tasks such as care and feeding of livestock. If the tasks and skills required overlap, the government considers it a year around/ full time need and will reject your application.

More information at www.Farmers.gov (U.S. Department of Agriculture), www.dol.gov

Is it Worth It?

- From my experience with the program over the past 5 years – YES
- In the past 5 years we have received applications from **2** U.S. workers. We have hired **20** H-2A workers. Many of them have returned for multiple seasons reducing the training needs.