

HR on the Farm H2A & Immigration Panel

Jennifer Uranga

Chelicy Wanders



MOUNTAIN|WEST



GEM AG PROFESSIONALS

Agenda

- H-2A Program Overview
- Farmworker Modernization Act
- Current HR Issues on the Farm
- Panel Discussion
- Q&A

While the federal government's minimum for all workers remains the same, Adverse Effect Wage Rate (AEWR) paid to H-2A foreign seasonal farm workers.

Despite the state changes, this rate will still far exceed the federal or state minimum wage in every state in 2020 by an average difference of 57 per

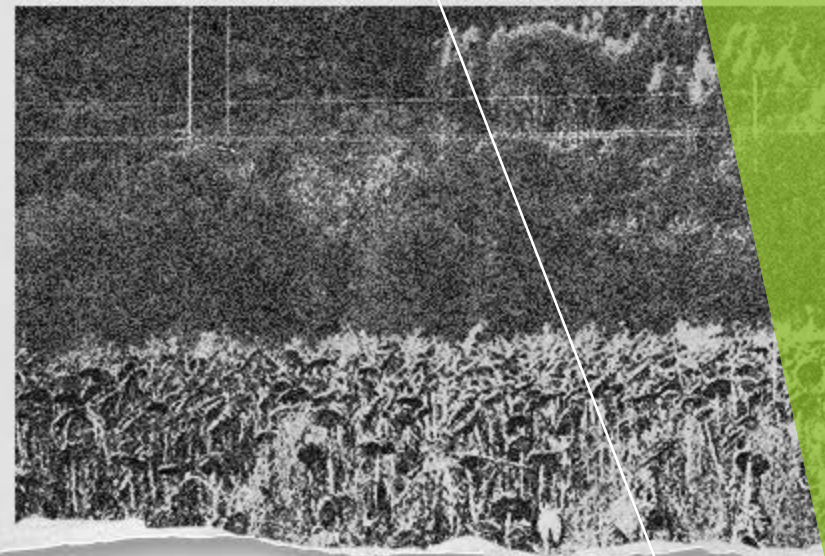
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H-2A News

... what they would otherwise receive.

... to \$15.83 per hour in 2020 (based on 15 regions). State minimum wages start at the federal minimum of \$7.25 hourly and go to \$13.50 in the state of Washington.

... every state minimum. The average difference between each state's AEWR and the federal minimum in 2020. In Iowa, Indiana, Kansas, New Hampshire, North Dakota, Utah, the difference is 5.5 percent from \$12.96 to \$13.68 hourly. Every state will see the AEWR



H-2A Program Overview

- Still Increasing
 - 257,667 positions certified up 6.1 % over 2018
 - Record low unemployment numbers
 - Growing economy
- Government Agencies are stretched thin and will continue to be
 - SWA, DOL, USCIS, Consulates, CBP
 - Only so many hours in a day/man hours to process and cross workers

H-2A Program Changes for 2020

- No ADVERTISING
- FLAG System
- Electronic signatures
- AEWR went up!!!

JANUARY 10, 2020 1:35PM

The H-2A Touchback Requirement Makes No Economic or Security Sense

By DAVID BIER



California Farm Workers By Tony Webster from Minneapolis, Minnesota, United States - Nipomo Farm Workers

Ag Coalition Seeks H-2A Wage Relief

Micheal Clements NAFB News Service
Jan 14, 2020

comment on proposed H-2A rules

Capital Press Oct 2, 2019

agricultural production hinders U.S. competitiveness in the
ce, and consequently more than half of the fresh fruit and a
vegetables consumed in the U.S. are grown elsewhere, the
of Agricultural Employers says.

is a large component of increasing production costs, and it
shed upward by increasing minimum wages — called
age Rates or AEWRs — for H-2A-visa foreign guestworkers,
according to Michael Marsh, NCAE president and CEO.

His statements were included in comments on the U.S. Department of
Labor’s proposed rule changes for the H-2A program. NCAE submitted its 27
pages of comments on DOL’s Sept. 24 deadline. DOL released its 489-page
proposal on July 15.

NCAE’s members pay approximately 80% of all agricultural labor payroll in
the U.S.

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Ag coalition seeks H-2A wage relief

Micheal Clements NAFB News Service
Jan 14, 2020 Updated 9 hrs ago



Photo Courtesy/Credit: USDA, CC BY 2.0 FB.org



WASHINGTON D.C. - The government-
mandated wage rate for farmers who use the
H-2A program increased the beginning of
January, adding more hurdles to an already
challenging Ag labor market.

Farmworker Modernization Act

- Three-pronged approach
 - Current workforce stabilization, incentives
 - H-2A changes (mostly improvements)
 - E-Verify, phased in for Agriculture specifically

Progress on Bill

- Bipartisan bill
- It was important that a bill move out of the House. Historically we've been able to move legislation out of the Senate on this issue, but it's been 34 years since the House has even taken it up.
- The Lofgren bill will not become law. In the House process, the UFW and anti-farmer activists were involved. They will be excluded in the Senate.
- The Senate bill will be far more employer friendly on wages and costs and everything else because it will be our bill. There will have to be some give and take because we need 60 votes. The fringes will never come along but if we can get 30 R's and 30 D's, that would be perfect.
- After we get a good ER bill out of the Senate, we will conference with the House. A conference report will have to pass both chambers before going to Trump for a signature.
- The Lofgren bill is far from perfect but without it, we'd have nothing to conference.



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AND THEIR CRITICAL ALLIES
SINCE 1964**

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On Farm Compliances

- Establish & update company policies and procedures
- Recordkeeping
 - Write-ups
 - Pay stubs
 - State Deductions

H-2A Compliance

- “Anyone can write and submit a contract”
- Implement the program on the farm
- DOL Wage and Hour Audits
 - Reimbursements Inbound and Outbound
 - Want to look at your housing
 - Want to look at your transportation
- ETA Audits (Paper Audits)
- Field Checks and Field Visits

Employee Retention

- Be the employer of choice
- Sustainability/Best Practices HR
- Consumers want to purchase products from companies who treat employees well, treat the environment well
- Safe workplace
- Offer training to employees that want to lead
- Expectations



Q & A

**Please text questions to:
509-571-4140**













Q & A

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