

Labor Management Decisions

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Good Discrimination In Hiring at a Dairy

Gregory Encina Billikopf

Bruce Burroughs, of Vista Farming in Merced, discriminates when he selects employees, and he is proud of it. Of course, Bruce knows that it is illegal to discriminate on the basis of such "protected" characteristics as sex, race, color, religion, age (40 or older), national origin, and disability.

In terms of unlawful discrimination, one can distinguish — to use the language of the courts — between (1) disparate treatment and (2) adverse impact. Outright discrimination, or disparate treatment, involves treating people differently on the basis of a protected attribute. Practices that appear unbiased on the surface may also be illegal if they have adverse impact, that is, if they yield discriminatory results unrelated to future job performance. For instance, requiring a high school diploma for tractor drivers might unreasonably eliminate more nonwhite applicants from job consideration.

Bruce knows, however, that he is not required to hire unqualified workers. He is even required by law to discriminate based on legal eligibility for employment in the United States, by checking documents pre-

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Ergonomics in California — In Agriculture?

James M. Meyers

Yes, in agriculture. In 1997 California became the first state in the nation with an occupational safety and health regulation targeting ergonomic risk factors and repetitive motion injuries. The California Occupational Safety and Health Administration (Cal/OSHA) Standards Board promulgated General Industry Safety Order 5110, Repetitive Motion Injuries, which was subsequently approved by the Office of Administrative Law and became effective on July 3, 1997. Since then the so-called "ergonomics standard" has been the subject of ongoing litigation brought by both employer and labor groups.

In October of 1997, Superior Court Judge James T. Ford, hearing a challenge to the standard, responded by eliminating some of the language in the original text of the regulation. Most notably, he struck out the exemption for employers with nine or fewer employees, the language calling for "objective" diagnosis, and the

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entire section defining satisfaction of employer's obligation. In December 1997 the Standards Board itself appealed Judge Ford's changes. On March 13, 1998, the Court of Appeal ruled that Judge Ford's Order to eliminate parts of Section 5110 will be stayed until it issues a decision on the appeal filed in December. Given this March ruling, Section 5110 in its original July 3, 1997, form as adopted by the Standards Board is currently, and will remain, in effect unless and until the Court of Appeal takes action to change it.

So for at least the time being, employers are required to abide by the ergonomics standard as issued. This means that, if you have 10 or more employees and if two or more diagnosed repetitive motion injuries (RMIs) have occurred in your workplace within the past 12 months, you must implement the three-step ergonomics program prescribed in the standard. That program consists of (1) conducting a worksite evaluation for exposures causing RMIs; (2) taking steps to control exposures that have caused RMIs; and (3) implementing a training program that explains what RMIs are and the steps you are taking to control them. (See GISO 5110 for a complete statement of requirements.)

The standard itself, with an updated history of the action to date, is available on the Department of Industrial Relations (DIR) website, <http://www.dir.ca.gov>. Once there, click "Occupational Safety and Health," then "Occupational Safety and Health Standards Board," and then "Ergonomics Standard Status."

Prevention of MSDs

Whatever your stand on the politics of Cal/OSHA's role and methods regarding ergonomics in the workplace, there is reason for concern about improving prevention of the broad category of musculoskeletal disorders (MSDs), which include back injuries, repetitive motion injuries, and others. The incidence and costs of this group of injuries have steadily increased through this decade. In California, claims filed as "cumulative injuries" constitute a share that is twice the size of any other specific injury category, according to a study by the California Department of Insurance in 1993. And they include some of the most costly injuries reported. While no one has put a figure on costs of work-related back injuries in California agriculture, researchers B.S. Webster and S. H. Snook reported in 1990 that a study of more than 98,000 workers' compensation claims from 45 states, including California, showed the average overall cost per back injury case to be some \$6,800 in the 1980s. With 3,350 being reported each year in California agriculture, according to an AgSafe estimate in 1993, that yields a conservative cost estimate of over \$22 million per year for back injuries alone.

On the positive side, there is growing evidence that employers and employees can take some practical steps toward prevention of these injuries. With respect to California agriculture, most of that work is being done by a team of University of California researchers

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What Are Musculoskeletal Disorders?

Occupational musculoskeletal disorders (MSDs) may affect muscles, tendons, joints, nerves, and related soft tissues anywhere in the body. The lower back and upper extremities, including the neck and shoulders, are the most common sites. Because repeated exposure to force of the same muscle, tendon, or region may result in trauma, injury, and inflammation to the affected area, names such as cumulative trauma disorder, repetitive motion injury, repetition strain injury, and occupational overuse syndrome have been applied to these disorders.

As a group, occupational musculoskeletal disorders are characterized by one or all of the following localized symptoms, depending on the type of disorder:

- √ pain
- √ stiffness
- √ weakness
- √ numbness
- √ tingling

Complaints may also refer to aching, burning, buzzing, or swelling. Referred pain may occur, such as from the neck and shoulder region down the arm, into the hand, or

up to the head and face. Left unaddressed over time, these disorders can become permanently disabling.

Diagnoses most commonly associated with cumulative or repetitive trauma include:

- tendonitis or inflammation of a tendon
- tenosynovitis or inflammation of the sheath surrounding the tendon
- bursitis or inflammation of the sack surrounding a joint
- nerve entrapments such as carpal tunnel syndrome, which pinches the median nerve at the wrist, or cubital tunnel syndrome, which pinches the ulnar nerve at the elbow
- myalgia or muscle pain, which may also be referred to as muscle strain, tension neck, or neck and shoulder syndrome

An individual may also have more than one type of disorder at one time. It is not unusual, for example, to have an elbow tendonitis (epicondylitis) and pain in the neck and shoulder muscles at the same time or to have wrist tendonitis along with carpal tunnel syndrome.

TIPP Preparation for California Ag Employers

Stephen R. Sutter

Stemming from the Governor's Farm Worker Services Coordinating Council is a labor law enforcement program called the "Targeted Industries Partnership Program" (TIPP). Since 1993, the primary participating agencies have been California's Division of Labor Standards Enforcement (DLSE), the U.S. Department of Labor (DOL) Wage and Hour Division, the Employment Development Department (EDD) UI Tax Division, Cal/OSHA, and occasionally the California Highway Patrol, the Internal Revenue Service, and other agencies. Following is a "partial preparation guide" for agricultural employers.

1. Instruct front-line supervisors on procedures you want them to follow in the event of an unannounced TIPP inspection. Based on a 16-point DSLE TIPP "Inspection Protocol," dated August 15, 1994, inspectors will first ask for the owner. If he or she is unavailable, inspectors will ask for the manager or person in charge. The protocol directs inspectors to "wait a reasonable time until the owner or manager shows up," and to "ask the employer for permission before interviewing his or her employees. If the employer hangs around, inform him or her that you wish to interview the employees in private . . . Do not tell the employer not to appeal a citation, or that it is useless to appeal the citation." Make note of the names and agencies of all members of the inspection team present.

2. U.S. DOL Wage and Hour officers are now coordinating their inspection programs with the Immigration and Naturalization Service (INS). Both agencies have agreed to share information on employer sanctions enforcement and compliance. Wage and Hour officers now have the authority to issue warning notices to employers found in violation of Form I-9 employment eligibility verification requirements, and they will refer all "suspected substantive hiring violations" to the INS. Wage and Hour officers who "walk in" must inform employers that they have a right to 3 days' notice before inspection of I-9s.

3. Cal/OSHA inspectors cooperating with the TIPP program normally review an employer's written injury and illness program and training records, first aid cards, first aid kit, provision of field sanitation facilities and notification, air tank permits, warning horns on industrial tractors and forklifts, and compliance with a multitude of other "safety orders," including the prohibition of "driverless" tractors. Cal/OSHA

requires that the English and/or Spanish poster "Safety and Health Protection on the Job" (Rev. 1-96) be posted where notices are normally posted. Request Cal/OSHA posters on (415) 972-8844. Agricultural employers should also order "Access to Medical and Exposure Records," S-11, S-11S, "Emergency Telephone Numbers," S-500, "Operating Rules for Industrial Trucks and Forklifts," S-503, S-503S, and "All Tractors, Farm and Industrial," S-504, S-504S.

4. Employers must post OSHA Log 200 "Summary of Annual Injuries and Illnesses" during February, except those employers who had 10 or fewer employees at any time during the calendar year covered. Request Cal/OSHA Log 200 and instructions on (415) 972-8641.

5. Employers must have workers' compensation insurance, post a workers' compensation informational poster, and distribute a copy of the poster's contents to employees. Workers' compensation posters and brochures are available from your insurance carrier. Also request to see and keep a copy of your farm labor contractor's (FLC's) workers' compensation insurance certificate.

6. Post appropriate California Industrial Welfare Commission wage order poster(s), a pay-day notice (DSLE 8), and Minimum Wage Notice MW-98. Request these posters on (415) 975-2080. The wage order posters detail overtime, meal period, break, and provision of tools requirements, all of which you could be cited for violating. Wage Order 14 covers employers engaged in agricultural production, including harvesting; Wage Order 13 covers establishments packing only products grown on the same farm; Wage Order 8 covers establishments whose main service is preparing agricultural products for distribution (growers preparing products for market for other growers, in addition to their own, wineries, cotton gins, and fresh fruit/vegetable packing companies).

7. The U.S. DOL Wage and Hour Division requires that employers of migrant and seasonal farm workers post Notice WH-1376 "Migrant and Seasonal Agricultural Protection Act" (MSAWPA). "Worker Information — Terms and Conditions of Employment," WH-516 English and WH-516S Spanish, are optional forms to disclose information to migrant and day-haul workers upon recruitment, and to seasonal workers other than day-haul workers upon request. Employers em-

ploying 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding year must post "Family and Medical Leave Act" WH-1420 (English) and/or WH-1420S (Spanish). Request DOL Wage and Hour posters on (916) 979-2040 (Sacramento), (213) 894-2700 (Glendale), or (415) 975-4510 (San Francisco).

8. Assure that employees who handle pesticides receive pesticide-specific training before they are allowed to handle a particular pesticide for the first time. Give annual refresher training on general pesticide safety to applicators and other handlers. Activate a written training program for applicators and other handlers as prescribed by the California Department of Pesticide Regulation. County Agricultural Commissioners provide various leaflets in English and Spanish related to general pesticide safety and regulatory requirements.

9. California's Department of Pesticide Regulation requires that before employees are allowed to handle pesticides, agricultural employers must display a completed "Hazard Communication Information for Employees Handling Pesticides" (PSIS Leaflet A-8, revised 11/20/96) at a central workplace location. Whenever fieldworkers are working in a "treated field," the employer must, at the worksite, display a completed "Hazard Communication for Employees Working in Fields" (PSIS Leaflet A-9, revised 11/20/96). In the event that fieldworkers gather at a central place prior to transportation to the worksite, the A-9 may instead be posted at that central location. PSIS leaflets are available from County Agricultural Commissioners.

10. Assure that before beginning work in a treated field, fieldworkers have within the last 5 years received training as prescribed by California's pesticide regulations (and EPA's Worker Protection Standard). A "treated field" means a field that has been treated with a pesticide or had a restricted entry interval in effect within the last 30 days.

11. For each minor hired, obtain and keep a Permit to Work and Permit to Employ. These work permits are not required for minors employed by parents in agricultural work on premises owned, operated, or controlled by the parent. Be aware that minors (other than your own child) are prohibited from performing certain dangerous work activities under state and federal laws. Minors under age 16, for example, may not operate a tractor of over 20 PTO horsepower or a forklift.

12. Supply the California Employment Disability brochure DE 2515 (English) (Rev. 1-97) or DE 2515S (Spanish) to each new employee when hired as part of orientation (or health and safety training), or to employees leaving work due to pregnancy or nonoccupational disability. Request these publications on (916) 322-2835. California employers must provide for up to 4 months of pregnancy disability leave (or transfer to a less strenuous or hazardous position if such transfer is medically advisable).

13. Employers must provide employees with all of the tools (and equipment) needed to do their jobs, unless the workers are paid more than twice California's minimum wage. If certain employees wish to use their own tools, the employer should have them sign a statement to the effect that although they have the right to use employer-provided tools they agree to waive this right in order to use their own. California law allows employers to require an employee to post a reasonable security deposit for the return of tools (California Labor Code Section 403) or alternatively, with the employee's prior written consent, may deduct the cost of such items from the employee's final pay check if an item is not returned to the employer. No deduction may be made for normal wear and tear. Under federal law, any "deduction" for costs of tools is not permitted if the deduction reduces the wages to less than the federal minimum wage.

14. California's Wage Orders mandate that employees be given credit for a minimum amount of work if required to report but put to work for less than half a day. Generally, employers are required to pay at least half of the usual day's wages, but not less than 2 or more than 4 hours' pay.

15. Maintain clear, complete payroll records. Properly filled out, U.S. Wage and Hour Form WH 501 (English) and WH 501a (Spanish) satisfy both federal and California requirements for itemized statements to give to an agricultural employee (including those paid cash) each pay day. Keep for 3 years copies of the employee's itemized statements. Form WH 501 shows the employer's name, address, and employer identification number (EIN) assigned by the Internal Revenue Service, and the employee's name, address, social security number, pay rate, basis on which wages are paid (hour, piece), payment date, pay period, production each day for a piece-paid employee, hours worked each workweek, and hours worked each day. Workers paid piece-rate must earn at least the minimum wage per hour averaged over the employer's pay period (weekly, bi-weekly, daily). Also show the nature and amounts of additions to or deductions from wages each pay period. Generally, employers may not withhold amounts from an employee's wages unless required by law, or if authorized in writing by the employee. Also keep for 3 years a record of each employee's job title and sex.

16. Verify that every farm labor contractor you do business with has a valid California state license. Keep a copy. Call 415/975-2069 to check license status. Also verify that your FLC has a valid federal registration with driving, transportation, and housing endorsements, if applicable. To verify the federal registration, phone 800/800-0235. If an FLC provides worker transportation, copy certificates authorizing transportation activity for all drivers.

17. Some growers are now asking prospective FLCs to authorize disclosure of their federal employment tax

status on IRS Form 8821, to limit their potential liabilities for unpaid employment taxes. Consider adopting this practice, especially if you do not already know the contractor. Request information and Form 8821 on (209) 271-6250.

18. Under federal MSAWPA, FLCs are required to furnish to growers each pay period (weekly) copies of payroll records, ideally containing the same information as described in item 15 above. Growers must keep these records for 3 years.

19. Farm labor vehicles (generally vans or buses designed to transport nine or more farm workers, in addition to the driver) must be safety certified, insured with prescribed minimum liability coverage amounts, and operated by drivers with a California Class B commercial driver's license and current "Farm Labor Driver's Certificate" Form DL-45.

20. The U.S. Department of Transportation requires that certain drivers of commercial motor vehicles (including those designed to transport 16 or more passengers, or those used in transporting hazardous materials requiring placarding, or those with a gross vehicle

weight rating of 26,001 or more pounds), performing safety-sensitive functions, take part in a "Controlled Substances and Alcohol Use and Testing Program" that includes, in part, random and "reasonable suspicion" testing. Supervisors who are designated to determine whether reasonable suspicion exists to require a driver to undergo testing must receive at least 60 minutes of training on controlled-substance use, and at least an additional 60 minutes of training on alcohol misuse.

21. Employers housing five or more employees must have a permit. The Department of Housing and Community Development, or county health department, inspects "labor camps" prior to and during occupancy to assure a suitable living environment. For information, contact HCD on 800-559-0355. Health and safety regulations enforced under MSAWPA apply to temporary or seasonal housing regardless of the number of migrant or seasonal workers living there. □

The author thanks Howard Rosenberg for his helpful review and suggestions.

Regulatory Review at the Agricultural Labor Relations Board

Michael B. Stoker

In January 1997, Governor Pete Wilson issued an Executive Order requiring all state administrative agencies to review their existing regulations. The purpose of these reviews was to assure that outdated regulations would be removed and existing regulations streamlined. Because the Agricultural Labor Relations Board (ALRB) is an independent agency and not part of the executive branch of state government, the executive order was not legally binding on this agency. Notwithstanding the technical inapplicability to the ALRB of the official directive, however, the Board believed in the goals of the Governor's Executive Order and decided to pursue a review of the regulations under its purview.

The procedure for an agency to review its regulations is commonly referred to as "rulemaking." Every state board and commission has the inherent right to enact regulations through the rulemaking process that serve the implementation, administration, and enforce-

ment of the law as codified in a statute. In the case of the ALRB, the regulations are tools the Board uses to assure that the Agricultural Labor Relations Act, passed in 1975, is enforced as intended.

The statute, or law, provides the generic guidelines regarding the rights, obligations, and duties of the parties — typically workers, growers, and/or unions — involved with matters under ALRB jurisdiction. Regulations provide the details that specify to the parties how their rights, objectives and duties will be protected and imposed. The regulations are very significant in defining what a party can or cannot do within the law, so it is not surprising that the decision by the Board to review the agency's regulations has and will generate great interest by many of those who deal with the ALRB.

With so much at stake, the Board from the outset committed itself to an open and accessible process of



regulatory review. The Board stated and then demonstrated this commitment through a series of “field hearings” throughout California in early November. Specifically, the hearings were held in the Coachella Valley, Ventura, Monterey, Tulare, and Sacramento. At these hearings every interested party was welcome to speak to the Board about ANY aspect of the ALRB’s regulations, and a great many did so. Spanish-speaking interpreters were present at all hearings to make possible full participation by those who wished to address the Board in Spanish.

To assure the Board every opportunity to accumulate a complete record of pertinent facts and perspectives before formulating any recommendations, we scheduled five more hearings for Sacramento in March and April. The purpose of these added hearings was to obtain specific testimony regarding farm worker demographics and agricultural recruitment patterns in California and to learn more about various means of communicating with California farm workers. The lineup of knowledgeable speakers whom the Board planned to hear included: on March 18, James I. Grieshop, U.C. Davis; Don Villarejo, California Institute of Rural Studies; and Larry Jarequi, California Department of Education. On March 25, José Millan, State Labor Commissioner, California Department of Industrial Relations; Pablo Rosales, California Department of Economic Opportunity; Arturo Ramudo, California Employment Development; Gordy Denicochea, California Department of Housing and Community Development; and A. J. Yates, California Department of Food and Agriculture. On April 1, Howard Rosenberg, U.C. Berkeley; Steve Sutter, U.C. Cooperative Extension, Fresno; and Bert Mason, California State University, Fresno. On April 8, Richard Mines, Martin Rios and Andy Nagochi, all from U.S. Department of Labor; Susan Gabbard, Project Director of the National Agricultural Workers Survey; and Myriam Grajales-Hall, U.C. Riverside.

Each of these speakers was asked to provide testimony in two specific areas: (1) how his or her agency or organization communicates with farm workers, and/or (2) demographic information, such as farm worker access to media, housing and migration patterns, literacy, and how farm workers are hired or recruited, whether it be directly or through labor contractors. At one final hearing on April 15, any other person could testify to the Board or provide a written statement. All comments were welcome but had to be made no later than April 15. Submittals after that date cannot become part of the record considered by the Board in the current review of regulations.

At 10:00 a.m. on May 13th, the Board will convene to formally deliberate on any changes that it wishes to make to current regulations under the ALRA. The Board will meet daily until its rulemaking deliberations are completed. Any changes to existing rules and regulations that the Board proposes must then be submitted to the Office of Administrative Law (OAL), along with a notice of proposed rulemaking and a statement of reasons in support thereof. This triggers a 45-day public comment period, during which another hearing may be held, and all interested members of the public will be invited to comment on any of the proposed changes. After the 45-day public comment period closes, the Board will make any changes it concludes are appropriate and submit them with a final statement of reasons to OAL for its approval.

It should be evident that the process to change any administrative regulation is by law lengthy and complex. In the case of the ALRB this year, the Board has been willing to augment its information gathering so as to assure that its regulatory review process is thorough, open, and fair.

To those who have opposed the Board even reviewing its regulations, I would respond that 23 years since passage of the ALRA is a long time to drive a road without ever seeing if the terrain has changed. I do not think anyone familiar with California agriculture could argue seriously that nothing has changed. To the extent change has occurred, it is the responsibility of any governmental board to acknowledge that circumstances differ from the past, to analyze how, and to judge whether changes in its regulations are needed to adequately respond to them.

To his credit, the Governor has provided impetus for all agencies to take steps that lead to California’s boards and commissions becoming more streamlined, efficient and effective as we enter the 21st century. For the ALRB, the final stage down this path is scheduled to commence on May 13th.

Agricultural employers and farm labor unions will continue to participate and watch with interest as this process continues to unfold. It is the California farm

worker, however, whether union or nonunion, whom the ALRA was enacted to assist and who stands to benefit the most from this rulemaking. To date many farm workers have been actively involved in the hearings. They have had a lot to say, and I am confident their messages will not be lost.

We should not lose sight of the fact that a primary reason for passage of the Agricultural Labor Relations Act was to guarantee justice for agricultural workers. As Section 1 of the Act states: "In enacting this legisla-

tion the people of the State of California seek to ensure peace in the agricultural fields by generating justice for all agricultural workers" It is those workers whose concerns I will remind the entire Board to take to heart as we start our final deliberation in May.

Michael B. Stoker is Chairman of the California Agricultural Labor Relations Board, Sacramento.

As *LMD* goes to press, the ALRB is concluding its series of fact-finding hearings in Sacramento and preparing to deliberate on the copious testimony it has received in these as well as the field hearings held last November. As Mr. Stoker indicates, the Board has welcomed oral and written comments in connection with both these sets of meetings.

Speakers providing expert testimony in the March-April hearings were asked to focus on how their organizations communicate with farm workers, and the demographics and employment characteristics of farm workers. Comments last Fall from interested members of the public, including grower and worker representatives, included not only information along these two lines but also specific proposals for change in ALRA regulations. Employer advocates consistently offered three recommendations: (1) that labor organizers' virtually routine right to access workers on growers' property be eliminated; (2) that the level of interest needed to support a union's Notice of Intent to Organize, and thus obligate an employer to provide a list of all employees' names and addresses, be raised significantly from the current standard of 10 percent of the current workforce; and (3) that means be established for the Board to reasonably terminate an employer's duty to bargain with a union which has been certified to represent the employer's workforce but has abandoned that unit.

In a letter of transmittal with its lengthy written comment, the United Farm Workers of America (UFW), AFL-CIO, contended that existing law provides adequate means for dealing with the rare cases of actual abandonment, that refusals to bargain in good faith often lead to circumstances misperceived as abandonment, and that ALRB resources would be better spent on enforcing the current rules than considering changes in them. The UFW submittal does, however, propose nearly forty regulatory changes. The section headings under which these recommendations are presented suggest their substance.

Among them: Joint employer definition, Time lines for ULPs, Field examiner hours and places of operation, Field examiner language, Expedited hearings, Expert investigators for compliance, Registration of labor consultants, Expanded access, Organizer vehicular access, Identification badges for supervisors, Company bulletin boards, Encouragement of neutrality agreements, Referrals to other agencies, and ALRA rights posting.

As described in the minutes of its December 10 meeting, the Board took preliminary steps toward development of a rulemaking package shortly after Fall field hearings were completed. The Board voted to direct its staff to draft proposals and list options with regard to: (1) the showing of interest to trigger a union's right to an employee address list, (2) a process whereby a union that has abandoned workers might lose its right to represent them, (3) elimination of blocking, (4) allowing employers to disseminate ALRB informational materials regarding decertification petitions, and (5) possible modification of the present access rules (ranging from retention of status quo to complete repeal).

An ALRB staff report on issues before the Board is expected to be complete by late April, and the Board will meet on May 6 to entertain public comment on this report. Written comments on the report will be accepted until 5:00p.m., May 8. Beginning on May 13, and continuing daily, the Board will deliberate on the staff report content and comments. It then will finally determine what to include in specific regulatory proposals, and direct staff to prepare a formal rulemaking package.

Clearly, with the input it received last fall and after five additional hearings this year, a very wide range of topics and great volume of relevant information are before the Board. Members will sit down to quite a full plate when they convene for deliberations on May 13.

—HRR

New Organization Opens Doors to Improving Employee-Employer Relations

Neil Bodine and Ed Miller

Several years ago a group of management and labor practitioners met to discuss their frustrations with the inefficiency and high cost of resolving problems in the workplace. Their search to find a “better way” led to the formation of The Workplace Institute, based in Sacramento.

Challenges to Meet

Dramatic shifts have been occurring in and around the American workplace, and change has become the order of the day. The focus of our economy has moved from national to global. Market demands for products and services have moved at dizzying speed. The nature of work itself has changed, with jobs involving greater complexity and use of high technology.

The workplace typical of past eras, where employers and employees relate as adversaries, is utterly unable to cope with requirements of today. Many employees feel disconnected and disaffected. Waves of downsizing have often caused those remaining in their jobs to live in fear of the next round while bearing greater demands as a diminished workforce. Workers’ compensation claims and workplace violence are on the rise. Prolonged bickering and disputes over “rights” cost all parties involved a great deal of money and time. Employers may end up unable to deliver products or services of sufficient quality and quantity, become less competitive, and even go out of business. Our experience shows this to be especially true in the agricultural industry, where change has become commonplace.

Such developments call for new approaches to workplace relations. A few workplaces on the forefront of change illustrate new models that successfully rise to the challenge. At the core of these models is the development of more collaborative relationships, partnerships between employers and employees. An engaged and committed workforce, together with managers who highly value the human resources they employ, create a synergy that breeds exceptional success.

Innovations in Response

Transforming a traditional workplace is a major undertaking. But American employers, both unionized and not, have innovated to revitalize their organiza-

tions. In the non-union sector, a growing number of companies, including Intel, Packard Bell, Motorola and others, have developed participative management styles and successfully introduced programs under such names as “continuous improvement,” “TQM,” and “self-directed work teams.” However, other companies have failed in similar programs because they did not adequately address fundamental relationship issues.

In the unionized sector, a few companies and unions have dramatically departed from the historic rut of labor-management confrontation. Recognizing that the adversarial model of labor-management relations developed in the 1930s no longer served employees or managers well, they found more common than diverging interests and accepted that the ability for a business to compete is key to both profitability for owners and job security for employees. Managers and union leaders in these companies have become partners to improve competitiveness in the global marketplace. Significant examples are the Saturn Corporation, NUMMI, Xerox Corporation, Cinmade Corporation, and Harley-Davidson, working with unions such as the United Auto Workers, the United Paper Workers, and the International Brotherhood of Electrical Workers.

Developers of successful innovations in all these companies share a few fundamental premises. They recognize that the workplace is a living system and a community, and that people are inherently intelligent, creative, adaptive, and self-organizing. They understand that management systems and workplace relationships that respect these facts will be more effective than those that do not, and that the hierarchical model of workplace organization typifying the American workplace for the last two centuries has stifled workplace creativity and collaboration. They also recognize the need for a new relationship compact that effectively makes employees partners in the enterprise, sharing decision making and sometimes even business risks and profits.

Learning from Experience

There is much to be gained from documenting, analyzing and sharing results of efforts by innovative companies and unions to develop participative management structures and labor-management cooperation. Other companies and employee groups who are ready and willing to try a different way can be guided by lessons from successful as well as unsuccessful experiments. They need to know what skills and approaches have built effective working relationships, what change efforts have failed, and why.

The federal government has joined those who see the need for workplace innovations. In recent years the U.S. Department of Labor established the Commission on the Future of Worker-Management Relations and the Office of the American Workplace. The Federal Mediation and Conciliation Service has been promot-

ing the use of non-adversarial workplace relations and offering assistance in this area. Some of the most successful initiatives, however, have not involved government help. For example, the private California Foundation for Improvement of Employer-Employee Relations (CFIER) has midwived the creation of innovative labor-management partnerships in California school districts.

Needs in this area far exceed assistance available. Managers and employee leaders in California often want to obtain help uncomplicated by concerns about a provider's pecuniary agenda or fear of government involvement. They need resources for skills development, ideas and encouragement, and means for connecting with each other and with people who have expertise in creative labor-management relations. The Workplace Institute is such a resource.

Building New Skills and Relationships

Innovations in some companies amount to no less than a complete change of the workplace culture — a shift in the paradigms or mental pictures which underlie management-employee relationships. Fundamental shifts like this are accomplished slowly and seldom smoothly. They require a long-term commitment and patience.

The first and most critical step toward transforming a workplace culture is realizing that there are better alternatives to the old organizational models. After taking that step, employers and workers need to examine how conflicts have arisen from their underlying assumptions and mental pictures of one another. They need to learn new skills in problem solving and team building, and to develop norms of behavior conducive to relating as a partnership. And they generally need significant assistance to do so.

The Workplace Institute, a nonprofit public benefit corporation, supports these workplace change efforts. It was founded by a coalition of private sector labor and management representatives, attorneys, professional neutrals, and consultants, who share a common concern about the future of private sector labor relations. The Institute's mission statement describes its purpose and direction:

The Institute supports transformation of private sector workplaces in California, empowering employers and employees to resolve conflict, solve challenging problems and forge new partnerships through interest-based and principled negotiations and relationships. The Institute provides and arranges for training, facilitation, consultation, communications, research and development, and long term support services in order to achieve its mission. The Institute also serves as a clearinghouse and a source of leadership in its role as an advocate for change.

Programs of the Institute are largely based on the negotiation and relationship principles discussed in

Roger Fisher's books, *Getting to Yes* and *Getting Together*. The principled negotiation concepts developed by Fisher at the Harvard Negotiation Project (Harvard Law School) have been applied successfully in many arenas, perhaps most dramatically in international relations. Interest-based processes were used to reach the Camp David Accord between Israel and Egypt, and to develop the Central American Peace Plan. Institute programs also draw from the work of Peter Senge, Stephen Covey, Marvin Weisbord, and others.

The interest-based model of problem solving that we promote is quite different from the traditional offer and acceptance (positional) model. Parties using it begin by together defining the problems or issues they want to resolve. Then they identify all the stakeholders in the issue, stakeholders' individual and shared interests, and numerous options for resolution. The parties go on to jointly evaluate all options and select or synthesize one that best meets their individual and mutual interests.

Experience has taught the Institute founders that breakdowns in employee-management relations are more often due to process problems than substantive differences. We therefore emphasize developing strong and sustainable working relationships based on shared norms of behavior, trustworthiness, full disclosure, mutual respect, pursuit of full understanding, and acceptance of the other party's interests.

Here to Help

In September 1997, The Workplace Institute became one of twelve Labor-Management organizations in the U.S. to receive a \$100,000 grant from the Federal Mediation and Conciliation Service. The grant is to support the initiation and long term success of labor-management cooperation and workplace partnerships in Northern and Central California.

The Institute serves the non-represented sector as well. Agricultural organizations, both union and non-union, have found this "better way" of resolving workplace problems effective in enhancing productivity.

Activities and services now available through the Institute include: ongoing local leadership roundtables; establishing labor-management committees; helping labor and management build partnerships for change; referral to training providers; a speakers bureau; training for new team members; an annual conference; and information on best practices. On May 19 and 20, the Institute is conducting a two-day workshop on Interest-Based Problem Solving in the Workplace in Selma, California, near Fresno. (See "Events," page 23.) □

For related reading, the authors suggest the following: Productive Workplaces, by Marvin Weisbord; Thriving on Chaos, by Tom Peters; The Fifth Discipline, by Peter Senge; Negotiating the Future, by Barry and Irving Blue-

stone; *Getting to Yes*, by Roger Fisher and William Ury; and *Getting Together*, by Roger Fisher and Scott Brown.

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Changes in the Offing For FLC License Renewal

José H. Millan and
Howard R. Rosenberg

Legislation that would change the frequency of license renewal and require continuing education for farm labor contractors (FLCs) in California has been drafted. In cooperation with the state Department of Industrial Relations, lead author Charles Poochigian introduced AB 2399 to the Assembly on February 20, and Senators Costa and McPherson are co-authoring a companion Senate bill.

The 1,100 or so licensed FLCs in the state constitute a relatively stable employer population that has made great strides in correcting practices to reduce legal and personal abuses once common in this industry. Current law requires them to renew their licenses each year by filing a written application, paying a \$350 fee, depositing a \$10,000 surety bond, satisfactorily undergoing an investigation of character and responsibility, and passing a test of knowledge essential to their occupation.

The volume of applications submitted to the Division of Labor Standards Enforcement (DLSE, headed by the Labor Commissioner) for FLC and other professional licenses is quite large. DLSE is looking for ways to process them faster and avoid problems associated with applicants waiting up to several weeks for their renewals, sometimes causing them to lose jobs or risk operating without a valid license.

The new bill would amend Sections 1684 and 1688 of the Labor Code in a few related ways that support a staggered, more manageable renewal schedule. Licenses would be good for two years, and the renewal

date could be any day of the year, no longer automatically the FLC's date of birth. The consequent streamlining for the Labor Commissioner's Office will allow for not only faster processing of applications but also a modest reduction of the per-year license fee, to \$675 for two years.

As under the existing system, if not found to have violated state law during the preceding year, an FLC would be able to renew once without retaking the licensing examination. With the change to a biennial schedule, this means that a contractor could go up to 4 years without taking an exam. In place of the exam at alternate renewals, the FLC would have to successfully complete an 8-hour course on the duties and responsibilities of farm labor contractors and regulatory changes in labor management (including health and safety) laws pertaining to them. The Labor Commissioner will design the course curriculum and certify individuals outside of DLSE to conduct this training.

Benefits of continuing education that have been well demonstrated in other professions are likely to be at least as great in farm labor contracting. FLCs' participation in a course tailored to their functions and perspectives should enhance awareness of and compliance with changing legal standards. Ultimately, the effects will be to prevent offenses that unfairly burden workers, the public, and the enforcement system.

At this stage, the proposed bill does not explicitly relate to the "internal" education requirements created in 1992 through AB 3146. Effective January 1993, FLCs have been obligated to provide all their supervisory employees with training on laws that regulate terms and conditions of agricultural employment, including worker safety. That earlier legislation was based on awareness that FLC licensing processes do not necessarily translate into influence on first-line supervisors — the foremen, crew bosses, or "mayordomos" who handle day-to-day employee relations in all but the smallest FLC businesses. Although contractors may be held accountable for the conduct of these supervisors, many crew bosses operate with a large degree of autonomy.

Specific content and method of the supervisory training envisioned by AB 3146 have never been defined. FLCs are asked to simply self-certify on the license application that this requirement has or will be met. The new Poochigian bill (AB 2399) appears to present an excellent opportunity for the DLSE to clarify for labor contractors where their priorities ought to be placed within the immense body of law that regulates FLC labor management practices. □

The text and the legislative counsel's digest of AB 2399 are at http://www.leginfo.ca.gov/pub/bill/asm/ab_2351-2400/ab_2399_bill_980220_introduced.html

José Millan is the California State Labor Commissioner, Department of Industrial Relations.

Effective Employee Orientation

Brian K. Linhardt

Every year, especially at harvest time, many agricultural managers face a sudden influx of employees. A well-planned employee orientation can do much to help make this transition as painless as possible and get new employees off on the right foot immediately.

The essence of effective management is to get the job done right through other people. Business success depends on the quality of performance that managers get from their employees, which in turn hinges upon not only the workers' abilities but also the instructions they receive, the standards the organization sets for them, and the company rules under which they function. The work environment created by the employer and the performance pattern that an employee establishes during the first few days will have a strong influence on that person's attitude, productivity, and team spirit for weeks, months, and even years to come. This holds true even for seasonal workers, since many return to the same employer year after year.

A former personnel manager and mentor taught me a valuable lesson: Once bad habits are developed, and unacceptable standards of performance tolerated, they are hard to change. Workers tend to fall into good or bad patterns very early in their employment.

Steering new employees on desirable paths and monitoring success is a primary responsibility of management, generally the task of first-line supervisors in most agricultural firms. If it is not done well, one likely result is high employee turnover that disrupts work and raises costs associated with recruiting, hiring, training, some payroll taxes, and workers' compensation. Agricultural firms need stable, productive workers to operate efficiently. If managers want to mold workers' performance from the beginning, they cannot afford to treat the orientation employee process casually.

In many organizations, however, the orientation process is either short or nonexistent. The best way to begin cultivating committed, high-performance employees is through an organized introduction to the values, culture, and expected work ethic of the business, as well as to their particular jobs. Ideally, it includes filling out personnel forms, having the job duties explained and maybe reading or listening to job descriptions, reviewing the company handbook if there is one, taking a tour of the new surroundings, meeting co-workers, and starting the work day. All of these activities are important.

What else can be done to prepare employees for a new work environment? It helps if company rules and standards are clearly communicated in the orientation, including management's expectations that workers will perform to a specified level after being trained. New employees should be given explicit goals and work performance standards to meet or exceed in definite time periods. Fewer conflicts will occur if rules are evenly enforced over time and across the workforce. If after some time it is necessary to terminate a problem employee, it is best if others in the workplace see that the termination is deserved.

Employers can help new workers learn the job and can improve the firm's bottom line by stressing the importance of safety from the start. Reinforcing safe work behavior will help to reduce the frequency of accidents and cost of workers' compensation premiums in the future. Eighty to ninety percent of all injury incidents are reportedly caused by human error. Recently hired employees are involved in a disproportionate number of accidents and in general file a greater number of workers' compensation claims. By providing workers with safety information, scheduling regular safety training, and calling attention to specific safe and unsafe acts, managers and co-workers alike can increase safety recognition at work.

Creating a successful orientation process takes time and effort. Before beginning, you may want to get the opinions of those who have recently joined your firm and invite them as well as veteran employees to participate in the development. In preparing for an orientation, consider answering some questions for yourself before the new hire shows up:

1. What impression do I want to make on the first day?
2. What information will the new employee need to feel comfortable?
3. What key policies and procedures must the employee learn about on the first day so that mistakes will not be made on the second day?
4. What can I do to make sure the person will get to know co-workers?
5. What tasks can I teach on the first day to give the new employee a feeling of accomplishment?
6. How can I make it clear on the first day that he or she is an important addition to the workforce here?

Continued on next page

What to Do on the First Day/Week

Initial impressions are often lasting ones, so special care should be taken to provide the employee with a helpful introduction. The following are suggested elements to include in an orientation.

Pre-hire

Realistic job previews are a good tool to open communication lines with employees, manage initial expectations, and begin to set work standards. When given ample information about the job, uninterested or unqualified applicants may walk away, and hired employees are likely to provide a better fit with the organization. Explain how to perform the essential work tasks and responsibilities of the job, and give an idea of what an “average” day on the job might entail, both positive and negative aspects. Larger organizations often present this information on video, but the advantage of doing it in person is that it allows for questions and answers at any time. The common result from using a job preview is reduced turnover, which could save substantial money and time.

Use the I-9 form to verify that the individual is legally eligible to work. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 has altered employer sanctions, anti-discrimination, and document fraud rules. Failure to properly complete, maintain, or present the form for inspection may subject a person or entity to penalties. If the I-9 is not properly completed but the employer has made a “good-faith attempt” to comply, the government inspector must explain the problem and allow the employer at least 10 business days to correct it. If the failure then is not corrected voluntarily, penalties may be imposed.

The number of acceptable documents for I-9 employment verification will soon be cut from 29 to around 13. Documents that will probably no longer be accepted as proof of identity or eligibility to work include a school ID card, voter’s registration card, and birth certificate. (An employer information webpage sponsored by the U.S. Immigration and Naturalization Service is available through the APMP website or at <http://www.ins.usdoj.gov/employer/iirirawb.htm>. It carries the latest updates on the form itself and rules for completing it to verify employment eligibility. The site includes a downloadable I-9 Form).

Initial welcome

- Introduce yourself and find out what name the employee wishes to be called.
- Give a brief history of the company.
- Introduce the employee to the lead person and co-workers, and ask a worker to join the new employee for lunch during the first few days.
- Provide a document discussing the nature of the employment contract, such as at-will.

- Give new employees a handout detailing orientation information that they can refer to later.

Hours of work, pay policies

Discuss work hours, starting and stopping times, tardiness and absenteeism policies, and the call-in procedure if an employee cannot make it to work. Give information about the work schedule and its variability.

- Explain time card or other time-keeping procedures.
- Discuss any overtime requirements.
- Tell the employee about the lunch and break periods.
- Disclose the starting pay rate, including incentive wages or bonuses based on quantity, quality, or employment duration, and the piece-rates if applicable. Also discuss any fringe benefits available.
- Describe paycheck distribution — when, where, how.
- Tell the new employee what to do and whom to ask about any pay discrepancies.
- Outline performance review and appraisal procedures.
- Explain whether pay increases may be expected as a function of merit, longevity in job, cost of living, or a combination of these.
- Discuss vacations, holidays, and sick/personal leave procedures, as well as pregnancy and FMLA leave, if appropriate.

The job

Brief employees about work and training procedures. To enhance learning in on-the-job training, present one task at a time, step by step, in a logical manner. Related tasks should be learned together in one training session and repeated often on the job to increase retention. Give occasional, timely breaks to allow an opportunity to rest. Closely supervise the employee’s first efforts, immediately correct errors, and reinforce successes until performance standards are met. Allow more independence as competence grows, and keep a record of the employee’s progress for future reference.

- Give a tour of the work site.
- Discuss the organizational structure or chain of command.
- Describe the job duties and scope.
- Talk about the employee’s job as it relates to the product and the consumer.
- Explain specific performance expectations, work standards, and any promotional opportunities.
- Outline disciplinary procedures, the grievance process, and any probationary periods.

- Review product quality requirements.
- Describe systems, tools, and procedures.
- Discuss how or to whom you would like employees to make any suggestions toward improved work procedures.

General information and procedures

- Show the employee where restrooms, personal storage areas, and phones are.
- Discuss personal use of telephones and other company equipment or facilities.
- Have foremen introduce special policies or procedures that are unique to working under them.
- Provide information, special forms, reference materials, and any other details the employee needs to know immediately.

Safety

Involve workers in safety management by encouraging them to submit suggestions. Also, allow employees to take turns presenting tailgate safety sessions, and reward contributors.

Remember that according to California regulations following the U.S. EPA Worker Protection Standard, even field workers require pesticide safety training on the first day before entering a treated field. For legal and administrative purposes, all safety training should be documented. Inform employees of the general safety policies in the Injury and Illness Prevention Program and give them a copy of your rules covering the following items:

- Proper use and care of equipment
- Identification and location of all common job or workplace hazards
- Use of fire extinguishers and emergency procedures
- Location of first-aid/medical care
- Training in CPR assistance and identifying pesticide illness and heat stress
- How to report and document accidents and illnesses
- Requirements for use of personal protective equipment (PPE) and eye protection
- Wearing and the proper care of protective clothing and footwear
- Proper lifting techniques, and avoidance of ergonomic hazards
- Use, storage, and disposal of solvents and hazardous chemicals

Checkpoint to Evaluate New Employees

After a specified period of time, it is a good idea to evaluate the new employee to decide whether he or she

is performing adequately and making adequate progress in learning the job. The evaluation is more beneficial if it also gives the employee developmental information, suggestions for improvement, and praise for what he or she is doing right.

- Use standards previously explained during the orientation. It helps if work standards are specific, mutually agreed upon in advance, realistic, clear, objective, and consistently applied to everyone.
- Assess the performance, not the person. Be as descriptive as you can, not heavily evaluative when talking about the employee's performance. Be sure that appraisal comments relate directly to the established standards.
- When presenting your observations, ask for and listen carefully to the employee's comments. You may learn a great deal from them about the orientation process as well as about the person. Good communication at this time is key to more successful work performance later.

Conduct an exit interview after seasonal layoff or employment termination. Decide whether or not the individual has performed well enough to be invited back next year. Keep track of the employee's permanent address and send, by certified mail, a letter offering re-employment shortly before the work starts next season. Whatever the immediate result, you stand to gain. If the individual agrees to return, you are likely to have a more productive, experienced workforce. If your letter goes unanswered or your offer is refused, your unemployment insurance costs may be reduced.

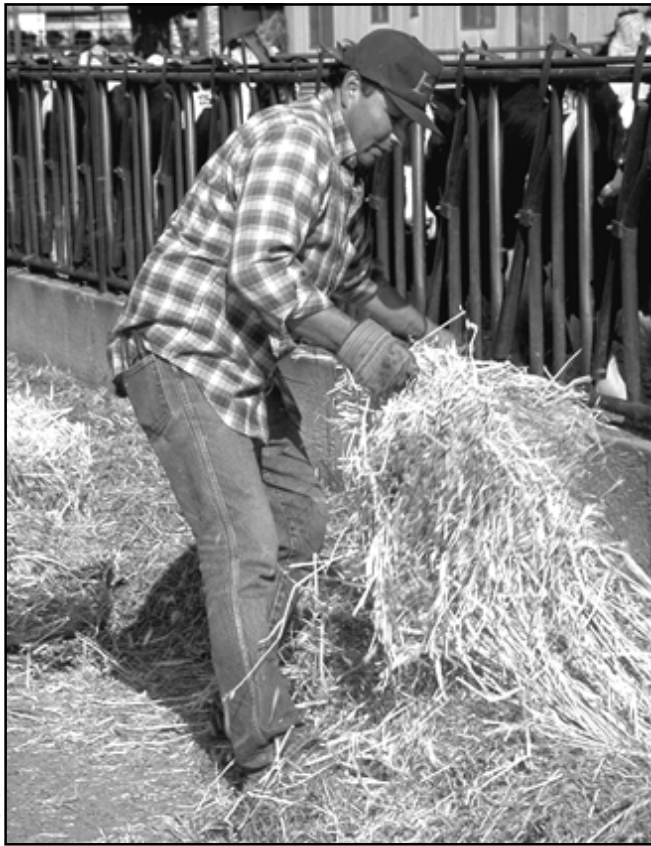
Final Words

These employment practices may seem time consuming at first glance, but they generally cost less time and money than damaged equipment, mishandled crops, large medical bills, high workers' compensation premiums after frequent or severe injuries, and governmental fines. All employee orientations and safety training sessions should be documented in writing. A well-conceived and reinforced orientation can help set the stage for high employee productivity and positive work attitudes.

Knowing and using efficient agricultural production methods often are not enough to make for a successful operation. If growers and processors hire labor, they and their supervisors also must be effective managers and trainers. The ability to lead, manage, and structure work practices comes with experience, knowledge, and the use of appropriate management tools and techniques. It helps if lines of communication are opened at the outset of employment. Make sure that rules and standards are adhered to while encouraging employee participation in some decisions. A reliable, productive, and conscientious employee is a valuable asset to any business.

Good Discrimination In Hiring at a Dairy

Continued from page 1



Gregory Encina Billikopf

The use of a practical test can help farm employers recognize the best candidates in an applicant pool.

sented by applicants and completing the I-9 form (even if filling out such a form does little toward eliminating undocumented workers).

Clearly, it is wise to refuse employment to unqualified, or less qualified, applicants regardless of their age, sex, national origin, disability, or the like. A systematic selection process can help in legally discriminating among poor, average, and superior applicants.

Necessity can often be the catalyst for haphazard selection processes. When your milker leaves, you may have a choice between hiring the applicant who just drove up to the barn or taking the shift yourself. Such a casual approach sometimes yields excellent results. "A while back I got lucky when I hired someone the traditional way," Bruce recalled. "This person worked out so well that I thought it would always be this easy." But as Bruce found out some time later, good luck runs out eventually under a chance approach to hiring. Another dairy farmer once lamented, "Half an hour after I hired the last milker, I knew he was the slowest employee I've ever had. And what is worse, the milker sold his home and moved up here to work for us. That was three months ago. I feel guilty about just letting him go, and I don't know what to do."

While Bruce has not done this poorly with his previous hires, he became interested in trying a more systematic approach after his brother, Ward, had success with one. Ward had set up seven practical tests, "job samples," as part of a careful process for hiring a mechanic a year ago.

Bruce started his search for a cow feeder by placing an ad in several newspapers. The ad was designed to inform potential applicants about the type of operation they would work at, the benefits of working in a farm area, and other details about the job. Bruce feels he may have been a bit too informative, or placed too many ads, as he obtained 300 applications within two weeks. He chose to stop accepting applications even though he had paid for ads that would run another week.

Bruce dreamed about what skills would make for a superior employee, based on the job content and his style of operation. He looked for someone he could communicate with in writing as well as orally; a person with good cow sense and good with farm machinery. Once he had figured out what qualities he wanted in a cow feeder, Bruce mailed to prospective applicants further information about the job, the dairy operation, and the desired qualifications. He wanted to provide a balanced, realistic job preview that would enable applicants to assess whether the position would meet their financial, emotional, and social needs. He thought that if they could make informed decisions as to whether to apply, they would be more likely later to accept the job, stay in it, and succeed.

Applicants were then invited to a group pre-interview session or applicant orientation. Applicants were given a choice of coming at either 1:00 or 3:00 p.m. About 60 individuals decided to take this opportunity. When they arrived at the ranch, applicants in each group received an orientation talk, a tour of the operation (including the housing area), and a short pencil-and-paper test related to the job requirements. Bruce used the written test as a relatively cheap tool for obtaining information to initially sort out applicants. It could be administered to many people at the same time and was easy to score.

Bruce decided to invite the top 20 applicants (based on the written test) to participate in the next stage of his selection process — a job sample (practical test) and interview day. If none of the 20 turned out to meet his standards, he could always invite the next 20. He needed only one good calf feeder, however.

Bruce set aside two days in which applicants would be asked to come and demonstrate their skills with equipment and cows. With the help of his wife Barbara, brother, herdsman, and other dairy personnel, he designed three practical test stations where applicants would perform tasks representative of what they would have to do on the job. At the first station, the task was to load 300 pounds of haylage from a pit onto a mix wagon with a front end loader. At the next, ap-

plicants were to drive a mixer forward and then back it up over a prescribed course. At the final station, each applicant had to herd a fresh set of three cows through a series of fences. Each station was manned by trusted farm personnel who would evaluate applicants on a prescribed scale. After finishing all three parts of this practical test, each applicant would go to the office for an interview.

Before the first applicant ever set foot on the ranch for the practical test, Bruce and his team pre-tested each job sample station. Using "volunteer" applicants from among the employees and family, the team of evaluators observed to see where the tests had to be modified or adapted, and they discussed how to score different levels of performance consistently. It was decided that applicants would be scored on their ability to follow instructions, the precautions they took, task-specific skills, and general communication skills.

Applicants varied enormously in their performance on the practical tests, and not always in expected ways. Some started by hunting for the ignition key in the front end loader; others directly asked where it was. One applicant had to take three trips to get enough silage, while most others did it in a single trip. Another banged the front end loader a bit too hard on the mixer. One of the best showings on the front end loader test was by an applicant who first asked if there was a Murphy switch, turned the equipment on and off with no trouble, and drove it very smoothly.

Applicants also varied widely in the skill they demonstrated at the next station, driving the mixer. One man was excused from finishing the test after he failed to back up in a straight line and raised fear that the machine would end up in the cow pens. Some applicants offered to check under the hood for liquid levels before starting the mixer, while others just hopped on and went.

At the last station, the herdsman instructed the applicants as to which gates they were to leave open and which closed. This clever test appeared simple to those who were good. As one of the applicants calmly herded the cows through the fences, the herdsman leaned over and told an observer, "Don't be deceived, this guy is so good he makes it look easy." One particularly skilled applicant made exceptional use of the gates and appeared to have an easy time, even though the muddy ground had made it difficult for some other applicants to simply walk the course. An applicant got stuck after closing himself in with all the cows. Another stopped and seemed to wonder if he should go back to get a cow that had escaped him or first take the two cows still with him to the last corral.

When finished with the practical tests, applicants were asked a prepared series of interview questions by Bruce and Barbara back at the office. At the end of two grueling days, Bruce tallied up and studied results of all the practical tests and interviews. He identified three top candidates, and then called references on

them to learn a bit more. After weighing everything he knew about the job and these three applicants, he made a choice and extended an offer to one, contingent on the applicant's passing a job-related medical evaluation and pre-employment drug test. The applicant passed these tests, accepted the offer, and has now been on the job for one month.

Bruce is planning to hire another cow feeder, and having gone through the process to select one so recently, he may extend an offer to the next best applicant without putting any more effort into recruitment. Other farmers who have had time to evaluate the effectiveness of the selection process, including Bruce's brother Ward, are delighted with the capacity of this selection approach to discriminate among poor, average, and superior applicants. One farm manager has predicted that this approach will one day become the industry norm. Another rancher says that he will hire all his future employees through this type of process.

Those who are interested in more details about this process are welcome to call (209) 525-6654 or contact the author via e-mail (gebillikopf@ucdavis.edu). □

Will CalWORKs Work for Agriculture?

Brian K. Linhardt

The Temporary Assistance for Needy Families (TANF) program was created by federal welfare reform legislation enacted August 22, 1996. The purpose of TANF is to provide assistance to families with children and to reduce welfare dependency by promoting job preparation and work. The program reduces entitlements to the Aid to Families with Dependent Children (AFDC) and food stamp programs, and gives states flexibility to determine eligibility and establish benefit levels under the new time-limited cash assistance program. The reform was designed to significantly reduce the welfare rosters by mandating that 25% of all county welfare recipient households should be involved in work activities for at least 20 hours a week in 1998, increasing to 50% and 32 hours per week by the year 2002. Meeting these mandated goals will result in significant savings for local counties. Failure to meet them could jeopardize the local share of the federal block grant provided by TANF.

On August 11, 1997, in accord with this federal change, Governor Wilson signed Assembly Bill 1542, establishing the new CalWORKs (California Work Opportunity and Responsibility to Kids) program to overhaul existing welfare programs and help individuals become more self-reliant through employment and

training. CalWORKs is designed to break the cycle of poverty by giving recipients both the incentives and the tools to move from welfare and to self-reliance. The major mechanisms of CalWORKs are to:

- provide support services for families in their transition from welfare dependency;
- develop new relationships with the business community to increase training and employment opportunities for past welfare recipients; and
- enhance collaboration with local welfare departments, the business community and employment services to expand service delivery to past welfare recipients and employers alike.

On December 5, 1997, the Ag Labor Network (Farm Bureau, Nisei Farmers League, Sun-Maid, Raisin Bargaining Association, and the California Grape and Tree Fruit League) and the California State Department of Social Services sponsored the Cal/Work Summit in Fresno. The purpose of the conference was to bring agricultural employers and various state and county government agencies together to discuss, debate, and possibly alleviate two problems: seasonal labor shortages and the need to reduce the number of individuals receiving welfare. Few private sector employers have used government employment agencies much in recent years. According to a 1994 study by researchers at the Department of Agricultural and Resource Economics, UC Berkeley, agricultural businesses have used the state Job Service less and less to assist them in screening and hiring workers.¹ Most recruit mainly through applicant walk-in or referral by other workers or supervisors.

Questions about what role agriculture can play in reducing the welfare rosters, given the seasonal nature of many jobs and the average size and location of agricultural firms. Unless more year-round jobs are available and employers are willing to hire welfare recipients, governments will be unable to meet goals of shifting people off the welfare rolls and into steady employment.

The federal government is providing work opportunity tax credit incentives for employers to hire former welfare recipients through the 1997 Taxpayer Relief Act and the Personal Responsibility and Work Opportunity Reconciliation Act (see accompanying article by Steve Sutter). But what are local governments in the state doing with their new flexibility and responsibility to help move welfare recipients to jobs?

In the Sacramento Valley, small businesses, including agricultural employers, employ more than three out of every four private-industry workers. Their in-

volvement is critical if welfare-to-work is to succeed in the historically high (double-digit) unemployment areas of rural northern California. Small businesses do not have the resources of larger corporations, and different administrative supports are probably needed to enable them to participate effectively in welfare-to-work transitions, if they choose to do so.

Collaboration on Training and Support Services

Butte County provides one interesting example of how local governments are trying to help. The Butte County Community Action Agency is overseeing local welfare reform. According to a report by the UC California Communities Program, the population of Butte County is roughly 196,300 with an unemployment rate of 9% to 10% and a poverty rate of over 12%.² The county has an average of 7,400 people unemployed monthly and a projected annual job growth rate of 1,598. There are approximately eight job seekers for every new job. In order to meet the federally mandated goals, the county will need to create 3,000 new jobs by next year and 4,500 by the year 2000. Sacramento County, with a relatively low unemployment rate of around 5% (national average is 4.2%), but a larger population, will need to find nearly 19,000 jobs and provide child care for 22,000 children by the year 2000.

The Department of Social Welfare in Butte County joined with the Private Industry Council and the Employment Development Department in 1996 to put in place "one-stop" Community Employment Centers to assist employers and individuals seeking jobs. Personnel from all three agencies are housed in two centers, one each in the northern and southern portions of the county. The objective is to better serve customers by providing combined services in one location, offering a variety of eligibility and employment services closer to their homes and work opportunities. The centers are supposed to be a coordinated workforce investment system and job preparation service linking the labor pool and the job pool. They have collaborated with public and private organizations to measure demographic data and labor market information in the county. This on-going data collection effort will help utilize information to target participant training in occupations with the greatest potential for employment within the county and the region.

The centers promote life-long learning for all workers and provide information to help individuals make successful job and career choices. Every employable applicant will be able to have his/her work skills and experience appraised, attend a job skills workshop, and test the labor market through a supervised job search.

1. Howard R. Rosenberg, Jeffrey M. Perloff, and Vijaykumar S. Pradhan. *Hiring and Managing Labor for Farms in California*, Working Paper No. 730. Department of Agricultural and Resource Economics, U.C. Berkeley. 1994.

2. David Campbell. *Community Welfare Reform Planning: Early Indications from Six California Counties*, Working Papers Series. California Communities Program, U.C. Davis. October 1997.

The centers also serve to help businesses fill their staffing needs, either by finding and referring skilled workers or by assisting in preparation and training of potential future employees.

A Welfare-to-Work Action Team has recently been created, composed of representatives from the employer community, local governments, economic development organizations, social service agencies, community colleges, religious institutions, organized labor, and local workforce preparation organizations. This group has identified six key areas that must be addressed in all welfare-to-work activities:

1. Preparation for entry-level employment
2. New job creation in the community
3. Employment opportunities and upward mobility within occupations
4. Management of risk to employers
5. Public awareness and communication of activities
6. Specific public policy recommendations

Within these six areas, the range of welfare-to-work activities for Butte County will be:

- Unsubsidized employment
- Grant-based on-the-job training
- Vocational education and training directed to employment
- General Education Development (GED) and English as a second language (ESL) classes
- Work study and community service
- Job readiness and job skills training
- Job search assistance
- Supported work and transitional employment
- Substance abuse, mental health, and domestic violence services
- Child-care management during the first six months of welfare-to-work services or until the participant has reached employment stability. A contracted child-care service will be provided to participants who are moving off aid or whose employment has stabilized, but whose income is not more than 75% of the state median.

Can former welfare recipients help to plug the holes of a possible farm labor shortage? It's a weighty question. Farm employers are unsure about the fit between their labor needs and the stereotypical welfare recipient, many of whom are young women with small children at home. Hiring former welfare recipients would likely increase the need for child care and transportation to and from work. The rigorous physical work required in many agricultural jobs might easily fatigue new workers and create a higher turnover rate. Em-

ployers worry that welfare rosters contain "problem" employees who may disrupt or increase costs to their operation. Workers' compensation costs may increase with workers who are unaccustomed to agricultural work. All are legitimate concerns. "However," Eloise Anderson, the California Director of Social Services says, "both farmers and welfare recipients are sometimes stereotyped in a negative manner that is not often very accurate."

To be cost-effective hires for employers, entry-level workers would need some degree of work readiness and job training before entering the industry. To expedite the preparation process, farm labor contractors could help link growers to such kinder, more customer-oriented government agencies as Butte County now has, or they might provide similar services themselves. To increase labor availability over time while reducing their individual liabilities, growers could work together in cooperatives or associations to coordinate the recruitment and flow of workers. With a little work and planning, the average moderate-size employer could arrange for more systematic and organized personnel functions, internally or externally, to attract, motivate, and retain more desirable applicants with a strong work ethic and the ability to learn. For their efforts, employers may reap the benefits of a more productive and satisfied workforce.

Federal Welfare-to-Work Tax Credit for Employers

Stephen R. Sutter

The 1997 Taxpayer Relief Act provides employers an income tax credit on eligible wages paid to qualified recipients of long-term family assistance (formerly called Aid to Families with Dependent Children, now Temporary Assistance to Needy Families) during their first 2 years of employment. The new welfare-to-work tax credit is equal to 35% of the first \$10,000 of wages in the first year of employment and 50% of the first \$10,000 of eligible wages in the second year of employment. The maximum credit is therefore \$8,500 (\$3500 + \$5000) per qualified employee. The employee must be retained at least 180 days or 400 hours within the employer's accounting year.

The welfare-to-work tax credit is effective for wages paid to a qualified person starting work for an employer between January 1, 1998, and May 1, 1999. Qualified persons include: (1) members of a family that has received family assistance for at least 18 consecutive months ending on the hiring date; (2) members of a

family that has received family assistance for a total of at least 18 months (whether or not consecutive) after August 5, 1997, if they are hired within 2 years after the date the 18-month total is reached; and (3) members of families who are no longer eligible for family assistance because of federal or state time limits, if they are hired within 2 years after such limit made the family ineligible for assistance.

Prospective employees do not have to inform employers about their own or their family's history of welfare receipt. Their cooperation in helping secure the credit is voluntary. If an applicant is willing, have him or her complete the U.S. Labor Department's "Individual Characteristics Form," ETA-9061 (Revised 11/97). If information on Form ETA-9061 shows the applicant may meet requirements for one or more target groups, complete IRS Form "Pre-Screening Notice and Certification Request." In California, request Forms ETA-9061 (DE 8725) and 8850 on 916/654-9715. In other states, call your Department of Labor or Employment Service office or 202/219-9092 ext. 137.

Applicants having a "Confidential Certification, Work Opportunity and Welfare-to Work Tax Credit" Form ETA-9062 have already been certified as eligible by a state agency. Complete the employer portion of Form ETA-9062.

To facilitate their job search, AFDC and/or food stamp recipients should consider having their Department of Social Services case worker complete the Form ETA-9062, eliminating the need for an employer to seek and complete the Form ETA-9061. All county social services department directors received instructions in completing certifications on Form ETA-9062 in Memo DSS-97-40 (July 21, 1997).

To receive certification that a new employee qualifies the employer for tax credit, the employer should complete and sign Forms 8850 and ETA-9061 (or 9062) by the day the job offer is made and, within 21 days of the employee's start date, mail them (in California) to: WOTC Center, P.O. Box 1408, Roseville, CA 95661 (telephone 916/774-4374; fax 916/786-6177). If the applicant meets the criteria, the Center will send the employer a tax credit certification form. Keep these certifications and supporting documents for 5 years from the certification date.

Employers claim the welfare-to-work credit on IRS Form 8861. Employers who can't take the full tax credit amount in the current tax year may claim a refund of all or part of taxes paid in the last 3 years. Unused credit is carried back to the earliest of the last 3 tax years, then to the second earliest, and so on. Credit that can't be taken in these years may be carried forward for up to 15 years until all the credit is used.

The welfare-to-work tax credit could lower the after-tax cost of employing qualified long-term welfare recipients by 15% to 35% over the first 2 years. The amount of savings, if any, hinges on the number of

hours the worker is employed and the employer's marginal federal income tax rate. The employer's business deduction for hired labor expense must be reduced by the amount of any credit claimed.

Employers may want to weigh anticipated income tax savings against any projected differences in worker training costs and productivity. □

Forms and other Work Opportunity Tax Credit information for California employers are also available on the California Employment Development Department WOTC web page at <http://www.edd.cahwnet.gov/wotcind.htm>.

Ergonomics in Agriculture

Continued from page 1

under the organization of the UC Agricultural Ergonomics Research Center (AERC). Team members include Dr. John Miles, Biological and Agricultural Engineering, UC Davis; Dr. Julia Faucett, Occupational Health Nursing, UC San Francisco; Dr. Jim Meyers, School of Public Health, UC Berkeley; Ira Janowitz (CPE), Ergonomics Program, UC San Francisco; and Projects Coordinator Diana Tejada, UC Davis.

The Center has two multi-year research projects currently under way: a study of ergonomics in plant nurseries with Environmental Horticulture Advisor John Kabashima, UCCE, Orange County; and a study of ergonomics in wine grape vineyards with Viticulture Farm Advisor Rhonda Smith, UCCE, Sonoma County; Viticulture Farm Advisor Ed Weber, UCCE, Napa County; and Advisor Linda Garcia, UCCE, Sonoma County. The Center has also just been informed of approval of a new multi-year grant to study the efficacy of general ergonomics programs (like that prescribed in California's new regulation) in reducing MSDs. That study will be conducted in cooperation with Agricultural Personnel Management Advisor Steve Sutter, UCCE Fresno County.

"Ergonomics has become kind of a scary topic in the past few years, as debate about regulatory standards has raised questions about what it means. From an engineer's viewpoint, ergonomics is just another way of describing how work methods and tools evolve toward designs that are easier to use and are more efficient," according to Engineering Professor Miles. "We begin our projects with the same steps that the Cal/OSHA standard prescribes. Dr. Julia Faucett oversees collection and analysis of MSD incidence data by going through OSHA 200 logs ("Log of Occupational Injuries and Illnesses") with employers. She points out that probable MSDs are not always identified as such in the

logs. Especially early developing MSDs may be reported as sprain or strain injuries. "In both of our current projects," she says, "we have seen clear evidence of MSDs associated with certain tasks." While the actual number of MSDs is not large, the number of lost workdays associated with them *is*, by a factor of more than ten lost workdays per injury.

While the current regulation does not require employee symptom surveys, the UC team uses one with cooperating employers to get detailed information on workers who have symptoms of developing MSDs. In one research project, 55% of workers surveyed reported some type of musculoskeletal symptom. The majority of these reports involved back pain. Symptoms in the neck and shoulders, upper extremities, and lower extremities were also reported.

The team does not rely on reported injury experience alone to identify potential problem job tasks. It looks at results from a workplace ergonomics risk factor screening, much like the process the standard requires, and then interviews workers and supervisors about jobs and tasks that they believe to be especially stressful. Results are compared to identify a set of job tasks that stand out as being of concern from all three perspectives. Not too surprisingly, all three types of indicator tend to point to the same tasks as potentially problematic.

Ira Janowitz, the team's certified professional ergonomist, conducts the risk-factor screening. "We use a checklist," Janowitz says. One has only 12 rows of risk factors to be checked off and is really very quick to use. "The point is that you are looking for pretty extreme examples of risk factors, such as sustained or repetitive forward bending (stooping), highly repetitive and forceful hand work, and lifting and carrying very heavy loads. Most jobs involve at least some of these factors. The objective is to identify those tasks that involve the highest level of risk factor exposure. The use of checklists and symptom surveys are part of a good early warning system, so that we don't just recognize problem tasks after they produce injuries." This checklist and a guide to implementing an ergonomics program in agricultural workplaces is available either from AgSafe (phone 209/728-2466, fax 209/728-9466 or e-mail AgSafe@goldrush.com) or from the AERC's website at Davis (<http://www.engr.ucdavis.edu/~ergo/help>).

At this point in the projects, the research team meets formally with cooperating employers to mutually decide on which high risk job tasks to try to do something about. "It's not easy," Miles observes. "We haven't got a practical and effective engineering fix for many of the problems in agriculture on the market right now." That especially applies to highly repetitive cutting tasks like pruning. "We know that the object is to eliminate or significantly reduce the number of forceful hand closures for each work cycle, which suggests a form of automated cutters." While there are some commercially available now, they are very expensive and

have some practical limitations. Also, they are not applicable to even the relatively small range of cutting tasks that Miles' team has investigated so far.

What do you do when there's no ready answer to your need? Ergonomist Janowitz points out that, if there is no effective engineering control, then workers and employers should turn to what he terms "administrative controls." "Basically," he says, "you want to reduce the ratio of risk factor exposure time to rest or recovery time in each work cycle." That can be achieved in any of a number of ways, including rotation of workers through a specific job task, use of increased micro-breaks, and alteration in the arrangement or order of tasks in a work cycle. For example, in a repetitive cutting task, workers can be rotated to other duties in 2- to 4- hour shifts. If that is not feasible, then ensuring that workers take mini-breaks of a few seconds or so every few minutes in addition to their regular breaks may give the body sufficient recovery time.

Janowitz also suggests rethinking the use of personal protection for some tasks. "Of course the first thing many people think of is the back belt," he says. "But back belts are not viewed as an effective preventive device by NIOSH, which did a pretty complete review of the research to date. No one should view provision of back belts as an adequate control for lifting or bending risk factors." Another often seen "remedy" is a splint, such as wrist or finger splints. Janowitz points out that Cal/OSHA and others view such splints as remedial in that they may aid recovery, but they have no demonstrated preventive capacity. "Personal protective ideas that do seem to work are unfortunately few. Things like gloves, vibration insulation for power tools, pads for standing or kneeling for prolonged periods do work. In the case of the highest risk tasks we've seen in agriculture to date, involving stooping, lifting and carrying heavy loads, or highly repetitive cutting, there just is not much in the way of proven personal protective equipment."

However, an employer should not abandon the idea of finding a partial or complete engineering control. A first, and often productive, place to begin is to consult with the workers doing the task. They often have innovative ideas that will help. Consult with others in your industry about the problem. Check on current research. In the case of powered clippers, development by the Ag Ergonomics group is ongoing.

Progress in Nursery Tasks

For another problem task, that of lifting and carrying plant containers in nurseries, Dr. Miles and his team have come up with a simple but imaginative handle-tool design. The tool is simply a hand grip attached to an extension that has at its base a system for coupling the tool to the lip of the container (photo on next page). By allowing the worker to pick up and carry containers without using a finger-pinch grip, the tool completely eliminates an ergonomics risk factor.



Handle developed by U.C. Davis researchers for carrying nursery containers.

The handle effectively extends the worker's reach some 12 to 18 inches, reducing the need for forward bending of the torso (i.e., stooping) to pick up containers and put them down on the ground.

Miles has designed and field tested handles for both 5- and 1-gallon plant containers. The 5-gallon handles have worked very well and are now commercially available from Gempler's. "But," Miles says, "while the concept behind the 1-gallon multiple container handles is sound, in practice they have had difficulty with some container designs. Some thin-walled blow-molded plastic containers deform under pressure from the couplings and fall through to the ground. As you can imagine, this doesn't please workers." Miles' group is still working on improving the coupling systems for the 1-gallon containers.

Once the handles had been developed and shown to be practically useful in the field, Ergonomist Janowitz performed a detailed ergonomics evaluation of their use: "The handles significantly reduce the physical inefficiencies and ergonomics risk factor exposures involved in manually handling plant containers at or near ground level." Observations of forward bending (stooping) showed large reductions with handle use, from between 60 and 85 degrees when workers were not using handles, to 45 to 46 degrees consistently with the handles.

"To our knowledge, this is one of the first major reductions in stooping in an agricultural job in a very long time that doesn't involve mechanization," accord-

ing to Janowitz. Miles agreed, saying, "the success of this tool in reducing forward bending holds promise for small tool approaches to a much wider variety of agricultural jobs in the future."

The handles completely eliminate the finger pinch grip used when workers lift containers manually and substitute a "power grip" using the whole hand. According to Janowitz, "Our grip-testing protocol estimated that, for 5-gallon containers, workers may have to exert more than twice the grip effort when not using the handles. For 1-gallon containers, workers may have to exert more than 4.5 times the grip capability than when not using the tool to make the same lift." Said another way, the handles appear to reduce grip force exerted by more than 50%. "These are such large magnitude improvements," Janowitz says, "that I expect to see reductions in a variety of sprain/strain-type injuries."

These improvements also reduce the overall strain of lifting. When the researchers used the NIOSH-published lifting equation to calculate a task's "recommended weight limit," the task of lifting multiple 1-gallon containers was improved by nearly 50%, while that for 5-gallon containers was improved by nearly 40%. All of the ergonomics improvements brought about by the handles were shown to be statistically significant.

To ensure that the handles did not otherwise negatively affect the task, workers energy expenditure both with and without handles was evaluated. There were modest improvements when using handles (nearly 5%



Using the handle eliminates the need for a finger pinch grip and reduces forward bending, when compared with manually lifting containers, as shown on page 1.

for 1-gallon, and less than 1% for 5-gallon); however, they were not statistically significant. "The important thing here," Janowitz says, "is that use of the handles did not increase workers' energy expenditure. So the improvements in job safety are achieved without any increased energy cost to the workers."

A preliminary trial of handle use showed that MSD scores (calculated from a combination of reported injury data and symptom survey results) for workers not using tools got more than 30% worse during the 4-month trial period, while those for workers using the tools actually improved over 60%. According to Dr. Faucett, "There was fairly wide variation in effects on individuals, but our early analysis suggests that those workers who had the worst symptoms when the trial began also showed the most change — worse for those not using handles and better for those using them. This would be consistent with the chronic nature of musculoskeletal disorders, which tend to grow worse as they develop." A longer trial is under way.

"With respect to productivity effects, the 5-gallon handles performed up to our expectations," says Kabashima, "allowing for significantly decreased trailer unloading times and effectively no change in ground-to-ground spacing times. It's very important to show that the injury prevention and injury cost benefits are gained without paying a penalty in production."

The 1-gallon handle tools (later dropped from the trial) did not perform as well. "As had been indicated earlier," says Kabashima, "the 1-gallon tools did not perform as well as desired. The difficulty seems to be that the small containers deform in the multiple handles and one drops out every trip or two, slowing the overall production rate." Indeed, it took two workers 8 minutes instead of 6 to unload trailers of 300 containers with the tools. Interestingly, the difficulty seems to be related only to some 1-gallon containers and does not seem to occur at all with slightly larger, 1.5-gallon containers.

"These are all important results," team leader Miles summed up. "They tell us that agricultural field jobs that involve serious risk factors for musculoskeletal disorders can be effectively addressed using accepted ergonomics approaches. Further, they suggest an under-realized opportunity for intervention in these jobs using small tools. For the past several decades, engineering development in agriculture has concentrated on large machines, leaving small tools used throughout the industry largely untouched and unconsidered. It is time to take another look at many of the routine jobs and tasks in agriculture that are largely taken for granted as immutable."

Early Steps in Vineyards

The Ag Ergonomics team's work in wine-grape vineyards is in the middle of engineering design and pilot testing. Following a year-long effort to define job tasks

and measure ergonomic risk factors and priorities, the team and its cooperators in Napa and Sonoma counties rated the following tasks as of high priority for action: (1) harvest — lifting and carrying loads, and repetitive cutting; (2) pruning — repetitive cutting; (3) shovel work — stooping, lifting, and throwing loads, and repetitive upper-extremity exertions; and (4) tractor driving — repetitive whole-body exertion, intermittent heavy physical tasks.

Here, as in plant nurseries, there are few off-the-shelf remedies to apply. Miles' engineering group is investigating powered cutters (including some now on the market), alternative ideas for moving harvested grapes down rows to bins, a wide variety of alternative shovel and weeder designs, and improvements to tractor mounting and dismounting. "It's clear," says Miles, "that we're not going to completely solve all these problems in one fell swoop any more than we could in the nursery setting. But, we're going to make some of these tasks easier on the workers." According to Napa County Viticulture Advisor Ed Weber, "it's important to know that somebody is taking these very specific problems of agriculture seriously. Employers and workers in this industry are concerned about keeping injury rates down and are looking for new ideas."

An Ongoing Challenge

The Agricultural Ergonomics Research Center's newest project, to begin in May 1998 for a three-year period, involves design and implementation of "model" ergonomics programs with several cooperating farm operations both to develop a "best practices" model for agriculture and to determine what degree of effect on MSDs and their symptoms such programs have. APM Advisor Steve Sutter, Fresno County, is a co-investigator on this project.

What is in the AERC's future? Miles says, "we think there's something like a 20-year agenda of work if we seriously look into even California's major commodities." In the near term, the team wants to invest more time and resources in the search for practical powered cutters and new approaches to tasks involving stooped posture. We have yet to really investigate what might be accomplished with new and emergent technologies like lasers, new ceramics, and others. As Miles points out, "Most of our agricultural tools date to the turn of this century or earlier. When your goal is not to displace workers with high-cost machines, but to give people better tools and arrangements for doing the work, then there's a lot of room for creative thinking by everybody involved. After all, it's not rocket science, only ergonomics." □

James M. Meyers is Cooperative Extension Agricultural and Environmental Health Specialist, Center for Occupational and Environmental Health, University of California, Berkeley.

Resources

Print Publications

GAO Report on the H-2A Program. Debate about the need for guestworkers in agriculture is back with a vengeance, perhaps most tangibly reflected in this report, which discusses related issues of labor supply, immigration, and work visa programs. The General Accounting Office released its study, *H-2A Agricultural Guestworker Program: Changes Could Improve Services to Employers and Better Protect Workers*, HEHS-98-20, on December 31, 1997. The report is 148 pages, including 21 pages of USDA comments. In response to a request from Congress, it examines (1) the likelihood of a farm labor shortage, (2) need for non-immigrant guestworkers, and (3) capacity of the existing H-2A program to meet the need for such guests and at the same time protect other workers, domestic and foreign. A complete electronic version can be downloaded in Portable Document Format from the APMP website at <http://are.berkeley.edu/APMP/pubs/gao-h2a.pdf> (file is 2.1 MB; requires Acrobat Reader). A printed copy can be ordered online by using the GAO request form at <http://www.gao.gov/cgi-bin/ordtab.pl> or by contacting the U.S. General Accounting Office, P.O. Box 37050, Washington DC 20013. Email: orders@gao.gov. Fax: 202-512-6061. Phone: 202-512-6000. The first copy is free; additional copies are \$2 each.

A Time to Act: Report of the USDA National Commission on Small Farms, USDA publication MP-1545, January 1988, 122 pages. This commission was established in July 1997 "... to gather and analyze information regarding small U.S. farms and ranches and recommend to the Secretary of Agriculture a national strategy to ensure their continued viability" In its section on working conditions for people engaged in production agriculture, the report recommends that Secretary Glickman form an interdepartmental task force to address laws, regulations, and enforcement of regulations affecting farm workers. Among issues that it specifies for attention of the task force are (1) repeal of the H2A foreign guest agricultural worker program, (2) provision of assistance to small farm operators to comply with minimum labor standards, and (3) inclusion of farm workers under protections afforded others by the National Labor Relations Act. The report is available from the National Commission on Small Farms, P.O. Box 2890, South Building, Washington, D.C. 20013 (phone 202/720-0122) or the Small Farm Center, University of California, Davis, 95616 (phone 530/752-8136). The full report is also available on the Cooperative State Research, Education, and Extension Service website at <http://www.reeusda.gov/agysysmallfarm/report.htm>.

Injuries and Fatalities on U.S. Farms, Agriculture Information Bulletin No. 739, 16 pages, January 1998. The study reported by Jack L. Runyan, U.S. Department of Agriculture, Economic Research Service, Food and Rural Economics Division, using 1992 Census of Agriculture data, analyzed fatal injuries by state, and nonfatal injuries by the operators' primary occupation, age, and tenure group, and by farm type, acreage, sales, commodity, and location. Farm operators and their families suffered 72 percent of the 673 work-related farm fatalities in the United States in 1992 and a third of the 64,813 nonfatal farming injuries. Hired farm workers endured 44,383 nonfatal and less than a third of fatal work-related injuries. The full report, Stock # ERS-AIB-739 may be ordered for \$12.00 from the ERS-NASS Sales Desk by phoning 800/999-6779 or sending an order with payment to ERS-NASS, 5285 Port Royal Road, Springfield, VA 22161 (fax: 703/321-8547).

Community Welfare Reform Planning: Early Indications from Six California Counties, Working Paper #2, October 1997, by David Campbell, Director of the California Communities Program, compares early planning activities in six California counties—Butte, Kern, Sacramento, San Diego, Tulare and Ventura. For more information: email dave.c.campbell@ucdavis.edu or phone 530/754-4328.

CFBMG Product Catalogue, from the Canadian Farm Business Management Council, 75 Albert Street, Suite 1110, Ottawa, Ontario K1P 5E7 (phone 613/237-9060, fax 613/237-9330, email cfbmc@intranet.ca), lists videos and publications on business development (planning, diversification, exporting, entrepreneurship, financial management, human resources, and production management), reports and studies, and newsletters. CFBMG, a council created by the Canadian government "to provide timely, relevant information to help farm managers successfully operate their businesses," is also on-line at <http://www.cfbmc.com>.

Safety materials and tools. The 1998 Master Catalog from Gempler's, a leading provider of items supporting compliance with workplace safety rules and regulations, lists agricultural tools and supplies, protective clothing, and equipment. Also available from the company are safety training publications and handbooks. For more information phone 800/382-8473, fax 800/551-1128, email gemplers@compuserve.com, or visit their website at <http://www.gemplers.com>.

Government Regulation of the Employment Relationship, Bruce E. Kaufman, editor. Fiftieth Anniversary Volume in the Industrial Relations Research Association Series, 557 pages, paper, \$29.95 (free to IRRRA members). The book's four sections contain chapters on theoretical perspectives concerning employment regulation; analysis of empirical evidence on the outcomes and effects of employment regulation; issues of regulatory structure, administration, and enforcement;

and "opinion pieces" on employment regulation, featuring academics and practitioners. Order from ILR Press, Cornell University Press Services, P.O. Box 6525, 750 Cascadilla Street, Ithaca, NY 14851-6525 (phone 607/277-2211 or fax 800/688-2877).

Workplace Dispute Resolution, Directions for the Twenty-first Century, Sandra E. Gleason, editor, 283 pages, paper, \$26.95 (plus \$3.50 shipping). Written for practitioners as well as scholars, the book focuses on how conflict is managed, with particular attention to innovative points of view, in both union and nonunion workplaces. Published by Michigan State University Press, 1405 S. Harrison Rd., Rm. 25, East Lansing, MI 48823 (phone 517/355-9543; fax 800/678-2120).

Internet Resources

Government forms and posters. State and federal agencies have made many compliance documents available through the web. A new page in the APMP site has a collection of links to forms and posters relevant to agricultural employers. Among items that can be viewed, downloaded, and printed are the Form I-9 (both the current one and the recently proposed revision), California payroll tax forms, MSAWPA poster, IWC posters, and EEOC poster. To reach the new page, go to the APMP website at <http://are.berkeley.edu/APMP> and click on "Laws & Govt Agencies" in the Site Guide, then "Forms and Publications."

Farm labor employment and wages (<http://usda.mannlib.cornell.edu:70/reports/nassr/other/pfl-bb>). The February 1998 issue of USDA's quarterly report shows farm jobs and average wages up 6% nationwide, and the proportion of migrant workers down, from the same period last year. The average wage for all directly hired farm workers during the January 1988 survey week was \$7.61 in the U.S. (up from \$7.20 in 1997), \$7.38 in California (up from \$7.10). A permanent link to this serial report is on the APMP website's "Data" page.

The ProSelect Staffing Resource System (<http://www.info-online.com/proselect/index.htm>), a commercial website, offers sound selection principles, illustrates how to structure pre-hire interviews, and includes sample interview guides and tip sheets that can be adapted to specific company needs. ProSelect is also linked from the Personnel Management Resources page on the APMP website. □

Interest-Based Problem Solving in the Workplace: A better way to communicate and negotiate relationships in the workplace. *May 19-20, 1998, 7:30 a.m.-5:00 p.m.* Selma, CA: Pea Soup Andersens, 2910 Pea Soup Anderson's Blvd. Cost: \$395 per attendee. The workshop is designed for human resource managers, union, and labor relations professionals in the public and private sectors. Presenters are Neil Bodine, Ed Miller, Ian Walke, and Linda Gubman. For more information, contact The Workplace Institute, 1325 Howe Ave., Suite 210, Sacramento, CA 95825 (phone 916/567-9915).

Events

Revisiting Rules of the California Agricultural labor Relations Act: Should they be consistent with the National Labor Relations Act? *Thursday, April 23, 1998, 4:30 to 6:00 p.m.* Berkeley: Directors Lounge, Institute of Industrial Relations, 2521 Channing Way. This session of the Bay Area Labor Studies Seminar will feature a presentation by Michael Stoker, Chairman of the Agricultural Labor Relations Board. Faculty, students, labor relations practitioners, union leaders, and others will have the opportunity to discuss with Mr. Stoker the ongoing review of ALRA regulations. The seminar is sponsored by the Institute's Center for Labor Research and Education, the UC Cooperative Extension Agricultural Personnel Management Program, and the UC Berkeley Department of Agricultural and Resource Economics. For more information, phone Kirsten Snow Spalding at 510/643-6815.

Hot Topics in Ag Labor Law and Human Resources Outlook 1998. *Wednesday, May 6, 1998, 8 a.m. to Noon.* Coalinga, CA: Harris Ranch Restaurant Garden Ballroom. The California State University, Fresno, Center for Ag Business, in cooperation with the UC Agricultural Personnel Management Program, will present a seminar. Panelists will include Steve Sutter. For further information, contact Kimberley Naffziger at 209/278-4405.

National Conference for Management Educators of Agricultural Audiences. *June 25-26, 1998.* Columbus, Ohio: Holiday Inn on the Lane. The conference, with the theme "Implementing Management Concepts and Skills for Agriculture's Future," will feature workshops and speakers on topics of interest to university, extension, and agriservice industry people wanting to share and strengthen their skills in management education. Registration information may be found on the web at: <http://www.ag.ohio-state.edu/~mgtconf> or by calling 614/292-6432.

1998 Western Regional Conference for Agricultural Health and Safety. *September 13-15, 1998.* Davis: University of California Buehler Alumni Center. For more information, contact Eleanor Wood, Manager, UC Agricultural Health and Safety Center, ITEH Building, Old Davis Rd., University of California, Davis, CA 95616-8757 (phone 530/752-5253; fax 530/752-5047; e-mail ewwood@ucdavis.edu). □



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Articles published in *Labor Management Decisions* may be reprinted with credit. We welcome readers' opinions, news items, and other information. Letters will be published as space permits.

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