



**Agricultural Personnel Management Program**

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***Project Report***

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# **Directly Hiring Workers Versus Using Farm Labor Contractors**

Sabrina Isé □ Jeffrey M. Perloff □ Stephen R. Sutter □ Suzanne Vaupel

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AGRICULTURAL PERSONNEL MANAGEMENT PROGRAM

UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION  
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## Summary

Why do some farmers directly hire labor (direct-hire growers), while others rely on farm labor contractors (indirect-hire growers)? Do direct-hire growers behave differently than indirect-hire growers do? To answer these questions, we have used two surveys. One covered Fresno stone-fruit and raisin-grape growers; the other, farm labor contractors (FLCs) who work in these crops.

Direct-hire and indirect-hire growers have similar characteristics. The majority have used FLCs at one time or another.

Three-quarters of direct-hire growers think that direct-hire workers produce higher quality work, while 14% believe there is no difference. In contrast, only 17% of indirect-hire growers think FLCs workers produce a higher quality of worker, whereas 27% feel that direct-hire workers are better, and 47% say there is no difference.

Most growers believe that wage costs for both types of workers are identical but that total costs are a little higher for an FLC work force. The main reasons growers use FLCs are to be sure of having workers when needed, to reduce paperwork, and to avoid recruiting. The most important reasons given for hiring more FLC labor recently are increased record keeping, legal requirements, increased liability under labor laws, and the discovery of a reliable FLC. The most important reasons given for a higher proportion of direct-hire employees over time are greater productivity of direct-hire employees, inability to find a reliable FLC, and increased FLC costs. Apparently labor disputes and union organizing play little or no role in whether or not a grower uses FLCs.

Growers are more likely than FLCs are to hire walk-ins. FLCs are more likely to use foremen and other employees for referrals and recruitment than growers are. Although growers who use FLCs rarely are involved in hiring decisions, up to a quarter of the growers make firing decisions. Indirect-hire growers are more likely to give their foremen the power to fire than are direct-hire growers. Growers and FLCs tend to find each other by word of mouth, through referrals from other growers or FLCs, and by direct contact.

# Introduction

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Some Fresno stone-fruit and raisin-grape growers, whom we call *direct-hire growers*, hire all their workers themselves, whereas others, *indirect-hire growers*, use a farm labor contractor (FLC) to supply at least some of their workers. We investigated four questions concerning growers' choice of hiring strategy and implications for labor-management relations. First, do the characteristics of growers who hire workers directly differ from those of other growers? Second, do direct-hire growers (those who do not use FLCs) differ from indirect-hire growers (those who hire at least some of their labor through FLCs) in how they view the benefits and costs of using FLCs versus direct-hire labor? Third, how do the two groups of growers differ in how they manage their workers? Fourth, are employees better off working for growers or for FLCs?

We have used information from two surveys to examine these four questions, relying primarily on our own 1992-93 random-sample survey of stone-fruit (nectarines, peaches, and plums) and raisin-grape growers in Fresno County. Our survey covered the 1990 crop year for purposes of comparison with an earlier survey of farm labor contractors.<sup>1</sup> By comparing these two surveys, we have been able to determine how labor-management patterns differ between growers and FLCs.

In this report, we first describe the characteristics of growers interviewed in our new survey. Then we compare direct-hire and indirect-hire growers. Finally, using results from this survey and the earlier survey of FLCs, we compare the labor-management relations of direct-hire growers with those of FLCs. The appendices include discussion of our sampling techniques, interview methods, and statistical results, as well as a copy of our questionnaire.

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1. Labor Market Information Division, *Farm Labor Contractors in California*, California Employment Development Department, July 1992.

## The Growers

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We interviewed 51 Fresno growers — 30 raisin-grape and 21 stone-fruit producers. Of the entire sample, 21 growers (41%) hire all their workers directly and 30 (59%) use FLC work crews (possibly in addition to directly hired workers). These numbers are summarized in table 1.

Method of hiring	Farm size category				Total
	Small	Medium	Large	Very large	
Raisin grape growers					
Indirect hire	4	5	6	2	17
Direct hire	3	4	3	3	13
Total	7	9	9	5	30
Stone fruit growers					
Indirect hire	4	3	3	3	13
Direct hire	1	4	0	3	8
Total	5	7	3	6	21

Overall, the sample is relatively homogeneous. The majority of Fresno growers are well-educated (have at least some college training), white, and male.<sup>2</sup> This characterization holds as well when the sample is divided according to hiring practices.

The demographic characteristics of growers by method of hire are shown in table 2. Non-Hispanic, white growers constitute 69% of the sample; Hispanics, 18%; and East Indian and other racial/ethnic groups, 13%. The average grower has 14 years of education and is 49 years old. The ages and education do not vary much by hiring type. A large percentage (90%) say that English is their main language; 4%, Spanish; and 6%, other. Of the growers interviewed, 40% speak Spanish well or at least “okay”; 76% read and write Spanish only a little or not at all.

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2. These characteristics of the “growers” should be viewed with some caution, however. Many of these farms are husband-wife operations, even though the husband is listed as the grower in the County Agricultural Commissioner’s list.

**Table 2. Grower Characteristics by Grower's Hiring Practices  
(percentage of each grower type)**

<b>Characteristic</b>	<b>Hires workers directly (N=21)</b>	<b>Hires FLC workers and/or directly (N=30)</b>	<b>Totals (N=51)</b>
Interviewed in:			
Tree fruit	38%	43%	41%
Raisin grapes	62%	57%	59%
Average age*	51 (10.7)	48 (11.5)	49 (11.2)
Average years of education*	13 (4.7)	15 (2.6)	14 (3.8)
Main language spoken at home:			
English	81%	97%	90%
Spanish	10%	0%	4%
Race/ethnicity:			
White	57%	77%	69%
Hispanic	29%	10%	18%
East Indian	5%	0%	2%
Male	95%	80%	86%
Female	5%	20%	14%
Ability to speak/read and write Spanish:			
Well	29/20%	10/7%	18/12%
Okay	10/10%	30/13%	22/12%
Only a little	48/30%	40/27%	43/28%
None	14/40%	20/53%	18/48%

\*Standard deviations in parentheses

**Table 3. Agricultural Experience and Farm Size, by Growers' Hiring Practices  
(means and standard deviations)**

<b>Experience and farm size</b>	<b>Direct hire</b>	<b>Indirect hire</b>	<b>Total</b>
Number of years of experience	29 (13.4)	30 (14.8)	29 (14.1)
Number of years operated own farm	22 (12.0)	17 (11.5)	19 (11.9)
Proportion of family income from farming	70%	66%	68%
Number of acres farmed in 1990 (all)	328 (630)	407 (944)	374 (820)
Stone-fruit growers	329 (372)	486 (725)	427 (609)
Raisin-grape growers	327 (762)	342 (1110)	336 (953)

Direct-hire growers differ relatively little from indirect-hire growers in other ways. The average farming experience is a year less for direct-hire than for indirect-hire growers (table 3). Direct-hire growers, however, have operated their own farms for 22 years on average, compared with 17 years for indirect-hire growers. For growers with relatively little experience in operating their own farms, it may be easier to hire FLC labor to take advantage of the FLC's expertise. On the other hand, the average grower in either group has many years of experience.

The proportion of family income from farming is slightly higher for direct-hire growers — 70% for direct-hire growers versus 66% for those who use FLCs. This difference, however, is not statistically significant.

The acreage farmed in both raisin grapes and stone fruit averages under 500 acres. Direct-hire growers have smaller farms — 328 acres on average compared with 407 acres for those who use FLCs, although, again, this difference is not statistically significant.

In Appendix 2, we use a statistical analysis to determine which factors make a grower more likely to hire directly, holding all other factors constant. With regard to the stone-fruit growers, none of the factors examined have a statistically significant effect. For the raisin-grape growers, two factors are statistically significant: Male growers are more likely to hire directly, all else the same. Similarly, the longer they have owned their farms, the more likely they are to hire directly.

# Comparisons of Direct-Hire and Indirect-Hire Growers

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Most of the growers surveyed have had extensive experience with FLCs. The vast majority — 81% of stone-fruit growers and 86% of raisin-grape growers — have hired an FLC at one time or another, though not necessarily in 1990.

The earliest year any grower hired an FLC was 1961 and the most recent was the year of the interview, 1992. Among stone fruit growers, 1988 was the most commonly reported year in which an FLC was first hired. The first use of an FLC by the raisin growers interviewed was equally likely to be in 1980 or 1987. The 1986 federal Immigration Reform and Control Act (IRCA), which requires employers to establish that all employees have legal status to work, became effective in seasonal agriculture on December 1, 1988. These requirements may have induced some growers to start using FLCs (though see our discussion below).

Growers' use of FLCs varies by task. For example, many of those interviewed use FLCs for harvesting, but they directly hire workers for pruning. Raisin grapes are harvested in several stages, with different types of crews used in the different stages. First, large crews cut grapes from the vines and lay them out on "trays" (heavy paper sheets) between the rows to dry. Later, smaller crews come through the rows to turn, roll, then box the raisins. Even if they use FLCs to pick the grapes, most growers hire workers directly to turn, roll, and box the raisins. These directly hired crews are usually no more than 10 to 12 workers. Some growers use both directly hired workers and FLCs crews to harvest the same crop.

## Growers' Experience with FLCs over Time

Before 1985, nearly two-thirds of the growers in our survey hired directly (64% of the stone-fruit growers and 65% of the raisin-grape growers). After passage of IRCA in 1986, the share of growers hiring directly decreased. By 1990 and 1991, only half of all the growers hired directly.<sup>3</sup>

Indirect-hire growers use one or a few FLCs. Of the stone-fruit growers, 69% hired one FLC in 1990 and 23% hired three. Among raisin-grape growers, 59% hired just one FLC and 18% hired two.

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3. In 1990, only 52% of stone-fruit growers and 50% of raisin-grape growers interviewed hired directly; in 1991, 50% of the stone-fruit growers and 52% of the raisin-grape growers hired directly.

Growers tend to use the same FLC year after year. In 1990, two-thirds of all respondents re-hired one or more FLCs who had worked for them at least three years before. The vast majority of stone-fruit growers (83%) did not hire new FLCs in 1990, as compared with 65% of raisin-grape growers. Most growers — 83% of stone-fruit growers and 71% of raisin-grape growers — did not replace the FLCs they employed in 1989 with a different FLC in 1990. This pattern demonstrates a stability in year-to-year business arrangements between growers and FLCs.

## **Employee Quality and Liability**

To learn why they hire directly or use FLCs, we asked growers to compare various characteristics of direct-hire and FLC workers. The results are presented in table 4, by grower type.

The majority of direct-hire growers rate direct-hire workers higher than FLC workers by most of the criteria in table 4. Indirect-hire growers either think there is no difference or rate FLC workers higher on most criteria.

Three-quarters (76%) of direct-hire growers feel that direct-hire employees produce higher quality work, and 14% feel there is no difference. In contrast, only 17% of indirect-hire growers think FLC workers produce a higher quality of work, whereas 27% feel that direct-hire workers are better, and 47% feel there is no difference.

Nearly two-thirds of direct-hire growers believe there are fewer misunderstandings with direct-hire workers; virtually none think there are fewer misunderstandings with FLC workers; and a third think there is no difference or do not have an opinion. One-third of the indirect-hire growers believe there are fewer misunderstandings with direct-hire workers; one-third say there are fewer with FLC workers; and one-third think there is no difference.

Almost three-quarters (73%) of indirect-hire growers and 38% of direct-hire growers believe that FLC workers are a more reliable source of labor. In contrast, nearly half of the direct-hire growers and 10% of the indirect-hire growers think direct-hire labor is a more reliable source.

Direct-hire employees are thought to be more productive by three-quarters of direct-hire growers and by 17% of indirect-hire growers. Only 5% of direct-hire growers think that FLC workers are more productive as compared with 17% of indirect-hire growers. Of indirect-hire growers, 60% believe that FLC workers have the same productivity as direct-hire workers, while 19% of direct-hire employers think there is no difference.

Two-thirds of the direct-hire growers think that direct-hire workers are better trained, as do 30% of the indirect-hire growers. Only 10% of the direct-hire growers and 17% of the indirect-hire growers say that FLC workers are better trained.

Perhaps most importantly, a third of the direct-hire growers believe that using direct-hire workers lowers their potential legal liability, and one-quarter believe that FLC workers are less likely to lead to liability problems. In contrast, none of the indirect-hire growers believe that direct-hire employees have lower liability potential, and 60% believe that using FLC workers is less likely to lead to problems.

**Table 4. Growers' Perception of Relative Quality of Direct Hired and FLC Employees, by Growers' Hiring Practices**

Qualities	Proportion of each grower type that believes:			
	Direct hire better	FLC better	No difference	Don't know
Quality of work				
Direct hire	76	5	14	5
Indirect hire	27	17	47	10
Productivity of workers				
Direct hire	76	5	19	0
Indirect hire	17	17	60	7
Training of workers				
Direct hire	67	10	24	0
Indirect hire	30	17	50	3
Supervision of workers				
Direct hire	52	14	24	10
Indirect hire	37	30	30	3
More reliable source of labor				
Direct hire	48	38	14	0
Indirect hire	10	73	10	7
Fewer misunderstandings				
Direct hire	62	5	29	5
Indirect hire	33	30	30	7
Lower potential liability for fines				
Direct hire	33	24	38	5
Indirect hire	0	60	30	10

### Differences in Costs

Growers were asked to compare the cost of a direct-hire workforce to that of an FLC workforce in terms of *wages* and *total costs*, where total costs include FLC commission, wages, benefits, payroll taxes, management costs, and tools and equipment.<sup>4</sup> Both stone-fruit and raisin-grape growers estimate the *wage cost* of direct or indirect hiring as virtually identical. The

4. These estimates were based on actual accounting records by 45% of stone-fruit growers and 38% of raisin-grape growers; 45% of both types of growers made their best guess.

growers report that the *total cost* is higher when an FLC workforce is used: 22% higher for stone-fruit growers and 15% for raisin-grape growers.

## Reasons for Hiring Different Types of Employees

We asked growers to rate (on a scale from 1, unimportant, to 5, very important) the importance of various factors contributing to their decision to hire a higher proportion of direct-hire or FLC labor in 1991 than in previous years. The responses are given in table 5 for FLC labor and table 6 for direct-hire labor.

The top three reasons for using more FLC labor in 1991 than in previous years are increased difficulty in legal record-keeping requirements, increased liability under labor laws, and the discovery of reliable FLCs (table 5). Growers' most important reasons for employing a larger proportion of direct-hire workers in 1991 are the belief that direct-hire workers are more productive, inability to find a reliable FLC, increased difficulty of finding FLCs, and increased costs of FLC labor (table 6).

Thus, the perceived reliability of FLCs is an important factor in determining whether to increase or decrease the use of FLC labor: It is listed as one of the three most important reasons in both tables. The presence of a key supervisor or foreman is a moderately important reason given for employing more direct-hire workers in 1991, but the lack of one is not listed as an important reason for hiring more FLC workers. In neither case is "labor disputes and union organizing in the area" reported as an important determinant for hiring either type of labor.

**Table 5. Reasons Growers Hired a Larger Proportion of FLC Labor in 1991 (percentage of responses): 1 = unimportant . . . 5 = very important**

Reasons	Rating				
	1	2	3	4	5
Increasing record-keeping requirements by law	13	7	7	13	60
Increasing liability under labor laws	27	7	13	13	40
Discovered reliable FLC	13	13	33	0	40
Increasing difficulty in finding direct-hire labor	27	7	27	13	27
Increasing costs of direct-hire labor	53	7	27	7	7
Problems with labor disputes	80	13	7	0	0
Loss of a key supervisor or foreman	93	7	0	0	0
FLC crews have higher productivity	40	7	27	27	0
Union organizing in the area or at their farm	100	0	0	0	0

N = 15

**Table 6. Reasons Growers Hired a Larger Proportion of Direct-Hire Employees in 1991 (percentage): 1 = unimportant . . . 5 = very important**

Reasons	Rating				
	1	2	3	4	5
Direct-hire workers have higher productivity	27	0	18	9	46
Couldn't find reliable FLC	55	0	0	18	27
Increasing difficulty of finding FLCs	64	0	9	0	27
Increasing costs of FLC labor	27	27	0	27	18
Increasing liability under labor laws	46	0	18	27	9
Hired a key supervisor or foreman	36	0	36	18	9
Found someone to handle record keeping	55	9	27	0	9
Problems with labor disputes	91	0	0	9	0
Union organizing in the area or at their farm	91	9	0	0	0

*N* = 11

That is, growers who increased their use of FLC labor relative to direct-hire labor have different reasons than those who moved the other way. With the exception of FLC reliability, what is important for hiring directly is not as important when hiring FLC labor, and vice versa. Growers depend more heavily on an FLC workforce because of increased liability under the law or because they have found a reliable FLC. Growers rely more heavily on a direct-hire workforce if they have become dissatisfied with their FLC, the FLC's workers, or the FLC's costs.

At least three laws have increased the responsibility and liability of California growers in recent years. The California Code was adjusted by SB-198 (passed in 1989 and effective as of the beginning of 1991), which requires employers to establish a written injury and illness prevention (safety) program with certain minimum standards. IRCA requires employers to check workers' eligibility to work in the United States and to fill out an I-9 form for each worker. The California Agricultural Labor Relations Act (ALRA) of 1976 requires employers to collectively bargain with a union elected as representative of workers at the farm and prohibits employers and unions from committing unfair labor practices. This Act makes growers responsible for the unfair labor practices of FLCs while they are working for the growers. This law, however, may also make it more difficult to unionize an FLC workforce than a direct-hire workforce.

These laws could influence growers to hire either more or fewer FLC workers. The majority, however, responded that the laws had relatively little effect on their decision to hire directly or through an FLC. Of the stone-fruit growers interviewed, 70% feel SB-198 did not affect their behavior, 65% were not affected by IRCA, and 85% were not affected by changes in the

**Table 7. Reasons Growers Use FLCs (percentage):  
1 = not important 5 = very important**

Reasons	Rating				
	1	2	3	4	5
To be sure of having workers when needed	3	0	7	13	77
To handle short-term employment	3	7	10	7	73
To reduce paperwork	7	7	10	13	63
Don't want (unable) to recruit workers	17	0	10	23	50
To reduce supervision responsibilities	33	0	20	20	27
To reduce legal liability (under IRCA)	40	17	10	10	23
Language advantage	33	17	17	10	23
Other reasons	11	0	0	11	22
To improve quality of work	47	7	17	17	13
Specialized equipment	80	3	3	7	7
To reduce production costs	57	7	27	7	3
Because of a labor/management dispute	90	7	0	0	3

*N* = 30

ALRA. For raisin-grape growers, the percentages are 69%, 62%, and 90%, respectively. About one-third of all growers, however, report that they were influenced by SB-198 and one-third were influenced by IRCA.

Availability of workers when needed is the most important reason given by indirect-hire growers for using FLCs (table 7). Other leading considerations are reducing paperwork, handling of short-term employment, and the grower's lack of desire to recruit workers. Reduction in supervision responsibilities, reduced legal liability under IRCA, the language advantage, and the improved quality of work are mildly important considerations. Labor/management disputes and the threat of union organizing are the least important considerations in the growers' decision.

# Comparisons of Growers and Farm Labor Contractors

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By comparing results from our grower survey with those from a 1992 survey of FLCs in California, we have identified similarities and differences between growers and FLCs working in the same crop.<sup>5</sup> Both surveys were nearly identical in the questions asked about management practices, personnel, and costs. Although 180 FLCs were interviewed in the FLC survey, we include in our comparison only the 11 FLCs who worked in stone fruit and the 23 FLCs who worked in raisin grapes in Fresno County.

## Number of Workers

Overall, FLCs employed considerably more workers at the peak of employment and for the entire year than growers did in the two crops (table 8). In the peak-employment pay period in 1990, FLCs who worked on stone-fruit jobs hired 196 workers, and those who worked on raisin grapes used 255 workers, on average, compared with 49 and 43, respectively, for growers in these two crops. For the entire year, FLCs hired 675 workers in stone fruit and 765 in raisin grapes. Growers hired considerably fewer workers per year: 109 and 150, respectively. Growers in both crops employed few year-round workers.

The numbers and percentages of women field workers hired are low for both FLCs and growers, but lower for FLCs. In stone fruit, FLCs hired 4% women, and growers, 13%; in raisin grapes, FLCs hired 14% women, and growers, 23%.

## Origin of Workers

Although some have claimed that California FLCs are better able to hire workers than growers because of the FLCs' superior contacts in particular places in Mexico, growers do not differ substantially from FLCs in their lack of knowledge about the origins of their employees. A majority (53%) of growers do not know the Mexican state of origin of their workers, or they believe that no predominant state is represented. Stone-fruit growers are slightly more likely than raisin-grape growers to report their workers come from a specific state.

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5. Labor Market Information Division, *Farm Labor Contractors in California*, California Employment Development Department, July 1992.

The situation is much the same for FLCs. Of those in stone fruit, 73% did not identify a specific state of their workers' origin; however, only 39% of FLCs in raisin grapes failed to identify a specific state.

**Table 8. Number of Workers Hired by Growers and by FLCs**

Category	Stone fruit		Raisin grapes	
	Growers	FLC	Growers	FLC
Greatest number of workers employed in 1990 in any one pay period	49	196	43	255
Total number of field workers employed in 1990	109	675	150	765
Number of workers who worked year round in 1990*	4	95	8	77
Number (%) of women field workers in 1990	7 (13)*	25 (4)	2 (23)	69 (14)

\*Sample size less than 5.

**Table 9. Worker Recruitment Methods of FLCs and Direct-Hire Growers (proportion of respondents in each crop)**

Method	Stone fruit		Raisin grapes	
	Growers (N=11)	FLC (N=11)	Growers (N=19)	FLC (N=23)
Hire walk-ins	82	55	89	74
Ask foreman/supervisor to recruit	73	82	58	87
Ask other employees for referrals	64	73	68	74
Go to workers' homes	45	55	42	57
Job order at EDD	36	27	16	48
Ask other growers for referrals	27	45	32	13
Use organized referral system of growers	9	0	0	4
Advertise on radio or newspaper	9	0	11	4
Post signs	0	0	16	0

## Recruitment

Methods of finding new workers are similar among growers and FLCs in both crops (table 9). Most FLCs and growers ask their foreman or supervisor to recruit. Two-thirds of growers and three-quarters of FLCs ask other employees for referrals. The majority are willing to hire walk-ins, and slightly less than half of the growers and slightly more than half of the FLCs try to recruit at workers' homes.

Asking other growers for referrals is most used by stone-fruit FLCs (45%), and least used by raisin-grape FLCs (13%). Job orders are placed with the California Employment Development Department (EDD) by 36% of stone-fruit growers, 48% of FLCs in raisins, 27% of FLCs in stone fruit, and only 16% of raisin-grape growers.

Few FLCs or growers post signs or use organized referral systems of growers. Raisin-grape growers surveyed are the only ones to post signs and are less likely than the other three groups to place job orders with the EDD.

## Retention

Most growers and FLCs try to rehire their better workers in subsequent years. Both growers and FLCs rehire roughly half of their workers in the following year (table 10). Growers contact a higher percentage of their workers during the off-season than do FLCs, although this finding is based on relatively few responses. Some earlier studies report that FLCs have more worker turnover than growers do, which is consistent with our results.

**Table 10. Rehiring Workers by Growers and by FLCs**

Rehiring process	Stone fruit		Raisin grapes	
	Growers	FLC	Growers	FLC
Number (%) of workers rehired from previous years*	39 (57)	275 (44)	11 (53)	318 (46)
Number (%) of workers contacted during off season*	4 (65)	5 (18)	3 (47)	13 (19)
Method of contacting workers during off season (%):				
By letter or card	22	0	8	14
Phone	56	75	25	100
Visit	22	75	42	71
Message through friend	33	75	25	64

\* Sample size less than 5.

The methods of contacting workers in the off-season differ between FLCs and growers and between crops. Phone calls are the method most commonly used by all but the raisin-grape growers. They are more likely to visit workers than use the telephone (in contrast to all other groups). All raisin-grape FLCs use the phone, whereas only 71% visit workers. Letters and cards are not widely used by any group. Messages through friends and visits are used by most FLCs and by some growers.

## **Wages**

There are slight differences in payment practices by crop and by type of employer. Thirty percent of growers, 9% of stone-fruit FLCs and none of the raisin-grape FLCs pay different wage rates to different workers in the same crew doing the same work.<sup>6</sup>

Virtually all stone-fruit workers are paid weekly: All FLCs and 82% of growers pay weekly. In raisin grapes, 78% of FLCs and 32% of growers pay weekly. Thirty-seven percent of the raisin-grape growers pay when the job is completed, and 16% pay biweekly. Stone-fruit growers who do not pay weekly pay either biweekly (9%) or when the job is finished (9%).

All stone-fruit FLCs and raisin-grape growers pay by check, as do 91% of stone-fruit growers and 83% of FLCs in raisin grapes. The remainder of these growers or FLCs pay in a combination of cash and check. All growers and FLCs report that they give their workers pay stubs.

## **Benefits**

Relatively few of these Fresno FLCs or direct-hire growers pay for nonmandatory benefits. Growers provide slightly more benefits than do the FLCs in either crop. Only 14% of stone-fruit growers and 7% of raisin-grape growers pay bonuses.

The most commonly offered “benefit” by FLCs and growers is reporting-time wages (show-up pay), which is required by law if an employee has to report on a given day but is given less than half a day’s work. It is provided by 19% of growers and 10% of FLCs in stone fruit, and by 10% of growers and 26% of FLCs in raisin grapes. Many growers and FLCs say they do not pay show-up wages because they never require employees to report for work when they can provide less than half a day’s work.

Only 5% of stone-fruit growers and 3% of raisin-grape growers pay health insurance. Neither FLCs nor growers provide any paid vacation days. Sick leave is paid only by 3% of raisin-grape growers.

Workers are paid for stand-by time by 14% of stone-fruit growers, as compared with 3% of raisin-grape growers and 4% of FLCs in raisin grapes. No stone-fruit FLC pays for stand-by time.

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6. Of the stone-fruit growers who pay differential wages, 67% base the difference on experience; however, only three responses to this question were obtained, so these results should be viewed with caution. Of raisin-grape growers, 50% base the wage variations on seniority and 17% each on productivity and individual wage negotiations.

Neither raisin-grape nor stone-fruit growers provide check-cashing services. Food and beverages in the field are offered by 58% of raisin-grape growers, 18% of stone-fruit growers, and by 6% of both raisin-grape growers and their foremen. Only 2% of the raisin-grape FLCs or their foremen provide food in the field.

Transportation is provided by 9% and 16% of stone-fruit and raisin-grape growers, respectively, by 6% of raisin-grape growers' foremen, and by both raisin-grape growers and their foremen in 11% of the cases. Only 8% of the stone-fruit FLCs and 12% of the raisin-grape FLCs provide transportation.

More stone-fruit growers (27%) provide housing than do raisin-grape growers (16%) or FLCs in either crop (1% for stone fruit, 2% for raisins). A majority of growers provide tools to workers, 55% of stone-fruit growers and 47% of raisin-grape growers, as compared with only 10% and 18% of FLCs in stone fruit and raisins.<sup>7</sup>

## **Personnel Management and Employee Relations**

Both the personnel management practices and the delegation of decision-making authority differ by crop and by type of employer. Both growers and FLCs make important use of managers.

**Hiring and firing decisions.** Some growers and FLCs allow their managers to make hiring decisions (table 11, page 16). One-third (32%) of direct-hire, stone-fruit growers make hiring decisions themselves; the rest rely on their foreman or supervisor. Two-thirds (68%) of direct-hire, raisin-grape growers make these decisions themselves. The numbers in table 11 do not necessarily add to 100, because more than one individual may make decisions.

Most indirect-hire growers (85% in stone fruit and 100% in raisin grapes) report that only the FLC makes the hiring decisions, whereas a lower percentage of the FLCs (45.5% and 74%, respectively) report that they do. The FLCs are more likely to report that these decisions are sometimes made by their supervisors and foremen. These differences may show that growers who use FLCs do not know all the details of their FLC's management practices.

Although growers who use FLCs rarely are involved in FLCs' hiring decisions, up to a quarter of them make firing decisions, as reported by both the growers and the FLCs. Both growers and FLCs are more likely to give firing than hiring power to field supervisors and foremen. Similarly, packing house representatives are never involved in hiring decisions but may be involved in firing decisions.

The person who makes the final decision on which workers to lay off first when work is slow depends on the crop. In stone fruit, 36% of direct-hire growers allow their field supervisors to make the decision, 36% make it themselves, and 9% give their foremen responsibility. For raisin-grape growers, the corresponding percentages are 5%, 63%, and 16%. In no direct-hire

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7. It is possible that growers provide tools for FLC workers.

**Table 11. Who Makes Hiring and Firing Decisions  
(proportion of respondents in each crop)**

Responsibility and method	Stone fruit			Raisin grapes		
	Growers		FLC	Growers		FLC
	Direct-hire	Indirect-hire		Direct-hire	Indirect-hire	
Hiring (firing) decisions made by:						
FLC	NA (NA)	85 (100)	45.5 (73)	NA (NA)	100 (100)	74 (100)
Field supervisor*	27 (45)	0 (88) <sup>†</sup>	9 (22)	5 (32)	0 (91)	0 (40)
Foreman*	18 (36)	0 (75)	45.5 (64)	21 (32)	0 (75)	17 (87)
Grower	32 (100)	0 (25)	0 (27)	68 (100)	0 (13)	4.5 (22)
Packing-house representative	0 (9)	0 (18)	0 (0)	0 (0)	0 (0)	0 (0)
Layoff decisions made by:						
FLC	0	31	73	0	50	74
Field supervisor	36	0	9	5	0	–
Foreman	9	0	–	16	0	18
Grower	36	38	18	63	31	4
Packing-house representative	0	8	–	0	0	–
Criteria on which workers to lay off:						
Seniority	18	17	46	5	0	35
Least skilled	18	8	–	5	33	17
Combination of both	9	0	27	11	0	31
Information used for hiring:						
Written application	27	–	9	5	–	9
Test of skills	27	–	9	37	–	17
Interview	64	–	73	58	–	52
References	18	–	27	37	–	30

\* Refers to growers' field supervisor or foreman for direct-hire workers, FLC's supervisor/foreman otherwise.

† Firing decisions made by growers' supervisor: 9% for stone fruit, 7% for raisin grapes.

cases did the packing-house representative make the layoff decision. For indirect-hire growers in stone fruit, 38% of growers make the decision, and 31% delegate it to the FLC. For raisins, the situation is reversed, with the layoff decision made by 31% of growers and 50% of FLCs.

In deciding which direct-hire crews or workers to lay off, 18% of direct-hire growers in stone fruit cite seniority and 18% mention skill level as the most important criterion. Among these growers, 55% give criteria other than those individually listed in the table. Of the direct-hire raisin-grape growers, 79% list other criteria, 5% each find seniority and skill level important, and 11% specify both seniority and skill level. Of the FLCs in stone fruit, 46% use seniority as the criterion, as do 35% of those in raisins.

Growers are more likely to use written instruments or direct skills tests than are FLCs in making hiring decisions. Written applications are used more by stone-fruit growers than raisin-grape growers. Both growers and FLCs rely more heavily on interviews than on any other method. References are the second most frequently cited source of information by FLCs. References are frequently used by more than a third of raisin-grape growers, but by less than a fifth of stone-fruit growers.

**Safety.** More FLCs report having rules on safety and health than do growers (table 12, page 18). All FLCs in raisins and 91% in stone fruit claim they have safety rules.<sup>8</sup> Raisin-grape growers are more likely to have rules than are stone-fruit growers. Direct-hire growers are 50% more likely to have rules than are indirect-hire growers in each crop.

Indirect-hire growers rely on FLCs and their managers to convey the safety rules to workers. Direct-hire growers are much more likely than indirect-hire growers or FLCs to have written safety rules.

About half of the indirect-hire growers help to enforce safety rules. Both growers and FLCs rely more heavily on their foremen than themselves to enforce these rules.

Direct-hire growers and FLCs interviewed list many sources of information about implementing an illness and injury prevention program under SB-198. For growers, the two most common sources are grower or employer associations and their workers' compensation insurance companies. UC Cooperative Extension, the media, and other growers are also frequently used as sources of information. Only 9% of stone-fruit growers receive information from the County Agricultural Commissioner, as compared with 42% of raisin-grape growers. Sixteen percent of raisin-grape growers receive information from other government agencies, but no stone-fruit growers do. Other FLCs or growers are consulted by 36% of stone-fruit growers and 16% of raisin-grape growers. Only 9% of stone-fruit and 5% of raisin-grape growers use commercial consulting firms.

**Relations with government agencies.** Growers and FLCs may contact government agencies for information and may be monitored by the agencies. FLCs are more likely to report contacting government agencies for information than are growers (table 13).

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8. Under SB-198, employers were required to have written safety rules by 1991. Our interviews, however, covered 1990. Since the growers were interviewed after the FLCs, they were more likely to have been familiar with the SB-198 rules.

**Table 12. Worker Safety Information and Management  
(proportion of respondents in each crop)**

Rules, information sources	Stone fruit			Raisin grapes		
	Growers		FLC	Growers		FLC
	Direct-hire	Indirect-hire		Direct-hire	Indirect-hire	
Has rules on safety and health	45	31	91	79	50	100
How rules are conveyed to workers:						
Orally by FLC	0	100	80	0	89	91
Orally by FLC's foreman or supervisor	0	50	100	0	78	91
In writing	57	25	20	53	33	35
By grower	29	25	0	87	56	0
By grower's foreman or supervisor	57	0	0	80	22	0
Safety rules enforced by:						
FLC	0	75	50	0	100	91
Foreman	71	100	90	53	78	96
Grower	57	50	50	100	56	43
Insurance company	14	0	30	0	0	26
Packing-house representative	14	50	0	0	0	0
Information sources for injury prevention program:						
Insurance company	64	–	100	84	–	96
Farm organizations	82	–	64	63	–	30
U.C Cooperative Extension County Agricultural Commissioners	46	–	64	53	–	35
Other government agencies	9	–	45	42	–	43
Other FLCs/growers	0	–	64	16	–	52
Media	36	–	36	16	–	39
Consulting firm	36	–	73	47	–	65
	9	–	0	5	–	0

**Table 13. Relations with Government Agencies  
(percentage of respondents)**

Contacts, inspections, fines	Stone fruit		Raisin grapes	
	Growers	FLC	Growers	FLC
Contacted agency for information and assistance in last 2 years:				
DOL	0	50*	0	18
State Labor Commissioner	8	75*	0	55
EDD	25	75*	15	73
Cal/OSHA	8	0*	5	55
INS	0	25*	5	27
County Agricultural Commissioner	42	50*	55	27
Inspected by following agency since 1987:				
INS	14	18	7	35
DOL	5	27	0	35
State Labor Commissioner	10	27	3	26
Cal/OSHA	19	9	3	9
Fined, penalized, or cited since 1987	10	18	3	22

\* N = 4.

Of the government agencies (listed in table 13), growers had most frequently contacted the County Agricultural Commissioner, followed by the California EDD, in the previous two years. None of the growers contacted the U.S. Department of Labor (DOL); a few stone-fruit growers contacted the state labor commissioner and the California Occupational Safety and Health Administration (Cal/OSHA); and a few raisin-grape growers contacted the Immigration and Naturalization Service (INS).

In contrast, FLCs contacted almost all of the agencies and did so in greater numbers than growers. Both stone-fruit and raisin-grape FLCs contacted the EDD the most for information. No stone-fruit FLCs contacted Cal/OSHA, but 55% of raisin-grape FLCs did. Half the stone-fruit FLCs contacted the DOL compared with only 18% of those in raisin grapes.

These results show that growers and FLCs go to different government agencies for information. For FLCs, the EDD and the State Labor Commissioner are important. Growers, in contrast, most often deal with the County Agricultural Commissioner concerning pesticide regulations.

FLCs have been inspected more frequently and by more agencies since 1987 than have growers. More than a third of raisin FLCs were inspected by INS and DOL and more than a fourth by the State Labor Commissioner. The inspection rate for stone-fruit FLCs ranged from 18% to 27% by these agencies. Of the FLCs, 22% in raisin grapes and 18% in stone fruit have been fined or penalized since 1987, compared with 3% and 10%, respectively, of the growers.

**Table 14. Methods Used by Growers and FLCs to Find Each Other  
(proportion of respondents in each crop)**

Method	Stone fruit		Raisin grapes	
	Growers	FLC	Growers	FLC
Word of mouth	62	91	65	78
Ad placed by FLC	0	9	0	4
Contact grower directly	15	73	53	43
Referrals from other growers or FLCs	46	64	76	43
Grower hires FLC who was previously employed as supervisor	15	55	35	57

Of the stone-fruit farmers, 19% were inspected by Cal/OSHA, 14% by the INS, 10% by the State Labor Commissioner, and 5% by the U. S. Department of Labor. Only 3% of raisin-grape growers were inspected by Cal/OSHA or the State Labor Commissioner, 7% by the INS, and none by the Department of Labor.

### **FLC Contacts with Growers**

Indirect-hire growers and FLCs use a variety of techniques to find each other (table 14). Word of mouth is the main method used by all FLCs and by most stone-fruit growers. Raisin-grape growers most frequently cite referrals from other growers or FLCs.

FLCs in stone fruit are more likely than those in raisin grapes (73% versus 43%) to contact growers directly. Slightly more than half (56%) of all FLCs contact a grower who has previously employed them. Fewer growers than FLCs use direct contact, and again, it is more popular among raisin-grape growers. Very few FLCs advertise and no growers find FLCs through ads. For both FLCs and growers, the most FLCs are hired and the most growers find FLCs by word of mouth.

## Summary and Conclusions

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Some growers directly hire all their workers, whereas other, fairly similar growers use farm labor contractors (FLCs) to obtain labor. In our Fresno survey, growers who directly hire tend to have smaller farms than those who use FLCs. There are few other obvious differences between direct-hire and indirect-hire growers.

Both types of employers believe that wage costs are virtually identical whether workers are hired directly or through FLCs, although total costs are somewhat higher if FLCs are used. The most important reasons growers give for using FLC labor are to reduce paperwork, be sure of having workers when needed, handle short-term tasks, and avoid having to recruit workers. The reasons some growers have increased their use of FLC labor are increased legal responsibility for record keeping, increased liability under labor laws, and their discovery of a reliable FLC. Other growers decreased their reliance on FLC labor because of dissatisfaction with various aspects of the FLC operation such as worker productivity, FLC reliability, or costs. Union organization, loss of a key supervisor or foremen, and problems with labor disputes were *not* important in choosing a recruitment method in our survey sample.

This survey confirms the belief that use of FLCs is growing. In our sample, half the growers used only direct-hire labor in 1990 and 1991. In contrast, two-thirds of these growers had used only direct-hire labor in 1985, before the passage of IRCA. About one-third of the growers said that IRCA and SB-198 affected their decision to hire more FLCs.

Personnel management techniques differ between direct-hire growers and FLCs. Growers are more likely to hire walk-ins or to advertise. They are more likely to use written applications, skills tests, and interviews. Direct-hire growers are more likely than indirect-hire growers to have written safety rules. FLCs are much more likely to have rules on safety and health. FLC operations were inspected and fined significantly more than growers by most enforcement agencies.

It is unclear from our results whether workers fare better under growers than FLCs. Growers are more likely to provide benefits, but FLCs are more likely to have a formal safety program. Growers work harder at rehiring former employees; however, both growers and FLCs rehire about the same proportion.

# Appendices

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## 1: Survey Methodology

To obtain a random sample of Fresno stone-fruit and raisin-grape growers, we acquired a list of these growers from the Fresno County Agricultural Commissioner. California law requires Agricultural Commissioners to maintain records of growers who receive permits to apply restricted-use pesticides. *Restricted materials* are defined as those that are hazardous to human or animal health or to the environment, and they include most synthetic pesticides. A separate permit must be obtained for each application at each site (orchard, vineyard, or field). The size of the area to be sprayed must be reported in the permit request.

We obtained the 1991 list, which is a reliable source of names of commercial growers of each crop in a county. Only a small number of organic growers who do not use any restricted materials would be omitted from the list. The names were stratified by the number of acres on which the restricted material was to be applied. Four size categories were used: 0 – 33 percentile, 34 – 66 percentile, 67 – 95 percentile, and 96 – 100 percentile. For stone fruit, the threshold sizes were 7 acres (33 percentile), 20 acres (66 percentile), 123 (95 percentile), and 2,140 (100 percentile) acres. The corresponding acreages for raisin grapes are 32, 86, 355, and 1,846.

A farmer who grew several types of fruit (e. g., peaches, nectarines, and plums) might be listed on the stone-fruit list more than once. In these cases, the farmer was included in the largest of the size categories in which he or she was listed. Growers were then drawn randomly from each size category.

Our objective was to interview 30 growers each in raisin grapes and stone fruit. The numbers of interviews conducted are not evenly distributed by size because of the difficulty of reaching growers and arranging interviews. Large-acre, stone-fruit growers, for example, were especially difficult to reach.

Within each size category, we attempted to distribute the interviews evenly between growers who use FLCs to harvest the crop and growers who directly hire workers. This even distribution was not always possible because of the difficulty in contacting growers.

## Contacting Respondents

An introductory letter signed by the UC Area Personnel Management Farm Advisor in Fresno was sent to the names on each list. The letter described the purpose of the study, urged recipients to cooperate with interviewers, and assured them confidentiality of all information they gave the interviewers.

Interviewers attempted to contact each grower on the list in the (random) order given them. When a successful contact was made, the interviewer asked screening questions to ensure that the grower met our criteria to be surveyed. We restricted interviews to those farmers who grew raisin grapes or stone fruit in 1990 and who did not operate as an FLC, custom harvesting, or farm management company. Operators of such service companies were screened out, because some of the questions were inapplicable to those with dual roles as grower and supplier of labor.

Additionally, each respondent was asked in the initial telephone contact for the number of workers hired at harvest peak in the specified crop. We had hoped to use the information to learn if there was a systematic pattern in which growers declined to be interviewed. However, interviewers were not always able to obtain this information.

Growers were also asked whether they had hired workers directly or employed an FLC to harvest the designated crop in 1990. Where possible, interviewers attempted to maintain a balance between the two groups by moving to the next name on the list if necessary.

Information from each phone call was recorded on a contact sheet for each respondent.<sup>9</sup> The most frequent reason (59%) an interview was not conducted was that the potential interviewee could not be contacted. Only 13% said they were too busy. We excluded 12% because they also ran an FLC business or did not fit into our defined population (for example, they were not growing one of the relevant crops in 1991). One grower was willing, but we were never able to arrange a convenient interview. The remaining 15% were not interviewed for other reasons (for example, one spoke only Japanese).

Interviewers discovered that stone-fruit growers were more difficult to reach than raisin-grape growers. They were often not home, even in the evening and on weekends. Many had off-farm jobs. When contacted, stone-fruit growers often had no time for an interview. Stone-fruit growers in the “large” category were the most difficult to contact, even more difficult than stone-fruit growers in the “very large” category. Interviewers also found that stone-fruit growers were more reluctant to be interviewed than raisin-grape growers.

Packing houses play a major role in the harvest of stone fruit. Several growers had their fruit harvested by FLC crews sent by a packing house. We decided not to interview such growers,

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9. Unfortunately, a large number of contact sheets were in a brief case that was stolen from an interviewer during the study. The following numbers are based on the remaining contact sheets. We have no reason to think that there is a systematic difference between the remaining 146 contact sheets and those that were lost.

**Table A2.1. Multinomial Logit Equations**

	Stone fruit	Raisin grapes
Experience	0.065 (0.069)	0.116 (0.073)
Years owned farm	-0.024 (0.066)	-0.226 (0.108)
Education	0.216 (0.249)	0.162 (0.278)
Acres	0.0002 (0.001)	0.0007 (0.001)
White	0.400 (1.789)	-3.500 (2.229)
English speaker	9.748 (150.8)	4.956 6.119
Latino	12.061 (150.9)	-4.836 3.366
Male	-14.297 (150.9)	-3.619 (1.889)
Speaks Spanish well	-0.226 (1.870)	0.099 (1.698)
Chi-square	6.008	16.681
Log-likelihood	-10.456	-11.605

Actual grower type	Predicted grower type					
	Stone fruit			Raisin grapes		
	Direct hire	FLC	Total	Direct hire	FLC	Total
Direct hire	4	4	8	8	5	13
FLC	2	10	12	4	12	16
Total	6	14	20	12	17	29

unless they paid the FLC directly and had personal knowledge of the contractor's work. Otherwise, we felt that they would be unable to respond appropriately to our questionnaire.

## **Conducting the Interviews**

Three interviewers conducted all the grower interviews, which usually lasted 45 minutes to one hour. At the end of each interview, the respondent was offered a summary of this study when it is completed, as well as other University of California FLC studies, and the area's Co-operative Extension personnel management newsletter.

## **2: Statistical Results**

To determine which grower characteristics influenced the decision to hire FLC workers versus hiring all workers directly, we estimated two multinomial logit equations, one for raisin-grape growers and one for stone-fruit growers. The dependent variable took on the value zero if the grower directly hired labor and 1 otherwise. The independent variables include the number of years of experience in agriculture, the number of years the grower has owned his or her own farm, the number of years of education, the farm size in acres, how well the grower reads, writes and speaks Spanish, and dummy variables for race, such as English or Latino, for sex, and whether or not English is the main language spoken at home. The results of the estimation are given in table A2.1.

None of the variables were statistically significant for stone-fruit growers. For raisin-grape growers, only the number of years they owned their own farm and the dummy for male were statistically significant. The negative sign on these coefficients indicates that a raisin-grape grower is more likely to hire directly if male and the longer the grower has owned his or her own farm. Although not statistically significant, the same sign pattern holds for stone-fruit growers.

[Appendix 3: The Questionnaire. Available only in printed form (15 pages). For a copy, please write to Betsey Tabraham (tabraham@are.berkeley.edu).]

### 3: The Questionnaire

3: The Questionnaire

Grower ID#

#### SURVEY OF FRESNO GROWERS

I am working for the University of California and U.C. Cooperative Extension. We have recently conducted a study of 180 farm labor contractors (FLCs) in 5 counties around the state, including 60 in Fresno County. Now we are interviewing 60 growers in Fresno County to learn about their experiences with FLCs and opinions about the work of FLCs. We will also compare costs and management practices between FLCs, growers who hire FLCs and growers who hire workers directly. Half of the growers we will interview hire FLCs and half do not. We feel that the results of this study will help growers to understand what to expect if they hire an FLC.

I'd like to ask you to participate in this study. All information that you provide will be held in strict confidence and will be used only in combination with other responses. Individual growers will not be identified in any way. Only the combined results of the interviews will be reported, for example: "50 percent of growers who hired FLCs think their costs were lower than when they hired workers directly."

Your name was randomly selected from a list of growers in this county and your answers are very important for the accuracy of our results. All answers are voluntary. We would like to have your responses on the complete survey, but we do not want to bother you with questions that you cannot or do not want to answer. Let me know if any of these come up and we will move on to the next question.

With your permission, I would like to begin the interview now.

#### Screening Questions:

S1. Did you grow tree fruit in 1990? y/n

S2. Did you grow raisin grapes in 1990? y/n

**(STOP HERE IF THE ANSWER IS NO TO BOTH OF THE ABOVE.)**

S3. In 1990, did you or other managers of your farm operate any of these other types of business? (Read all choices)

a. Farm labor contracting y/n

b. Custom harvesting y/n

c. Farm management company y/n

**(STOP HERE IF THE ANSWER IS YES TO ANY PART OF #3.)**

For Sampling Purposes This grower will be interviewed in (Circle One)

Tree Fruit Raisin Grapes.

S4. In 1990, did you (circle aU that apply for target crop only): code 0/1

A. Hire workers directly for

1. tree fruit harvest
2. tree fruit pruning
3. tree fruit thinning
4. raisin grape picking
5. raisin grape pruning
6. raisin grape rolling
7. raisin grape turning
8. raisin "rape boxing"

B. Hire FLCs for:

1. tree fruit harvest
2. tree fruit pruning
3. tree fruit thinning
4. raisin grape picking
5. raisin grape pruning
6. raisin grape rolling
7. raisin grape turning
8. raisin "rape boxing"

Name of Grower

DBA

Street Address

City, CA, zip code

Phone Number

Name of person interviewed

Explain position if not the grower:

Address where interview took place

Date of Interview

Beginning time Ending time

Name of Interviewer

GrowerID. #

Instructions to Interviewers:

1. Where each section of a question requires a y/n answer, read each section to the respondent. A few exceptions are noted where you should let the respondent answer first, then ask about the other sections.
2. Some questions have coted choices for you to use.
  - a. If the questions says "read choices," you should read all the choices to the respondent.
  - b. If the question says "use choices" you should code the choice that best fits the respondent's answer. If the answer doesn't flt one of the choices, code "other" and write in the grower's answer by "other."
3. For all missing answers enter one of the following numbers on the survey instrument and the coding sheets. Remember you have these "don't know" and "not applicable" options for every question.
  - Refuses to answer - 99
  - Question skipped because of branching or not applicable - 98
  - Gower doesn't know the answer - 97
  - Can't read handwriting - 96

• Ran out of time/didn't get to the questions - 95

• Other reasons for missing - 94

4. For yes/no -code:

• Yes =1

• No =0

A. Identity and Administration of Business (Interviewer: Ask questions in this section of all farmers.)

To begin with, I would like to ask you some general questions about your business

A1. How many years' experience have you had in agriculture? (as a grower, manager, supervisor, on a family farm, etc.)

A2. How many years have you operated your own farm?

A3. What proportion of your family income over the past 5 years has come from farming? Is it closer to: (Circle One)

10% 25% 49% 51% 75% 100%

A4. How many acres did you farm in 1990?

B. Directly Hired Employees (Interviewer Ask questions in the following section only if the farmer hires workers directly in the target crop. If the farmer does not hire workers directly, skip to Section E, page 7.)

| Next I would like to ask a few questions about your employment of the workers that you hire directly in all crops.

All questions refer to 1990 unless stated otherwise.

B1 (C1). What is the greatest number of workers that you employed directly in any single pay period in 1990?

B2(C2). How many field workers did you employ altogether in 1990? (total W-2s or 1-9s)?

B3(C4). About how many (or what %) of your field workers had also worked for you in a previous year? #\_\_\_\_\_

B4(C5). About how many of your 1990 employees did you (or your supervisor or foremen) contact during the off-season (more than one month before work began)? (Skip to 86 if the answer is 0)

B5(C6). How did you contact them?



C Direct Hire Employment in Target Crop and Tasks

Now we want to get a picture of the employment of workers in the major tasks associated with tree fruit (raisin grape) production. I will ask you the same 5 questions about several tasks in one of these crops. All questions refer to 1990, unless stated otherwise.

**Pruning: (Tree fruit or grapes)**

Cl(B15). Approximately how many workers did you employ at peak in this task in 1990?

C1.1. Were they all directly hired workers?      y/n

C1.2 If not, approximately what percent were direct-hire worker?

C2 Approximately how many weeks (or fractions thereof) did you employ workers in this task in 1990?

C3(B16). What was the average wage rate you paid in 1990 to workers at peak in this crop and task? (If the answer is an hourly rate plus a bonus, enter under a and b.)

Use Choices:

- a. Hourly rate
- b1. Piece rate
- b2. Piece unit
- b3 (1)Individual (2) Group
- c. 0/1 Other (Explain method of calculation and amount paid)

C4(B17). What was the average wage rate you paid last year (1991) at peak in the crop and task?

Use Choices:

- a. Hourly rate
- bl. Piece rate
- b2. Piece unit
- b3. (1) Individual (2) Group
- c.0/1 Other (Explain method of calculation and amount paid)

Comments:

C5(B23). About how much did workers earn per day at peak in this crop and task in 1990?

- a. Hourly rate
- b. Piece rate: typical fast worker
- c. Piece rate: typical slow worker

REPEAT QUESTIONS C1 THRU C5 FOR OTHER TASK(S) IN SAME CROP ON THE GRID THAT FOLLOWS:

Tree Fruit Tree Fruit

HarvestGrape Harvest  
DH DH DH

C1(B15). Peak # workers 1990

C1.1. All DH?

C1.2. % DH

C2(B14). No. of Weeks

C3(B16). Average Peak Wages-1990

- a. Hourly rate
- b1. Piece rate
- b2. Piece unit
- b3. (1) Indiv. (2) Group
- c. Other:

C4(B17). Average Peak Wages -1991

- a. Hourly rate
- b1. Piece rate
- b2. Piece unit
- b3. (1)Indiv. (2)Group
- c. Other:

C5(B23). Average Peak Daily Earnings 1990

- a. Hourly rate
- b. Piece rate: fast
- c. Piece rate: slow

#### D. Direct Hire Personnel Management and Employee Relations

Please answer the following questions for your direct-hire employees. I

D1(C21). Who makes most of the hiring decisions for your direct-hire field workers?

- Use Choices:
- 2) Field supervisor
  - 3) Foreman
  - 4) Grower (yourself)
  - 5) Other (Spedfy)
  - 6) Packing house representative

D2(C22). In deciding whether to direct-hire a worker, do you use information from any of the following: (If answers vary by crops, ask about the harvest in target crop and enter 1 here. Otherwise, enter 0 here.)

- a. Written application y/n
- b. Test of skills, ability, or knowledge y/n
- c. Interview with worker y/n
- d. Reference from other employers y/n

The next questions are about how the workers are managed after they're hired.

D3(C24).How are new workers informed about what is expected of them when they finally

begin to work for you (your general rules and policies such as the quality of work expected, your discipline procedures, etc.) ?

- a. Written notice or handbook y/n
- b. Oral explanation by foremen/or supervisors y/n
- d. Other (Specify) y/n
- e. Oral explanation by grower y/n

D4(C27). Do you have any specific rules or policies concerning the health and safety of workers? (*Skip to D7 if answer is no.*)

y/n

D5(C28). How are these rules communicated to employees?

- b. Orally by foreman or supervisor y/n
- c In writing y/n
- d. Other (Specify) y/n
- e. Orally by grower y/n

D6(C29). Who sees that your rules for reducing on-the-job injuries are enforced?

- b. Foremen and supervisors y/n
- d. Grower y/n
- f. Insurance companies y/n
- g. Other(Specify) y/n
- h. Packing house representative y/n

D7(C33). From what sources have you received information about implementing an illness and injury prevention program under S.B. 198? (Let respondent answer, then ask about remaining choices)

- a. Your insurance company
- b. Grower or employer associations
- c. Ag Extension advisors or other University programs
- d. County Agricultural Commissioner
- e. Other government agencies
- f. Other growers or FLCs
- g. Magazines or newspapers
- h. Other (Specify)
- i. Consulting firm

D8(C34a). What is your Workers' Compensabon Insurance experience modification factor?

D9(C36). Who makes the final decision which workers or crews to lay off first when the work is slowing down?

- Use Choices:
- 2) Field supervisor
  - 3) Foreman (mayordomo)
  - 4) Grower
  - 5) Other (Specify)
  - 6) Packing house representative

D10(C37). How does that person decide which crew or workers to lay off?

Use Choices:

- 1) Seniority
- 2) Least skilled or productive crew/worker laid off first
- 3) Combination of seniority and skill/productivity
- 4) Other (Explain)

D11(C38). Who has the authority to fire one of your field workers?

Use Choice:

- b. Field supervisor
- c. Foreman, (mayordomo)
- d. Grower
- e. Other(Specify)
- f. Packing house representative

D12(C39). How often are field workers paid?

Use Choices:

- 1) Daily
- 2) Weekly
- 3) Bi-weekly
- 4) Monthly
- 5) When job is completed
- 6) Other (Explain)

D13(C40). In what form do you pay direct-hire workers?

Use Choices:

- 1) Check
- 2) Cash
- 3) Combination check and cash
- 4) Other (Specify)

D14(C41) Do you give workers a pay stub or other written statement of earnings and deductions?  
y/n

D15(C42). Do you ever pay different wage rates to different workers in the same crew doing the same work? (Skip to D17 if the answer is no.)

D16(C43). If so, what is the basis for the variations in wage rates?

Use Choice:

- 1) Length of employment/seniority
- 2) Previous experience of worker
- 3) Productivity/quality of work
- 4) Individual wage negotiations
- 5) Other (Specify)

D17(C44). Do you pay any of the following benefits to or for direct-hire field workers? If so about how many or what % of your peak employees are eligible? (*If benefit is not paid, enter zero.*)

#            or            %

d. Health insurance

e. **Paid vacation days**

f. Paid sick leave

g. Stand by time or "wet time"

h. "Show up" wages when told to report but no work available (Not because of an "act of God").

i. Bonuses (Specify type)

j. Other(Specify)

D18(C45). Do you or your supervisor or foremen provide any of the following services to worker? If so, are workers required to use the service? Is there a cost to workers? Is so, would you be willing to tell me what it is?

Service

a. Transportation

b. Housing (camp, rental house)

c. Tools/other equipment (Specify which tools)

d. Food/beverages in fields

e. Check cashing

f. Other

0/1 comments

D19(C46). What was the approximate amount of your total payroll for all direct-hire employees in 1990?

E. Comparison of DH Employees and FLC Employees (Interviewer Ask this section to all growers.)

E1. Have you ever hired an FLC?

y/n

E2. In your opinion, (whether from direct experience or from what you've heard) are direct hire employees or FLC employees better in each of the following characteristics:

Read Choices:

1) Direct-hire employees are better

2) No Difference

3) FLC employees are better

4) Don't know

a) Quality of work

b) Productivity of workers

c) Training of workers

d) Supervision of workers

e) More reliable source of labor at critical times

g) Potential liability for fines under worker

protection laws (1 = DH workers have least potential liability for grower; 2= no differ-

ence; 3= FLC workers have least potential liability for grower)

- h) Fewer misunderstandings on how the work should be done
- i) Other(Specify)

E3. For every dollar spent on a direct-hire workforce, which would you estimate to be the cost of a FLC workforce in each of the following categories? Please give your best estimate, whether from direct experience or from what you've heard.

(Interviewer: Give an example if necessary.)

f. Total costs including FLC commission, wages, benefits, payroll taxes, management costs, cost of equipment and tools, etc. and taking into account total production

E4. Is your answer to the previous question based on

Read Choices:

- 1) Actual accounting records.
- 2) Your opinion based on some figures.
- 3) Your best guess based on your experience
- 4) Your opinion based on what you've heard

E5. What is the percentage of your labor force that you hired directly, through FLCs or through other means in the harvest of the target crop (tree fruit or raisin grapes) at each of the following times?

DH %   FLC %   Other %

- a) 1991
- b) 1990
- c) Pre-IRCA (1985)

E6 If you hired a higher proportion of FLC labor in 1991 than in previous years, rate the importance of each of the following factors on a scale of 1 to 5 in your decision to hire more FLC labor. (1= unimportant, 5= very important): (Interviewer: Skip to next question and fill blanks with 98 if not applicable.)

- a) Increasing difficulty in finding **direct-hire labor**
- b) Increasing difficulty of recordkeeping requirements of the laws
- c) Increasing liability under labor laws (specify which laws)
- d) Problems with labor disputes
- e) Loss of a key supervisor or foreman
- f) Discovered reliable FLCs (referring to dependability, quality of FLC work)
- g) Productivity of FLC crews is higher
- h) Increasing costs of direct-hire labor (Specify)
- i) Union organizing in the area or at your farm

E7. If you hired a higher proportion of DH employees in 1991 than in previous years, rate the importance of each of the following factors on a scale of 1 to 5 in you decision to hire more DH labor. (1= unimportant, 5 = very important):

- a) Increasing difficulty of finding FLCs
- b) Found someone (way) to handle recordkeeping
- c) Increasing liability under labor laws (specify which laws)
- d) Problems with labor disputes
- e) Hired a key supervisor or foreman

work) fl Couldn't find reliable FLCs (Referring to dependability, quality of FLC work)

- g) Productivity of DH crews is higher
- h) Increasing costs of FLC labor
- i) Union organizing in the area or at your farm

E8. Did enactment of any of the following laws influence you to hire more or less FLC labor? Please choose from the following answers: Read Choices:

- 1) Ille law was a major reason I hired more FLC labor.
- 2) The law had some influence on my hiring more FLC labor.
- 3) The law had no effect on my decisions about hiring labor.
- 4) The law had some influence on my hiring less FLC labor.
- 5) The law was a major reason I hired less FLC labor.

- a. SB 198 (requires a written safety program)
- b. Immigration Reform and Control Act (IRCA)
- c. Agricultural Labor Relations Act (ALRA)

F. Hiring Employees through FLCs (Interviewer: Ask questions in this and following section only to farmers who hire FLCs in the target crop. If the farmer does not hire workers through FLCs in the target crop, skip to Section I, Page 14.)

F1. In what year did you first hire an FLC?

F2. How many FLCs did you hire in 1990?

F3. How many of these FLCs worked for you for at least 3 years before 1990?

W. How many of the FLCs who worked for you in 1990 did you hire for the first time in 1990?

F5. How many FLCs that you employed in 1989 dld you replace with a different FLC in 1990?

F6. What were your reasons for replacing the FLC(s)? (0/1)

F7(EI). What are the 3 most important reasons why you hired an FLC instead of hiring workers directly? Start with the most important reason. (No prompting! Record words used if not clearly captured by #1-11.)

Use Choices:

1. To reduce paperwork (1-9s., etc.)
2. To reduce protuction costs
3. To reduce supervision responsibilities
4. To improve quality of work
5. To be sure of having workers when needed
6. To handle short term employment or variations in need for labor
7. Can't find workers any other way/don't want to recruit wkrs 8. Because of a labor/

- management dispute or fear of union organizing
9. To reduce liability under IRCA or other labor laws
10. Language advantage
11. Specialized equipment
12. Other (Specify all other reasons in order of importance.)

F8. On a scale of 1 to 5 how important were each of the following considerations in your decision to hire an FLC? 1 = not important, 5 = very important.

- a) To reduce paperwork (I-9s., etc.)
- b) To reduce production costs
- c) To reduce supervision responsibilities
- d) To improve quality of work
- e) To be sure of having workers when needed
- f) To handle short term employment or variations in need for labor
- g) Can't find workers any other way/don't want to recruit workers
- h) Because of a labor/management dispute or fear of union organizing
- i) To reduce liability under IRCA or other labor laws
- j) Language advantage
- k) Specialized equipment
- l) Other (Specify all other reasons in order of importance.)

F9. If you hire FLCs for some crops and tasks and not for others, how do you decide in which crop and task to use FLC crews? 0/1

F10(B10). What do you do to find new FLCs? Do you do any of the following

- 1) Hire FLCs you heard of through word of mouth
- 2) Hire FLC from ads (trade publications, newspaper, radio, t v.)
- 3) Hire an FLC who contacted you (whom you didn't know)
- 4) Hire an FLC who was referred to you by someone else (another FLC, grower, friend, etc.)
- 5) Hire an FLC you formerly employed as supervisor, foreman, etc.
- 6) Other (Specify)

F11(B11). Through which of the above methods have you hired the most new FLCs in recent years? (Refer to choices in previous question.)

F12(B12). Do you normally receive any of the following reports or written information from FLCs you employ?

- a. The FLCs license number y/n
- b. 1-9 forms (or copies) for each worker y/n
- c. Names of workers y/n
- g. Rates of pay y/n
- h. Total hours (or units) worked y/n
- i. Proof of workers' compensation coverage y/n

F13. Do you normally confirm an FLCs workers' compensation coverage with a follow up phone call or through other means?

Explain (0/1) \_\_\_\_\_

#### G. FLC Employment in Target Crops and Tasks

Now we want to get a picture of the employment of FLCs in the major tasks associated with tree fruit (raisin grape) production. I will ask you a set of questions about several tasks in one of these crops. All questions refer to 1990, unless stated otherwise.

Pruning: Grapes or Tree Fruit

G1(B15). How many workers in FLC crews did you employ at peak in this task in 1990?

G1.1. What percent of total workers in this crop and task were employed through FLCs?

G2(B14). Approximately how many weeks (or fractions thereof) did you employ FLC workers in this task in 1990?

G3(B16). What was the average wage rate you paid in 1990 to FLC workers at peak in this crop and task? (If the answer is an hourly rate plus a bonus, enter under a and b.)

Use Choices:

- a. Hourly rate
- b1. Piece rate
- b2. Piece unit
- b3. (1) Individual (2) Group
- c. 0/1 Other (Explain method of calculation and amount paid)
- d. Don't know

G4(B17). What was the average wage rate you paid to FLC workers in 1991 at peak in the crop and task?

Use Choices:

- a. Hourly rate
- b1. Piece rate
- b2. Piece unit
- b3. (1) Individual (2) Group
- c. 0/1 Other (Explain method of calculation and amount paid)
- d. Don't know

G5(B23). About how much did FLC workers earn per day at peak in this crop and task in 1990? (Interviewers, get answers to a or b & c, or d.)

Use Choices:

- a. Hourly rate
- b. Piece rate typical fast worker
- c. Piece rate: typical slow worker
- d. Don't know

G6(B24). Did you or the FLC usually decide the following in this crop and task:

Read Choices:

- 1) FLC mostly
  - 2) Joint decision
  - 3) Grower mostly
  - 4) Packing house mostly.
    - a. Schedule of work (What day work sbtrted)
    - b. Method of carrying out specified task (what size to pick, etc.)
    - c. Wages and benefits of workers
    - d. Performance standard expected of workers (quality of work)
    - e. Commission paid to the FLC

G7(B25). How were the FLC charges billed to you in 1990? (*Note difference between b & c as described below. Use Unit Index to code piecerate unit.*)

Use Choices:

- a. Straight Piecerate: Amount \$\_\_\_\_\_
- b. Wages only + Percentage Commission: \_\_\_\_\_ per unit\_\_\_\_\_
 

(Commission rate includes payroll taxes) \_\_\_\_\_ % Commission
- c. Wages + Payroll taxes + % Commission: \_\_\_\_\_ % Commission
 

(Commission rate does not include payroll taxes and will be lower than in b.)
- d. 0/1 Other: (Explain method of calculation and rate)

Amount \$ per (unit) % Commission

G8(B26). Under the commission arrangement, which of the following did you supply and which did the FLC pay for or provide directly?

Read Choices:

- 1) FLC
- 2) Grower
- 3) Joint
- 4) Neither
  - a. Workers tools or equipment  
(Speci fy)
  - b. Provision of harvest cqipment  
(Specify)
  - c. Hauling thc crop out of field
  - d. Drinkhlg watcr h'fields
  - c. Field toilots
  - f. Hand washing facilities in fields
  - g. Supervision of workers
  - h. Payment of workers
  - i. Payment of payroll bxa

G9(B27). How often did you pay most of your FLCs in this crop and task in 1990?

Use Choices:

- 1) Weekly
- 2) Biweekly
- 3) Monthly
- 4) When job was completed

- 5) When job was completed and an advance
- 6) Other (Specify)

REPEAT QUESTIONS G1 THRU G9 FOR OTHER TASK(S) ON GRID THAT FOLLOWS:

Tree Fruit	Tree Fruit	
thinning	harvest	Grape Harvest
FLC	FLC	FLC

G1(B15). Peak # workers 1990

G1.1. % of FLC workers

G2(B14). No. of workers

G3(B16). Average Peak Wages-1990

a. Hourly rate

b1. Piece rate     -            -

b2. Piece unit

b3. (1) indiv. (2) Group

c Other

d. Don't know

G4(B17). Average Peak Wage -1991

a. Hourly rate     -            -

b1.. Piece rate

b2. Piece unit

b3. (1) Individ. (2) Group

c. Other:

d. Don't know

G5(B23). Average Peak Daily Earnings- 1990

a. Hourly rate

b. Piece rate: fast

c Piece rate: slow

d. Don't know

G6(B24). Who Decides:

a. Day work starts

b. Method

c Wages & benefits

d. Perf. Stds

e. FLC Commission

G7(B25). FLC Commission

a. Piece rate

b. Piece unit

c % Comm. (includes payroll taxes)

d. % Comm. (does not include payroll taxes)

G8(B26). Who Supplied

a. Workers tools

b. Harvest equipm.

c. Haul crop

d. Drinking water

e. Toilets

- f. Hand-washing
- g. Supervision
- h. Pay workers
- i. Pay payroll tax

G9(B27). How often you pay FLC?

## **H. Personnel Management and Employee Relations with FLC Crews**

Please answer the following questions for Your FLC crews.

H1(C21). Who makes most of the hiring decisions for field workers in FLC crews?

Use Choices:

- 1) FLC
- 2) FLCs field supervisor
- 3) FLCs hremen
- 4) Grower
- 5) Other (Specify)
- 6) Packing house representative
- 7) Don't know

H2(C27). Do you have any rules or policies to help prevent on-the-job injuries among crews brought by FLCs? *(Skip to H5 if answer is no.)*

H3(C28). How are these rules communicated to FLC crews?

- a. Orally by FLC
- b. Orally by FLCs foremen or supervisor
- c. In writing
- d. Other(Specify)
- e. Orally by grower
- f. Orally by grower's foremen or supervisor

H4(C29). Who sees that your rules for reducing on-the-job injuries are enforced among FLC crews?

- a. FLC
- b. FLCs foremen and supervisor
- d. Grower
- g. Other(Specify)
- h. Packing house representative

H5(C34a). What is your Worker's Compensation Insurance experience modification factor?

H6(C36). Who makes the final decision which FLC workers or crews to lay off first when the work is slowing down?

- 1) FLC
- 2) FLCs field supervisor
- 3) FLCs foremen (mayordomo)
- 4) Grower, grower rep, or packing house rep
- 5) Other (Specify)
- 6) Don't know

7) Packhlg house rep

H7(C37). How does that person decide which crew or workers to lay off?

Use Choices:

- 1) Seniority
- 2) Least skilled or productive crew/workers laid off first
- 3) Combination of seniority and skill
- 4) Other (Explain)
- 5) Don't know

H8(C38). Who has the authority to fire one of the field workers brought by an FLC?

- |   |     |
|---|-----|
| a. FLC                                  | y/n |
| b. FLC's field supervisor               | y/n |
| c. FLCs foremen, (mayordomo)            | y/n |
| d. Grower                               | y/n |
| e. Other(Specify)                       | y/n |
| f. Packing house representative         | y/n |
| g. Grower's field supervisor or foremen | y/n |

H9(C46). What was the approximate amount of your total payments to all FLCs in 1990?

H10 (C47). Was the amount paid to FLCs the same, more, or less than in 1989?

Read Choices:

- 1) Same
- 2) More
- 3) Less
- 4) Not in business in 1989

H11(E10). Do you have any other comments about FLCs?

I. Government Relations (Interviewer: ask questions in the next section to all farmers)

The next few questions are about the government agencies that you have contacted or that have contacted you.

I1(DI). What government agencies have you contacted for information or assistance for your farming business in the last two years?

Use Choices:

- 1) DOL
- 2) DIR (State Labor Commission)
- 3) EDD
- 4) OSHA (Fed or CA)
- 5) INS
- 6) County Ag Commissioner
- 7) Other (Specify)

I2(D10). Have representatives of any of the following agencies inspected your farm since the beginning of 1987?

- |                                   |     |
|-----------------------------------|-----|
| a. INS                            | y/n |
| b. DOL                            | y/n |
| c. DIR (State Labor Commissioner) | y/n |
| d. Cal or Fed OSHA                | y/n |

e. Other agency (Specify) y/n

I3(DII). Have you been given any fines, citations or penalties since the beginning of 1987? If so, how many? Do you know what agency(ies) gave you the fine(s) or citation(s)?

a. y/n

b. Number

c. Agencies (i) \_\_\_\_\_  
(ii) \_\_\_\_\_  
(iii) \_\_\_\_\_

Use Choices for Agencies:

- 1) INS
- 2) DOL
- 3) DIR (State Labor Commissioner)
- 4) Cal or Fed OSHA
- 5) Other (Specify)

I4(E9) Is there anything that you think government agencies, Cooperative Extension, or the University can and should do concerning FLCs? 0/1

J. Demographics

I will finish by asking a few questions about yourself. You do not have to answer these questions if you don't wish to.

J1(FI). How old are you?

J2(F3). What is the main language that you speak at home?

Use Choices:

- 1) English
- 2) Spanish
- 3) Tagalog
- 4) Hindi
- 5) Other (Specify)

J3. How well do you speak Spanish?

Read Choices:

- 1) Well
- 2) Okay
- 3) Only a little
- 4) Almost none/none

J4. How well do you read and write Spanish?

Read Choices:

- 1) Well
- 2) Okay
- 3) Only a little
- 4) Almost none/none

J5(F5). How many grades did you complete in school?

Section K. Conclusion

THANK YOU VERY MUCH FOR YOUR COOPERATION

K1(F6). Would you like to receive a summary of this and other studies we have done about FLCs and about why growers hire FLCs? This study will not be completed until later this year, but we will send you a summary then

y/n

K2(F7). Would you like to receive newsletters put out by U.C. Cooperative Extension about new developments in agricultural employment? y/n

(Interviewer, enter the answers to the following questions before leaving the interview.)

K3(G1). Sex: M/F

K4(G2). Ethnic/Racial Group

Choices:

- 1) Hispanic/Chicano/Latino
- 2) White/Anglo
- 3) Black
- 4) American Indian/Central American Indian
- 5) East Indian
- 6) Southeast Asian
- 7) Other (Specify)

K5. Interviewer's comments about interview: 0/1