

Labor Management Decisions

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The ALRB: Earning California's Trust

Bruce J. Janigian

Chairman, Agricultural Labor Relations Board

The Agricultural Labor Relations Board (ALRB) has exclusive authority to conduct and certify representation elections for employee bargaining units and to remedy unfair labor practices in California agriculture. It functions comparably to the National Labor Relations Board, the jurisdiction of which specifically excludes farm employment. Mr. Janigian's more complete description of Board activities follows his presentation below.

Bruce Janigian is an alumnus of the University of California at Berkeley (Phi Beta Kappa, 1972) and earned law degrees from the Hastings College of Law (J.D.) and the National Law Center of George Washington University (LL.M.). He is a former Fulbright Scholar. In addition to chairing the ALRB, Mr. Janigian is a Visiting Scholar at Stanford's Hoover Institution on War, Revolution, and Peace, and has been an Adjunct Professor at the McGeorge School of Law since 1986.

Many of the changes moving us forward at the Agricultural Labor Relations Board are reflected in both the style and the substance of our latest annual report to the Governor and Legislature. A previously dry, bureaucratic report now contains a new logo, upbeat mission and organization statements, and a new corporate-like review of the previous year's achievements, along with goals and objectives for the current year. Although the 15-year history of the agency is marked by a legacy of real and perceived problems, we are determined to make the ALRB a model of useful and efficient public service and very literally to "earn California's trust."

Like any adjudicating entity, the ALRB requires public trust and confidence to achieve its mission. A highly credible organization can resolve more disputes at the very earliest stages and avoid costly, time-consuming cycles of litigation and appeals. For the ALRB, this means concluding more matters in our field offices through early and inexpensive resolution of disputes and, even more desirable, through public education, outreach, and early intervention that contribute to the avoidance of unfair practices.

It is no wonder, then, that the principal focus of our goals has been on building public confidence by doing our jobs better than ever before. Removing public perceptions of political bias and inefficiency that have haunted the Board from its first days requires the constant, scrupulous efforts of all the Board and staff. The effectiveness of these efforts appears in the increasing willingness of parties to work cooperatively with our field staff. Perhaps another reason for this cooperation is the growing realization of parties that dilatory tactics and avoidance of legal responsibilities are more costly than early and fair disposition of infractions. Indeed, in most fully appealed cases, legal fees and interest costs dwarf the original assessment. What would have been easily resolved early on, later becomes a matter of business life or death, with attendant adversity to owners, managers, and workers, as well as to the state's revenue base and competitiveness.

Rule Revision

For our part, the ALRB is attempting everything possible to streamline procedures, clarify the law, and save the public from needless delay and expense. In this regard, we have just issued the first major rule-making revision of the Board in seven years. The consequences of our new regulations will be significant. For example, in the past, all ALRB unfair labor practice proceedings have been divided into a separate liability hearing and a subsequent compliance hearing at which any monetary consequence for the liability is determined. Since each

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hearing affords separate appeal rights, it has been common for two sets of appeals to go forward in each case, dragging out processing for years. In some cases, appeals of liability determinations have gone all the way to the California Supreme Court, even though no award was ultimately found owing at the compliance phase.

The new regulations will allow a consolidation of both liability and compliance proceedings in appropriate cases, saving costs to the state and parties involved and forestalling months or even years of appellate delay. These changes are part of one of the largest rule-making filings of any state agency this year. Areas covered range from pleadings and practice to prehearing conferences to settlements. In total, we believe our new regulations will increase the professionalism of the ALRB, clarify and expedite our procedures, and help ensure fairness to the parties and to the public.

Additional Accomplishments

Other achievements of the Board last year included numerous changes to improve and expedite case handling. With more case closures, we witnessed a dramatic increase in the amount of funds dispersed to farm workers (\$1,539,733 as compared with \$568,277 for the previous year). We also concluded all protracted cases that were long pending before the Board. At the beginning of last year, the Board had cases over two years old. By year end, we were in full compliance with new self-imposed performance standards calling for completed Board review within 90 days.

In addition to the sweeping regulatory changes, we completed a revision of our Elections Manual, establishing procedures to process elections more quickly. We also began detailed revision of our Compliance Manual and created a new Case Digest. In a year of freezing conditions and drought, we were responsive to economic conditions impinging on both agricultural employers and farm workers, while continuing vigorous enforcement of the Agricultural Labor Relations Act (ALRA).

Outreach and training went forward during the year, although seriously constrained by budget limitations. Participation in U.S. Department of Labor and other

ongoing programs provided a structured basis for reaching the public at minimum expense.

Board members were offered a day to review decision-making techniques and to compare appellate judiciary processes with the presiding Justice and an Associate Justice of the Third District Court of Appeal. A training plan for all ALRB personnel was established and planning undertaken for continuing public education to assist in deterring violations of the ALRA wherever possible.

The Future

Looking ahead, the new state fiscal year 1991–92 has commenced with particularly difficult circumstances related to statewide budgetary reductions. Our headquarters office and storage space already have been reduced and a number of staff positions are being eliminated. Although our seasonal office in Santa Maria was permanently closed, we fully anticipate retaining our three regional offices in Salinas, Visalia, and El Centro.

Our greatest asset remains our highly trained and dedicated staff across the state, which has continued to provide excellent public service under challenging circumstances. Despite budgetary constraints, we are confident we will be able to achieve even higher levels of public service in the year ahead.

The Board will continue to improve the expeditious handling of all unfair labor practice and election matters through rigorous case management that ensures accuracy, fairness, impartiality, and timeliness. We are continuing to explore methods of reducing the delays that parties can trigger through various challenges and appeals during the election review process.

We will further improve the predictability and clarity of how the law is applied through our decisions, regulations, and manuals. We anticipate regulatory and manual revisions on a continuing basis.

The agency will expand public outreach to inform and educate agricultural employees, employers, and unions regarding the Agricultural Labor Relations Act, recent Board decisions, and recent court decisions. We will continue to work closely with other state and federal authorities to improve our outreach program. Work has recently begun on including ALRB legal developments in the electronic and mail networks available through the University of California and the California State University system.

Our goal is to carry out the Act, as stated in the preamble, “to ensure peace in the fields by guaranteeing justice for all agricultural employees and stability in agricultural labor relations.” With the confidence and cooperation of the public we serve, the ALRB will succeed in making California a showcase for the sound and equitable administration of agricultural labor relations. □

Administration of the Agricultural Labor Relations Act

The Agricultural Labor Relations Act (California Labor Code section 1140 et seq.) was enacted in 1975. The Act seeks to achieve justice for agricultural employees and stability in labor relations by explicitly recognizing employee rights to form, join, or assist a labor organization in order to improve the terms and conditions of their employment and the right to engage in other concerted activity for their mutual aid and protection; by providing for secret ballot elections through which employees may freely choose whether they wish to be represented by a labor organization; by imposing an obligation on the part of employers to bargain with any labor organization so chosen; and by declaring unlawful certain practices by employers and labor organizations that either interfere with or are otherwise destructive of the free exercise of the rights guaranteed by the Act.

The agency's authority is divided between a Board composed of five members and a General Counsel, all of whom are appointed by the Governor and subject to confirmation by the Senate. Together, they are responsible for the prevention of those practices which the Act declares to be impediments to the free exercise of employee rights. When a charge is filed, the ALRB staff conduct an investigation to determine whether an unfair labor practice has been committed. If the General Counsel believes there has been a violation, a formal complaint is issued. The Board provides for a hearing to determine whether a respondent has committed the unfair labor practice alleged in the complaint.

Under the statute, the Board may delegate, and in practice has delegated, its authority to hear such cases to Administrative Law Judges (ALJs), who take evidence and make initial recommendations in the form of written decisions with respect to issues of fact or law raised by the parties. Any party may appeal any of the findings, conclusions, or recommendations of the ALJ to the Board, which then reviews the record and issues its own decision and order in the case. Parties dissatisfied with the Board's order may petition for review in the Court of Appeal. Attorneys for the Board defend the decisions

rendered by the Board. If review is not sought or is denied, the Board may seek enforcement of its order in Superior Court.

When a final remedial order requires that parties be made whole for unfair labor practices committed against them, the Board has followed the practice of the National Labor Relations Board (NLRB) in holding supplemental proceedings to determine the amount of liability. These hearings, called compliance hearings, are also typically held before ALJs who write recommended decisions for review by the Board. Once again, parties dissatisfied with the decision and Board's order, upon review of the ALJ's recommendation, may petition for review of the Board's decision in the Court of Appeal.

To streamline this process, the Board for the first time this year embarked on regulatory reforms that will permit a single hearing to encompass both the liability and compliance phases in appropriate cases. Combined hearings offer a tremendous savings of resources to the parties and to the state, since they eliminate the expense and delay of separate hearings and multiple appeals.

The Board is authorized not only to issue decisions in unfair labor practice cases, but also to conduct elections to determine whether a majority of the employees of an agricultural employer wishes to be represented by a labor union or, if the employees are already so represented, to determine whether they wish to continue to be represented by that labor organization, a rival organization, or none at all. Chapter 5 of the ALRA empowers the Board to direct an election provided that Board investigation reveals the existence of a bona fide question concerning such representation.

Because of the seasonal nature of agriculture and the relatively short periods of peak employment, the Act provides for a speedy election process, mandating that elections be held within seven days from the date an election petition is filed and within 48 hours after a petition has been filed in the case of a strike. ALRB staff in various regional offices conduct the election pro-

cess. Any party believing that an election ought not to have been conducted, or that it was conducted in an inappropriate unit, or that misconduct occurred that tended to affect the outcome of the election, or that the election was otherwise not fairly conducted, may file objections to the election.

Objections to elections are reviewed by the Board's Executive Secretary, who determines whether sufficient facts are alleged to establish a prima facie case that the election should not have been held or that the conduct complained of affected its outcome. If such a prima facie case is found, a hearing is held before an Investigative Hearing Examiner to determine whether the Board should refuse to certify the election as a valid expression of the will of the employees. The Investigative Hearing Examiner's conclusions may be appealed to the Board. Except in very limited circumstances, court review of any decision of the Board in representation matters may be obtained only in connection with an order in an unfair labor practice case that is based upon the Board's certification.

In addition to and as part of the agency's processing of unfair labor practices, elections, and compliance matters, the Executive Secretary and the Board are frequently called upon to process and decide a variety of motions filed by the parties. These motions may concern novel legal issues or requests for reconsideration of prior Board action, as well as more common requests for continuance of hearings, requests for extensions of filing deadlines for exceptions and briefs, motions to change the location of a hearing, and requests by the parties to take a case off calendar because of a proposed settlement.

The ALRB handles requests for information regarding the ALRA itself, the enforcement procedures used by the agency to seek compliance with the law, and case processing statistics. Such requests provide opportunities for interaction with the media, trade associations, growers, unions, parties to particular cases, the legislature, other state agencies, colleges and universities, and sister state agencies considering the enactment of similar legislation.

—Bruce J. Janigian

Letters to *Labor Management Decisions*

From Rob Cartwright

Tejon Farming Company, Arvin, CA

Enjoyed reading the last issue (Spring 1991) of *Labor Management Decisions* and would like to offer some general comments.

Very true — many ag personnel managers, myself certainly included, are having to spend an inordinate amount of time avoiding the minefield of state and federal laws. Very recently, SB-198 is a good example. While many of these laws and regulations are meant to be beneficial and even protective, they are viewed as being punitive.

On the subject of productive labor management, I propose that too many human resources people (and owners) are still living in the past and are still geared to an attitude of “let’s only do what we have to do to keep the union at bay.”

In a way, the situation today has even worsened because IRCA gave us an overwhelming supply of ag labor and many farmers are now switching (since the union threat has lessened) to FLCs as a way of cutting down on labor costs and “labor problems.”

You know and I know that switching over to FLCs is not the panacea that some growers presently think it is, but try to convince them . . .

The “bottom line,” as I see it, is that the farming industry has a wonderful opportunity to stabilize their work force and meet the challenge you spoke of.

From Alan Schroeder

*Agricultural and Natural Resource Law Specialist,
Cooperative Extension Service, Department of Agricultural Economics, University of Wyoming, Laramie, WY*

. . . I share your concern, expressed in the second paragraph of your article “Management Choices Front and Center,” about managers’ fixation on questions about compliance. I suspect that this concern is rooted at least partly in the confusing maze of labor regulations which confront employers in agriculture and other industries. These regulations may be both more immediate and more tangible to farmers, however, than nonlegal prin-

ciples of personnel management. It is unfortunate that some employers expect rewarding personnel outcomes to occur, regardless of their management style. . . .

I have enclosed my first bulletin on agricultural labor, entitled *Labor Laws Affecting Wyoming Agriculture*. It focuses on federal regulations, because there are few if any Wyoming state laws specifically targeting agricultural employers or employees.

From Yvette D. Piper

COR•TECH, Hanford, CA

An article in your Spring issue reviewed a software program that writes personnel policies. The closing remarks indicated that the particular software does not have a “search-and-replace” feature and that it is expensive. Our firm offers such a feature, plus others unmatched by the competition, in a product retailing for \$100 less than the one reviewed.

Policies PLUS is a do-it-yourself package that allows employers to internally create personnel policy handbooks without the use of consulting services. After the user responds to a short set of questions, the software generates an employee handbook and administrative procedure guidelines. Included with the package is a set of personnel forms and a letter library. We have also created a program called Safety Plan PLUS to help employers comply with the new Cal-OSHA law. It documents a written injury and illness prevention program, including comprehensive safety training for employees and hazard inspection procedures for management.

COR•TECH was founded in 1978 for the purpose of writing personnel policy manuals and employee handbooks for small to mid-sized companies. Our client base is in all 50 states and includes agricultural firms.

[Editor’s note: A demonstration version of Policies PLUS provided by Ms. Piper will be reviewed in the Winter 1992 issue of LMD.]

Growers' Decisions to Hire Farm Labor Contractors and Custom Harvesters

Suzanne Vaupel

The hiring of farm labor contractors (FLCs) and custom harvesters (CHs) has increased greatly in the last two decades, yet there is no published information for growers about the results of hiring FLCs or CHs. Farm labor contractors are the middlemen who bring together growers and farm workers. They provide any of a number of services from recruiting, training, and supervising workers, to supplying equipment and making field decisions. Custom harvesters perform a full harvest service, providing both workers and harvest equipment. A pilot study sponsored by the Agricultural Personnel Management Program investigated three questions regarding employers' experiences with FLCs and CHs:

- A. What types of work are FLCs and CHs being hired to do, and what services do they provide?
- B. What are growers' experiences with and opinions about the work of FLCs and CHs?
- C. What are the characteristics of the grower – contractor relationships?

The study was based on a mail survey to the 500 members of the Monterey County Farm Bureau and the Grower-Shipper Vegetable Association of Central California. The Salinas Valley was chosen because of a strong recent trend there toward hiring FLCs. Seventy usable questionnaires were returned for a response rate of 17 percent. Respondents' agricultural operations included growing crops (82 percent of respondents), harvesting (30 percent), and shipping (63 percent). Primary crops grown by respondents were lettuce, cauliflower, broccoli, and other vegetables. Their farms were large, with over half farming more than 1,000 acres and more than two-thirds having gross annual sales over \$1 million.

Most respondents hired workers through a combination of sources including direct hire, FLCs, CHs, and workers supplied by others (growers or shippers). A quarter of the respondents listed a concern about fairness to workers as the most challenging aspect of labor management.¹ Concerns included how to provide continuous employment, fair wages, health insurance, good

1. Unless stated otherwise, all percentages are calculated from the number of usable responses to the question.

working conditions, and fair treatment so that employees would return. Other challenging aspects were getting and keeping dependable workers (15 percent) and problems with immigration laws (11 percent).

Type of Work and Services Provided

Tasks. Surveyed growers hired FLCs most often to do hoeing work, including thinning and weeding (67 percent). The second most commonly contracted task was harvesting (56 percent). A few growers hired FLCs to do various other tasks, such as transplanting, tying, stumping, pruning, suckering, irrigating, topping and lifting, and grafting.

Crops. FLC work was found most often in the leading vegetable crops produced in the county, including lettuce (26 respondents), broccoli (14), cauliflower (11), and celery (9). In each crop, about twice as many growers hired FLCs for hoeing work as for harvest work.

Services. FLCs provided a number of services to most respondents, including making payments to workers (93 percent of respondents), recruiting (88 percent), providing drinking water and field toilets (88 percent), paying payroll taxes (88 percent), supervising workers (83 percent), providing pay stubs (81 percent) and worker equipment (79 percent). Contractors also transported workers, set wages and benefits, and trained workers for over half the respondents. They provided harvest equipment and made field decisions for fewer than a quarter of the respondents and provided worker housing for only 14 percent.

Nine percent of growers were contracting for more services in 1988 than in previous years, and 5 percent were contracting for fewer services.

Fees. FLC fees were paid either on a commission basis (as a percentage of payroll) or in a flat fee covering the FLC's expenses (including wages paid) and time. While no reason was given for the selection of either method, the commission payment was associated more often with hoeing and transplanting work, and a flat fee more often with harvesting work. Most growers and FLCs appeared to prefer one or the other type of payment, because only four respondents used both methods. Commission rates were not clear from the answers received, since some included payment for payroll taxes and some did not.

Custom harvesters. CHs were hired most often in broccoli (8 respondents) and lettuce (7). Two to three respondents hired CHs in celery, tomatoes, cauliflower, grapes, and carrots. A comparison of harvest labor sources indicates that FLCs were used by more respondents than CHs to harvest lettuce, but CHs were used by more to harvest broccoli (table 1). Some respondents used both FLCs and CHs to harvest tomatoes.

Growers' Experiences with FLCs and CHs

Reasons for hiring. The main reason employers hired FLCs was to reduce the paperwork involved in hiring workers (51 percent). Other reasons were cost savings and reducing supervision requirements. Cost savings was the reason cited most often for hiring custom harvesters (61 percent). Hiring CHs could result in savings on equipment purchase and maintenance as well as reduced labor costs. Reducing paperwork and improving quality were the next most important reasons for

TABLE 1. Harvest Labor Source in Major Crops

Crop	Respondents who:				
	Listed as a primary crop	Hired FLCs to harvest		Hired CHs	
		No.	Percent	No.	Percent
Lettuce	34	11	32	7	21
Cauliflower	20	3	15	2	10
Broccoli	19	6	32	8	42
Grapes	8	3	38	2	25
Celery	6	2	33	3	50
Artichokes	6	2	33	0	0
Tomatoes	3	2	67	3	100

TABLE 2. Reasons for Hiring FLCs and CHs

Reason for hiring	FLCs			CHs
	All (N=45)	Hiring 1960 or before (N=8)	Hiring 1985-89 (N=15)	(N=23)
		%	%	
Reduce paperwork*	51	63	47	39
Reduce costs*	49	25	53	61
Reduce supervision*	47	63	27	35
Improve quality and/or productivity*	27	25	33	39
Convenience, filling in as needed	22	0	20	—
Labor management dispute*	11	0	20	9
Specific tasks (transplant, etc.)	2	0	0	—
Special training (grafting grapes)	2	0	7	—
Owner getting too old to manage labor*	2	0	0	0
Remote location	2	0	0	—
Add'l labor, speed at harvest/flexibility	—	—	—	17
Special equipment/lower capital outlay	—	—	—	9
Reputation	—	—	—	4
Required by growing contract	—	—	—	4

NOTE: Asterisk (*) indicates reasons chosen by respondents from a list on survey instrument. Reasons without an asterisk were compiled from responses to an open-ended question about other factors.

hiring CHs. Table 2 lists all the reasons given for hiring FLCs and CHs. The answers were compiled from two questions: one gave a list of reasons to choose from (indicated by * in table 2), and the other asked respondents to write any additional reasons they had for hiring FLCs.

Satisfaction with FLCs' work. Most respondents were satisfied with the work of FLCs, especially in services related to paperwork (such as paying payroll taxes and paying workers), and in the provision of workers' equipment and harvesting equipment (table 3). Growers were less satisfied with the speed and skill of workers brought by FLCs. Highest rates of dissatisfaction were in training and supervision provided by FLCs, skill of workers, and quality of work product.

Most growers expressed satisfaction with the services of CHs, but two respondents complained about "sloppy work" and lack of control of workmanship.

The payoff: advantages and disadvantages of hiring FLCs. Respondents' lists of advantages and disadvantages of hiring FLCs give insight into the actual results from hiring contractors. Some of the original reasons for hiring contractors are given as advantages, but some disappointed respondents listed a few of these factors as disadvantages. New advantages also emerged that were not considered as reasons for hiring contractors (table 4).

The advantage listed most often was increased flexibility, such as having crews to fill in when additional or unexpected labor needs arose, having crews for short-term needs, and having quick access to a large number of workers. Lowering costs was given more frequently as a reason for hiring FLCs (49 percent) than as an actual advantage (24 percent). Thirteen percent listed higher costs as a disadvantage. Those with lower costs cited lower workers' compensation insurance costs, no medical insurance, lower wages, and lower overhead.

TABLE 3. Satisfaction With FLC Work (N=44)

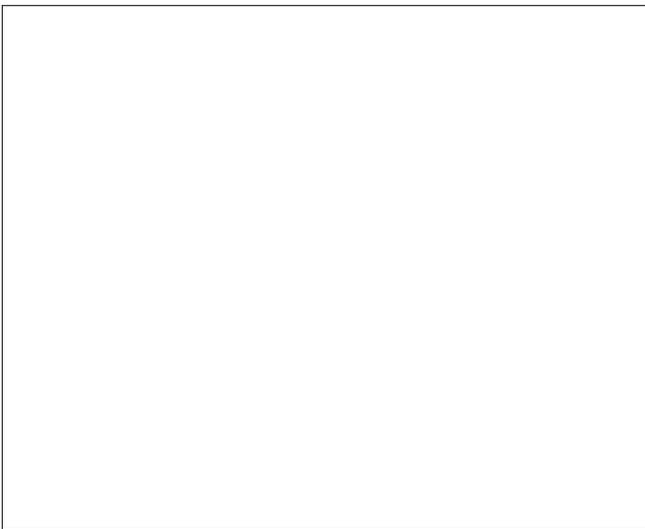
Service provided	Satisfied/not satisfied		
	Satisfied	Not satisfied	(different FLCs)
	%	%	%
Paying payroll taxes	100	0	0
Equipment provided workers	97	3	0
Paying workers	95	3	3
Harvesting equip. provided	94	6	0
Field decisions	90	2	0
Speed of workers	86	5	9
Quality of work product	83	10	8
Skill of workers	80	5	16
Training of workers	73	22	5
Supervision	72	21	7

Only three growers listed any positive attributes of FLC work as an advantage. They listed better quality work, better management, and specialized training (for grafting vines). The most common disadvantages were poor quality of work, including lack of quality control, poor workmanship, spotty results, less skilled workers, less attention to detail, and less productive workers.

Higher turnover was given as a disadvantage by three growers, and one cited low turnover as an advantage. One respondent complained that FLC crews were allowed to drive their cars into the field and the crew left garbage in the field.

Comparative costs and changes in the firm. Of the respondents, 48 percent reported their costs were lower as a result of hiring FLCs, 41 percent said their costs did not change, and 11 percent found costs had increased. The full meaning of these answers is not clear, since respondents were not asked the level of wages and benefits they paid before an FLC was hired or which specific costs had increased or decreased.

Some cost savings could have been realized through changes in the firms. Over 25 percent of respondents hired fewer bookkeepers and supervisory personnel. A few sold worker transportation vehicles, employed



Celery harvesting, Central Coast of California, 1969.

fewer quality control personnel and closed worker housing. However, a few also hired additional quality control personnel.

Future intentions. Most respondents (86 percent) intended to hire FLCs in the same crops and tasks in the coming year, but a few (11 percent) expected to hire FLCs for fewer crops or tasks or not at all. Several of these had complained about the poor quality of work and supervision or poor treatment of workers by FLCs. Only one respondent expected to hire FLCs for additional crops and tasks in the next year.

Advantages and disadvantages of hiring custom harvesters. Cost savings was cited most often as an advantage realized from hiring custom harvesters. Flexibility was the next most commonly cited advantage. Other advantages were equipment, quality of work or supervision, reduced paperwork, reduced supervision responsibilities, less liability, and no recruitment. The biggest disadvantage was lack of control. Other disadvantages were lack of personal contact with workers, less flexibility, and high costs.

Hiring CHs had resulted in lower costs for 57 percent of the respondents, no change in costs for a third, and increased costs for 10 percent.

About three-fourths of the respondents expected to hire CHs in the same crops in the following year, but 14 percent would not hire a CH or would hire CHs in fewer crops, and 9 percent expected to hire CHs in additional crops.

Grower-Contractor Relationships

Most of the FLCs were hired from the Salinas Valley, although a few were from Santa Cruz and San Benito counties, and the San Joaquin Valley. Two growers hired contractors from Yuma, Arizona.

TABLE 4. Advantages and Disadvantages of Hiring FLCs, Compared with Reasons for Hiring

Characteristic	Number of respondents		
	Advantage (N=37)	Disadvantage (N=32)	Reason for hiring (N=45)
Flexibility/Lack of control	20	5	10
Lower costs/Higher costs:	9	4	22
<i>Lower workers' comp. ins. cost</i>	3	—	—
<i>No medical insurance</i>	1	—	—
<i>Less overhead</i>	2	—	—
<i>Not having to pay competitive wages</i>	1	—	—
<i>Lower costs</i>	2	—	—
Less paperwork	6	—	23
Less supervision responsibility	6	—	21
<i>No recruiting</i>	3	—	—
<i>Fewer headaches, less stress</i>	2	—	—
<i>Less supervision</i>	1	—	—
Union buffer/labor-management dispute	3	—	5
Not having to create jobs	3	—	—
Better/poor quality work, productivity	1	10	12
Specialized training	1	—	1
Better management/poor supervision	1	2	—
Little turnover/high turnover	1	3	—
FLCs don't care about workers	—	2	—
Treatment of fields	—	1	—
No advantage/disadvantage	1	10	—

Most of the respondents first hired an FLC before 1985 and continued to hire FLCs each year after the initial hire. Seven first hired FLCs in the 1940s and 1950s. Many of the relationships with FLCs have been long-term. Almost one-third of respondents had hired the same FLC for 10 or more years. Most of those who had hired the same FLC for fewer than 5 years had only been hiring FLCs for less than 5 years. It does not appear that the respondents tend to hire a number of different FLCs in the same year. Fifty-six percent hired only one contractor in the previous year, and another 24 percent hired two contractors.

About half of the respondents hired FLCs for 30 or more weeks a year, and another 20 percent hired FLCs for 16 to 30 weeks. Many of those who hired FLCs for 16 weeks and more reported that an advantage was the added flexibility and opportunities to hire workers for a limited amount of time. These statements indicate that growers may have been replacing, not supplementing, their regular work force with FLC labor.

Hiring of CHs has generally been more recent. Sixty-four percent of respondents first hired a CH in 1985 or later. Fifty-five percent hired only one CH in 1988. About three-quarters expected to hire CHs in the same crops in the following year.

Conclusions

While FLCs work in a variety of tasks and crops in the Salinas Valley, they are most often hired for hoeing work in the area's leading vegetable crops, such as lettuce, broccoli, cauliflower, and celery. The number of FLCs hired for harvest work is increasing. CHs are hired most often in broccoli, lettuce, celery, and tomatoes.

The most common reasons for hiring FLCs are to reduce paperwork, costs, and supervisory responsibilities. Increased flexibility is the main advantage of hiring FLCs, and poor quality work the main disadvantage. Cost savings were reported by 49 percent of the respondents, but 41 percent saw no difference in costs after hiring an FLC, and 11 percent said costs increased. Most grower-contractor relationships are stable and long-term, continuing year after year.

These results indicate that the use of farm labor contractors is of benefit to some firms but not to others. Factors worth considering before contracting with an FLC include the degree of skill needed for the task, the experience and reputation of the FLC in the particular crop and task, the quality of work provided by the current work force, the length of time needed to complete the work, and unexpected needs for additional workers. In the case of custom harvesters, the ownership or cost of specialized equipment may also be a factor. □

Training and Managing to Improve Farm Safety

Robert Pence and Howard Rosenberg

One of the first steps of an outreach project on farm safety training, sponsored by the Agricultural Health and Safety Center at Davis,¹ was a survey about prevailing practices of growers and resources available to support them. While its purpose was to inform the subsequent development of safety training programs, the survey found that efforts to achieve safe operations on farms were tied to various aspects of personnel management. Workplace injury and illness rates are affected by management attitudes, employee selection, layoff and recall policy, first-line supervision, and incentives, as well as by training.

Information was collected in the winter and spring of 1990 through some 35 hours of semi-structured interviews with 17 growers, as well as with representatives of the Farm Bureau, the Farm Employers Labor Service (FELS), and 8 companies that write workers' compensation insurance. The farming operations, in 14 California counties and 1 Arizona county, ranged in size from 6 to 1,300 yearly employees, leased and owned from 240 to 100,000 acres, and produced vegetables, agronomic and orchard crops, grapes, and livestock.

Injury Rate Differences and Management

As size of operation, location, and commodities produced ranged widely among farms in the sample, so did management strategies, insurance company involvement, formality of training, use of educational materials, and safety records. Although it is difficult to generalize from this limited a survey, a common element among most of the interviewed growers with lower than average on-farm injury rates appeared to be respect and appreciation for their workers. This was seen in the language these growers used to describe their workers and in such practices as offering generous benefits (including health insurance) and extending harvest schedules to provide more consistent work. One insurance company representative observed, "The commitment to worker safety probably indicates an all-round approach of the owner that goes beyond specific issues of safety."

All but one of the farming operations with below-average injury rates had a stable workforce. Those growers reported that seasonal employees returned to work for them year after year, resulting in job familiarity and stable supervisory relationships. Some growers considered a thorough hiring process to be the first step in their safety programs: "You have to make sure you get and keep good healthy people right from the start."

1. The AHSC is a research and outreach center created in 1990 through financial support of the National Institute of Occupational Safety and Health and the University of California.

Three of the growers provided health insurance to their full-time, year-round workers. They cited that as a factor in reducing their reported on-farm injury rates, speculating that workers were less likely to file a workers' compensation claim for a non-work-related injury if they had insurance to cover medical costs.

Farm management decision making ranged from highly centralized and hierarchical to relatively participatory styles. But all growers interviewed underscored the critical importance of a commitment to safety at the highest level of management, which sets priorities for in-field supervision and puts farm resources into safety programs. Safety service providers noted that the most important part of their work with top management was to focus on simply developing such a commitment. An owner decision to substantially increase dedication to worker safety was frequently cited as the key to effectiveness of on-farm safety programs. All interview participants agreed that a commitment to safety filters down from the top.

Some growers described their commitment to safety as a gradual process of improving farm management ("after 40 years of farming, I've learned that safety is important"). Most, however, despite other differences, were motivated to increase their investment in worker safety because of at least one period of frequent accidents resulting in high experience modification rates and insurance premiums. Some mentioned a specific crisis, such as an especially severe worker or family injury, as the turning point in their commitment to safety. One grower said that pressure from the Agricultural Commissioner had inspired him to increase attention to worker safety. Five of the interviewed growers did not know their current experience modification rates. Two did not know the name of their current workers' compensation insurance carrier.

Most of the survey participants mentioned that foremen and workers, as well as owners, are critical to the success of a safety program in any medium or large farming operation. A commitment to safety and reliable information to carry out that commitment are needed at all three levels of the organization, yet it appears that the content emphasis should be slightly different for each group.

All safety service providers and many growers recognized the critical role that foremen play in safety on the farm. The daily interaction between foremen and workers is where most information about safe work procedures is translated into practice. Three growers stated that high injury rates on their farms could be traced directly to supervision problems with specific foremen. All insurance companies and three of the largest farms offered workers' compensation training programs specifically for foremen. These programs focused on the importance of foremen continually rein-



Pruning a peach orchard near Hughson, California, 1952.

forcing safe work practices in the field and having reliable information and skills to train their workers.

The most obvious targets for safety intervention are farm workers themselves. The AHSC outreach team is currently developing a program to communicate health and safety information to both full-time and seasonal workers in the Fresno area, with particular emphasis on reaching them through foremen and supervisors.

Regardless of training content emphasis, it is clear that all three segments of the farming operation — owners, foremen, and workers — must "buy into" safety if any program is to be successful. All three need to be addressed, since no one segment alone is sufficient to prevent injuries and illnesses. At a recent meeting, this same point was stressed by safety coordinators from 20 other farming operations in the Fresno area.

Safety Programs

Although the relationship was not linear, larger farm organizations generally had more structured safety programs than did smaller operations. Four of the seven farming operations with over 160 yearly employees had designated safety coordinators. Owners or ranch managers administered the safety programs at the remaining farms. About half of the growers interviewed considered insurance company support as critical to the development of their safety programs. The rest relied on their own personal experience and ingenuity.

Among growers with lower than average injury rates there were examples of both structured and less structured safety programs. Smaller growers frequently saw close daily personal supervision rather than formal training sessions as the most effective.

Safety training ranged from formal (safety committees and regular, documented safety meetings) to informal (occasional, nondocumented, personal interactions between owners and individual workers). Fifteen of the growers sent at least some of their full-time, year-round employees to an off-site training meeting in the past 3 years. Most sent some of their workers annually. Safety training for seasonal workers ranged from the same formal sessions attended by full-time workers to

none at all. Most growers gave substantially less safety training to seasonal than to year-round employees, and none provided safety training or safety supervision to workers supplied by labor contractors.

Incentive programs had been used by 5 of the 17 growers. Four were continuing such programs at the time of the interviews, offering workers prizes such as belt buckles, hats, and jackets with the company logo in recognition of injury-free work days. One large grower raffled off a college scholarship each year to workers with no lost work days due to injury. All of these incentive programs were developed in-house with minimal outside assistance. Incentives appeared to decrease high reported injury rates initially, but three of the four growers with continuing programs reported that injury rates leveled off or began to increase again unless some form of safety training was also provided. The fifth grower had discontinued his incentive program to spend more money on improved on-farm safety training.

Resources for Training

Interviewed growers received information on farm safety and regulations from various sources. The most frequently mentioned sources were Farm Bureau and FELS newsletters and workers' compensation field representatives. Less frequently mentioned were other farming magazines, Cooperative Extension, Agricultural Commissioners, and chemical and equipment manufacturers.

Eleven of the 17 growers used written or audio/visual educational materials in their safety programs. Nine had some form of written employee safety manual. Five used safety videos, and three used slides with audio as part of their formal safety meetings. Most had received these materials from their workers' compensation insurance companies. Two of the videos and all three of the slide presentations had been produced on-site showing the farms, foremen, and equipment the workers would actually encounter on the job.

All insurance companies from which representatives were interviewed offered safety services to their clients, ranging from information upon request to complete on-site safety program development, weekly safety inspections, and safety training for all levels of employees as part of a total labor management package. In general, they provided on-site safety services only to policy holders with premiums over \$25,000 per year (yearly payroll of about \$250,000).

Smaller policy holders frequently had little personal contact with insurance carriers through the life of their policies. Their policies, in many cases written by independent insurance agents, were often small enough to not be subject to experience rate modification, which serves as a safety incentive for many larger growers. One insurance representative noted that most Califor-

nia farms are so small that they are not reflected in any systematically collected injury records. No one seems to know how big a problem farm safety may be for California's small farmers.

All contract safety services had some sort of field representative and provided safety education materials to their clients. Most such materials were obtained from outside sources, including UC Cooperative Extension, equipment manufacturers, chemical manufacturers, and safety media firms.

The workers' compensation insurance representatives expressed varied feelings about farm labor contractors. One saw contractors as high risks for insurance, while another carrier aggressively sought labor contractor clients and insured 80 percent of the contractors in the state. All carriers had offered safety services to farm labor contractor policy holders, although one representative had stopped providing such services ("It just doesn't seem to work. We can't make money by lowering their injury rates, so we have to raise their premiums.").

All interviewed contract safety services agreed that medium-size farms frequently had the most on-farm safety problems. Large growers are scrutinized by regulatory agencies and have the resources to develop structured safety programs. Smaller growers frequently have few employees, more owner involvement with workers, and less complex farming operations.

Notable Program Features

At one farming operation, the implementation of a safety program with worker safety committees had helped to develop avenues of communication used for nonsafety issues, such as scheduling and worker complaints. The safety coordinator reported that employees seemed to enjoy working at the ranch more since the safety committees had begun to meet ("Since the workers have seen some of their suggestions put into practice, they're more concerned about the ranch operation. The owners have seen the workers' new concern and are listening to them even more."). The safety program may be a vehicle for increased communication and respect between owners and workers.

The five growers who used safety slides or videos produced on their own farms reported strong positive responses from their workers. All planned to produce other videos on-site or periodically update those they were using. The two videos were produced with insurance company equipment and support. One slide presentation was produced by the Farm Bureau; the other two were produced completely in-house by the ranch manager and safety coordinator.

One large corporate farm was implementing a new safety program in which foremen were to develop their own safety training curricula for the workers they su-

pervised. They would analyze all jobs supervised, listing potential hazards and steps that could be taken to avoid injuries. The analyses would provide the agenda for foremen-led safety meetings. The safety coordinator hoped that worker safety training would become more practical and foremen would develop a greater interest in safety supervision as a result of their "ownership" of the training agenda. Another large grower reported success with a similar process of having foremen develop safety training procedures.

Unmet Needs for Training Resources

Not surprisingly, survey results showed a need for additional educational materials to support safety training programs designed to reduce injuries and illness. All interview participants noted the lack of adequate bilingual safety training materials relevant to modern California agriculture, and four growers requested more bilingual on-site safety trainers.

Virtually all those interviewed agreed that Cooperative Extension could be active in developing a wide

range of training materials. Participants specifically requested (1) brief commodity and task-specific written safety instructions that could be distributed to individual workers, (2) brief "canned" safety scripts for foremen to use in tailgate meetings (some individual growers and workers' compensation companies have already developed similar materials), (3) audio safety tapes that foremen could use for general in-field tailgate meetings (pull up the pickup truck, put in the tape, turn up the volume and open the doors), and (4) inexpensive commodity- and task-specific videos for use in formal safety meetings.

Conclusion

The limited survey discussed in this report was designed to provide preliminary information on growers' safety training needs, not to generate broad conclusions. Nevertheless, it is apparent from the responses of growers and those who work with them on safety that, while training for managers and workers is instrumental to safe farm operations, so is good personnel management more generally. □

Required Safety Training Meetings Count as Paid Working Time

Steve Sutter

Cal/OSHA Safety Order 3203 requires every employer to establish, implement, and maintain an effective written injury and illness prevention program that includes a system for ensuring that employees observe safe and healthy work practices. Safety training programs are among the means by which employers can comply with the order.

Some employers, however, may not be aware that federal regulations specify that employees' required attendance at safety meetings counts as paid working time. Time in safety training need not be paid *only if all four* of the following tests are met: (1) the meeting is not directly related to the employee's job; (2) attendance is voluntary; (3) the employee does not do any productive work during the meeting; and (4) attendance is outside the employee's regular work hours.

The training is directly related to the job if it is designed to make the employee handle that job more effectively as distinguished from training for another job, or to acquire a new or extra skill. Attendance is not voluntary if it is required by the employer or if the employee is led to believe that nonattendance would adversely affect duration of the job or existing working conditions.

Reference: "Interpretive Bulletin, Part 785: Hours Worked Under the Fair Labor Standards Act of 1938, As

Amended," U.S. Department of Labor, WH Publication 1312, 12/86, p. 8, provided by Wage and Hour Div., 2202 Monterey St., Suite 104D, Fresno, CA 93721; 209/487-5317.

Safety training sessions are also compensable time under the California Labor Code, according to Simon Reyes, Division of Labor Standards Enforcement in San Francisco. □

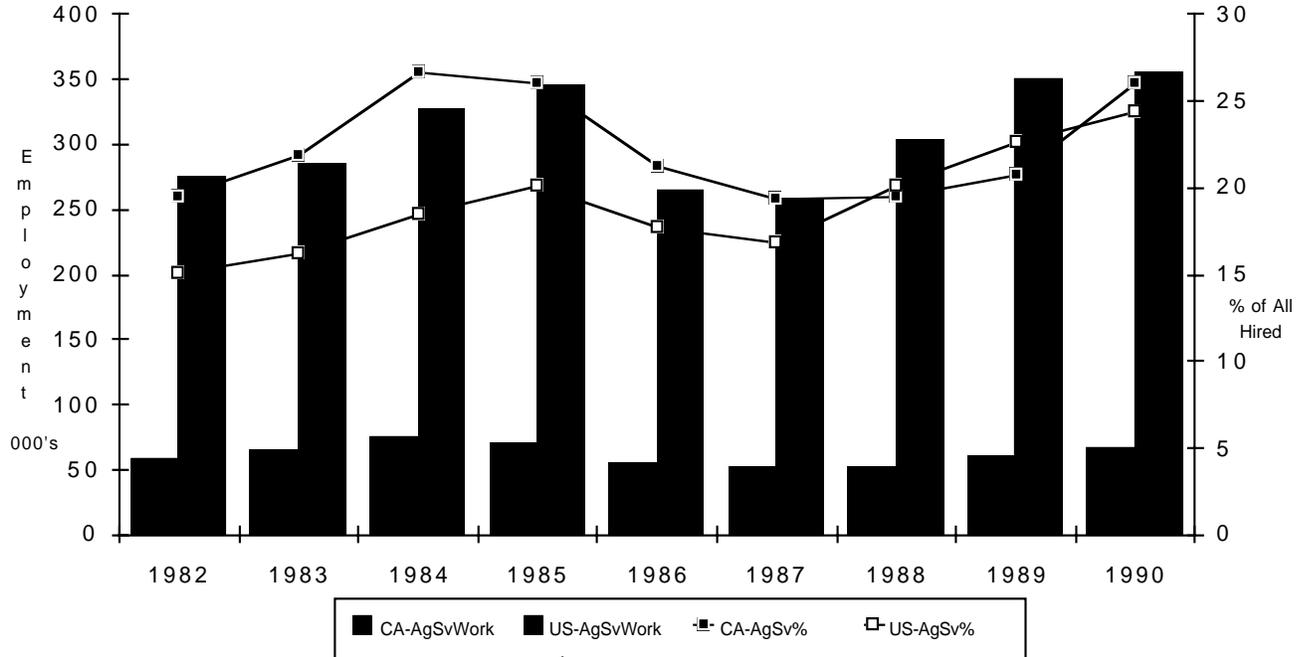
New Phone Number for Inquiries on Federal FLC Registration

The U.S. Department of Labor, Wage and Hour Division, has established a new toll-free access to information about farm labor contractor registration. The phone number, 800/800-0235, is staffed from 8:15 a.m. to 4:45 p.m. Eastern time (5:15 a.m. to 1:45 p.m. Pacific time). Callers can find out whether the Central Public Registry shows an individual or company to have a valid certificate of registration with DOL. Information available on registered FLCs includes address, registration number, certificate expiration date, and limits of authorization to transport, house, and drive farm workers. Inquiries can also be mailed to: Administrator, Wage and Hour Div., Attn. MSPA, U.S. Dept. of Labor, Washington, DC 20210.

Farmers may confirm that an FLC is licensed to do business in the state of California by calling the Division of Labor Standards Enforcement, Department of Industrial Relations, at 415/703-5430. □

USDA Farm Labor Statistics

U.S. and California: July Employment of Agricultural Service Workers (Includes FLC Employees)
and Their Share of All* Hired for Work on Farms, 1982 - 1990



Source: Farm Employment and Wage Rates, 1910-1990, NASS. All Hired = Hired by Farm Operators + FLC Employees and Other Ag. Svc. Workers

Percentage Distribution of Hired Farm Workers* by Benefits Received, United States, 1982-1990 (Annual Averages)**

Year	Housing and meals	Housing, no meals	Total housing	Meals, no Bonus		No benefits (wages only)		Total hired workers
	%	%		%	%	%	%	
1982	10.9	16.7	27.6	6.7	2.2	9.4	54.3	100.0
1983	5.9	12.5	18.4	8.6	3.3	11.5	58.3	100.0
1984	6.9	13.5	20.5	7.6	2.2	12.5	57.3	100.0
1985	7.5	13.5	20.9	6.7	3.0	11.9	57.5	100.0
1986	7.7	13.8	21.5	6.9	3.5	16.5	51.6	100.0
1987	7.9	12.6	20.6	5.8	4.3	14.3	55.1	100.0
1988	7.7	14.8	22.4	5.3	4.3	12.2	55.7	100.0
1989	6.5	14.0	20.5	5.0	5.5	14.7	54.3	100.0
1990	6.1	14.8	20.9	4.6	4.8	13.1	56.7	100.0

NOTE: Benefits are priority order left to right from highest to lowest. Each worker is counted one time in the highest category applicable, even though benefits in a lower category may also be received. Other benefits may include transportation, utilities, medical insurance, etc.

SOURCE: Farm Employment and Wage Rates, 1910-1990, National Agricultural Statistics Service, USDA.

* Excludes FLC employees and other Agricultural Service Workers.

** Annual averages based on data for available periods weighted by employment level. To adjust for missing quarterly data in 1982, 1983, and 1984, averages were estimated by multiplying July figure by the average ratio of annual average to July percentages for years 1985 through 1990.

Annual Average Hourly Wage Rates for Agricultural Service Workers (Includes FLC Employees) California and Florida, 1982-90 Current Dollars and 1985 Constant Value Dollars

Year	California		Florida	
	Current\$	1985\$	Current\$	1985\$
1982*	5.14	5.74	5.29	5.90
1983*	5.56	6.00	5.20	5.62
1984*	6.33	6.56	4.56	4.73
1985	6.13	6.13	5.47	5.47
1986	6.41	6.29	5.07	4.98
1987	6.48	6.13	5.73	5.42
1988	5.90	5.37	5.72	5.21
1989	6.21	5.39	5.85	5.08
1990	6.32	5.20	6.11	5.03

NOTE: Annual rates are averages of the quarterly published wage rates weighted by employment level. To adjust for missing quarterly data in 1982, 1983, and 1984, averages were estimated by multiplying July figure by the average ratio of annual average to July rates for years 1985 through 1990.

SOURCES: Farm Employment and Wage Rates, 1910-1990, NASS, USDA; International Financial Statistics, Yearbook 1991 (for yearly CPIs).

* Estimated.

Calling for New Looks at Farm Labor Management

Howard R. Rosenberg

Farm labor has made plenty of news lately, but most of the stories are not sweet and the pictures not pretty. Local as well as national media have led an upsurge of public attention to agricultural workers in poverty, insecurity, ill health, and squalid living conditions. Since Labor Day I have personally come across reports on the plight of the farm worker on CBS Evening News, ABC World News Tonight, *Fresno Bee*, *Los Angeles Times*, *Monterey Herald*, *El Mundo*, *La Opinion*, *San Francisco Chronicle*, and *San Jose Mercury News*.

The litany of unmet needs of farm workers is by now regrettably familiar. Public and private testimony has presented evidence of inadequate housing, health care, education and child care, and acculturation assistance (e.g., consumer information, translation services, language classes), as well as lousy employment conditions. Workers, their chosen representatives, and service agency staff are not the only people urging that these needs be addressed.

A vegetable grower-shipper to whom I had not spoken for at least five years got back in touch last month after reading an article about farm labor in his local paper. Seeing described in print what he had been observing first-hand had made his rising disquiet spill over into a phone call, "just to talk" about how badly he felt for the people on whose skills and efforts our bounteous agriculture depends. While his own terms of employment for field workers are better than the local industry norm, he had no question about the general accuracy of the report, only about what in the world could be done to change things.

Like many of the published analyses, this grower related tough times for workers to a trinity of labor market forces: (1) uncontrolled entry of new immigrants into the market, (2) expanded use of and competition among farm labor contractors, and (3) decline of union membership and effectiveness. To those three should probably be added both product market competition and the increasing legal obligations and liabilities attached to employment as an institution. Opinions differ on which of these are chicken, egg, and rooster, but there is consensus among observers of the farm labor scene that somehow they all fit together.

Widespread recognition that workers are hurting is not matched by general agreement on what or who is responsible for this state of affairs. Some critics point first at farm owners and operators. Terms of employment on the farm are clearly an important, though by

no means the sole, determinant of worker incomes and life-styles, but growers cannot set those terms independent of other business factors. Many farm employers who would like their workers to have higher wages, more benefits, and steadier jobs find it infeasible to provide them.

"I know how much my guys have to pay for their kids' shoes and frankly don't see how they can meet basic family needs on the pay they get," said a Central Valley vineyard manager the other day. "But many are already at the top of our range, which is high for the area, and there's no way I can afford to raise it with grape prices being what they are. And don't get me started about all the government paperwork we have that only adds to our costs."

Given that employers in agriculture, as in other industries, are not able to provide fully for the needs of their employees, to say nothing of the unemployed, difficult issues of public policy must be faced. How should the responsibilities of delivering and paying for services needed to sustain the farm workforce be distributed? With our social service infrastructure bursting at the seams, who among all agricultural workers and other people in need should have highest priorities for help? How much of the bill for it should the public treasury, employers, and workers themselves have to shoulder? Where and on what basis do we draw the line between private and public responsibility?

Don't hold your breath waiting for a straight answer from me on any of these. Whatever our body politic does with them, however, you can bet the ranch that efforts to improve worker welfare will bear consequences for management decisions by farmers, and vice versa. The less rewarding or more troubling the outcomes of farm employment for workers, the more likely will there be moves to further regulate it.

Surely there is more latitude to accommodate worker needs and preferences in farm businesses that are not struggling to retain a slim margin between revenues and ever-escalating costs. But in every organization there is potential for improving both profitability and terms of employment — if not enough to make everybody happy, at least to improve things a bit. Many California farms currently utilize labor management practices that are worth emulating for how they cut down on simple misunderstandings, ill will, avoidable errors, and waste.

Some of these practices were devised purely from on-farm inspiration, trial, error, and refinement, but most came about through judicious use or adoption of an idea picked up from elsewhere. The application and benefits of such ideas would be more widely shared if we had more careful analysis of the labor management variations within agriculture. Until the wave of worker

studies sparked by the 1986 immigration reform law, it was often lamented that we knew little about the farm workforce. Well, we knew then and continue to know even less about how it is managed.

A framework in *Labor Management Decisions* last Spring presented personnel management decisions (about, for example, job design, recruitment and selection, supervision, pay and benefits) as affected by various influences (e.g., technology, labor market, laws, attitudes) and in turn affecting personnel outcomes (e.g., motivation, absenteeism, turnover, accidents, ideas) that translate into business results (e.g., production, earnings). This scheme suggests four types of research on labor management practices.

PERSONNEL MANAGEMENT IN CONTEXT			
Influences & Constraints	→ Management Decisions	→ Personnel Outcomes	→ Results
Technology	Org. structure	Ability	PRODUCTION
Product markets	Job design	Motivation	
Labor market	Recruitment	Satisfaction	COSTS
Financial status	Selection	Absenteeism	
Manager values	Training & dev.	Turnover	WORKLIFE
Tradition	Supervision	Accidents	
Laws & regs.	Perf. appraisal	Mistakes	EARNINGS
Union contracts	Pay & benefits	Ideas	
Worker interests	Communications Problem resolution	Grievances	

1. The first type of study is simple description of the policies and practices used within a population of farmers (thus focusing narrowly on the second column in the framework). This research answers such questions as: "In what ways do San Joaquin Valley dairy owners go about recruiting, determining wages, or training their herdsman, milkers, and calf feeders?" "On what basis do coastal strawberry growers decide whom to lay off as plant yield wanes at the end of a season?" "How much do field crop farmers pay to mechanics, machine operators, and irrigators in Sacramento Valley orchards?"
2. The second type of study, examining links between the second and either third or fourth columns, is assessment of relationships between respective management practices and personnel outcomes or business results. Examples of the questions addressed are: "How does provision of family health insurance affect turnover, fraudulent workers' compensation claims, and overall cost of production in southern California nurseries?" "How does shifting from hourly to piece rate or instituting regular performance reviews affect employee earnings and quality of pruning in a Napa vineyard?" "Does an end-of-season bonus help keep onion workers in Imperial from leaving early for employment in Coachella grapes?"

3. A third type considers effects of the constraints and influences (first column of the chart). Viewing personnel management as somewhat dependent on these factors, studies of relationships between the first and second columns may be intended to find out: "What happens to wages in fresh market tomato production when tariff barriers come down?" "When immigration increases, do labor contractors change the way they supervise melon harvesting crews?" "How is the need for worker layoff and recall affected by scheduling walnut tree pruning for the fall rather than winter?" "Are extra recruitment efforts needed to reassemble crews of experienced citrus pickers the year after a freeze drastically curtails production (and employment)?"
4. Studies of a fourth type, perhaps a hybrid of #2 and #3, investigate how contextual factors (first column) moderate the relationship between management practices (second column) and outcomes (two rightmost columns). "Do investments in employee training pay off better in accident avoidance under a relatively capital-intensive or labor-intensive production technology?" "Does a profit-sharing bonus plan affect productivity of migrant workers as much as of local residents?" "Does higher pay result in less voluntary turnover by workers regardless of the general unemployment rate in the economy?"

Empirical findings from any of these four types can prove useful in both (1) reducing reliance on broad-brush generalizations in portrayals of farm employment, and (2) bringing good ideas to the attention of farm managers who can put them into practice.

The APMP is about to issue its annual solicitation of proposals for support of projects that could contribute to improvement of labor management in agriculture. Projects previously funded that are still under way are listed in the accompanying box. Since several disciplinary perspectives are relevant to farm management decisions, our program has and will continue to fund research and education of various sorts and conducted in various quarters.

We look forward especially to new projects that feature innovative management practices and their effects on such outcomes as unit labor cost, overall production cost and quality, turnover, worker earnings, employment duration, health and safety, and need for public services. □

APMP-Funded Projects Pending, Fall 1991

- Effects of Pay Basis on Results of Leaf Removal for Canopy Management in San Joaquin Valley Vineyards.* James J. Stapleton, IPM Advisor, Parlier; Kathleen M. Kelley, Farm Advisor, UCCE, Modesto; and William W. Barnett, IPM Advisor, Parlier.
- Women's Career and Mobility Patterns in Ventura Agriculture.* Committee on Women in Agriculture, in cooperation with Lawrence K. Yee, UCCE Director, Ventura.
- Assisting Southeast Asian Farmers in Understanding Compensation Regulations and Developing Record Systems.* Stephen R. Sutter, Farm Advisor, UCCE, Fresno.
- Wage, Benefit, and Training Practices on California Dairies.* Barbara A. Reed, Farm Advisor, UCCE, Merced.
- Assessing Effectiveness of Skills Training for Almond Shaker Operators.* Stephen R. Sutter and Mark W. Freeman, Farm Advisor, UCCE, Fresno.
- Potential Effects of Modified Tools for Citrus Harvest Production and Workers.* Stephen R. Sutter and Mark W. Freeman, UCCE, Fresno.
- Determinants of Vineyard Pruning Cost.* Gregory E. Billikopf, Farm Advisor, UCCE, Modesto, and Maxwell Norton, Farm Advisor, UCCE, Merced.
- Educational Video on Mixtec Farm Workers in California.* Stefano Varese, Professor, Native American Studies, Davis; James I. Grieshop, CE Specialist, Applied Behavioral Sciences, Davis; John Reed, Production Manager, Instructional Television, Davis.
- Decision Making in the Family Farm Business.* Amy Lyman, Lecturer, Applied Behavioral Sciences, Davis.
- Booklet for Farm Workers on Management of Personal Finances.* Karen P. Varcoe, CE Consumer Education Specialist, Riverside; Connie Costello, Staff Research Associate, Riverside; and Myriam Grajales-Hall, Information Representative, Riverside.
- A Comparison of Management, Hiring, and Compensation Practices of Direct-Hire Growers and Farm Labor Contractors.* Jeffrey M. Perloff, Professor, Agricultural and Resource Economics, Berkeley; Suzanne Vaupel, Research Agricultural Economist, Sacramento; and Stephen R. Sutter, Farm Advisor, UCCE, Fresno.
- Creating Employment Alternatives for Timber Industry Millworkers Facing Job Displacement Due to New or Impending Shifts in Legislative Policies.* Peter C. Passof, County Director, UCCE, Ukiah, Edward J. Blakely, Professor, City and Regional Planning, Berkeley, and Donald Nelson, Timber Industry Labor Consultant, Fort Bragg.
- Report of California Farm Worker Characteristics, from National Agricultural Workers Survey Data Base.* Susan Gabbard, NAWS Project Director, Aguirre International, San Mateo. In cooperation with Office of the Assistant Secretary for Policy, U.S. Department of Labor, Washington, D.C.
- Farm Labor in the San Joaquin Valley Citrus Industry.* Juan Vicente Palerm, Associate Professor, and Fred Krissman, Ph.D. Candidate, Anthropology, Santa Barbara.

Family Unity Update

The new provisions for family unity consideration (previously called "family fairness") took effect on October 1, 1991, and procedures for application to the Immigration and Naturalization Service (INS) are now in place. Basic requirements for eligibility under the Immigration Act of 1990 are that: the applicant entered the United States before May 5, 1988, and is the spouse or unmarried child (under 21 years of age) of a "legalized alien"; the family relationship existed on May 5, 1988, and the applicant has lived in the United States since then; the applicant has not committed a felony or three misdemeanors in the United States; and the legalized alien is now a Permanent Resident or a Temporary Resident through the amnesty program (Section 210, 245A, or 202 – Cuban-Haitian provision).

An eligible family member may apply for voluntary departure status by filling out form I-817 and mailing it with the \$75 fee and two completed fingerprint cards to: USINS Western Service Center, P.O. Box 30040, Laguna Niguel, CA 92607-0040. If approved, the applicant will be sent form I-94, valid for two years. After receiving the I-94, the applicant may request employment authorization at the local INS office by filing form I-765 and paying a \$60 fee. The employment authorization is valid as long as the I-94.

As of late August, INS had received 123,134 applications under the old family fairness provisions. Of the 114,000 final decisions issued, nearly half were approved, half were denied, and 34 cases were "terminated." More than 82,000 family fairness applicants had also requested employment authorization.

Researchers Report on Farm Labor Dilemmas

The following report is based on an article prepared by John Stumbos, Information Representative in Agricultural Communications at the University of California, Davis. Stumbos attended the Agricultural Labor Research Symposium and issued his release in July.

Many social scientists foresee continuance of a largely international and partly illegal farm labor force, despite the comprehensive immigration reform law of 1986. A somber assessment of impacts from the Immigration Reform and Control Act (IRCA) characterized much of a symposium on agricultural labor research held June 5 and 6, 1991, in Napa.

What emerged from the conference was a picture of the seasonal farm labor market vastly different from the one envisioned when IRCA became law five years ago. Since the federal legislation has not stemmed the tide of illegal border crossings from Mexico into the United States, it has not resulted in better job security, housing conditions, or income for the nation's million and a half farm workers.

Co-sponsors of the Agricultural Labor Research Symposium — the first conference of its kind in nearly a decade — were the state Employment Development Department (EDD), U.S. Department of Labor, UC Agricultural Personnel Management Program, Department of Agricultural and Resource Economics at UC Berkeley, and Agricultural Issues Center at UC Davis.

The Relaborization of Agriculture

In contrast to shifts away from labor-intensive crop production projected when IRCA was passed, a "relaborization" of California agriculture has been taking place, according to Juan Vicente Palerm, director of the Center for Chicano Studies at UC Santa Barbara.

A steady stream of predominantly Mexican-born males continues to flee Mexico's impoverished economy in hopes of a better life and an adventure in El Norte. These illegal immigrants are attracted by substantially increased need for labor in fruit, vine, vegetable, and horticultural crops. Although border interceptions are high, roughly 1.5 million a year, large numbers of undocumented aliens from Mexico, Central America, and other countries slip through and find their way to fields in California and other western states.

Key to IRCA's enforcement are fines against employers who knowingly hire illegal aliens. "[But] employers are not effectively screening out undocumented workers from their crews," said Andrew Alvarado, a profes-

sor from California State University, Fresno. "Borrowed or fraudulent documents are easily obtainable."

Alvarado recently completed an "ethnographic" study of 350 farm workers employed in the Fresno area. Although significant variations exist among employers in different crops, the workers are generally making less money than they did before IRCA, working for shorter periods during the year, and are not being treated as well.

Invisible Societies

One of the primary goals of immigration reform was to protect and enlarge the relative share of legal U.S. residents in the agricultural labor force. That goal may be impossible to achieve because recruitment of domestic farm workers is difficult, at best. A study of the "typical" farm worker community of Parlier, for instance, concluded that the town's potential supply of new, resident farm workers has been exhausted. Most of the heads of household in Parlier are farm workers, some of whom gained legal status under IRCA's amnesty program. But the study found their children are "very uninterested" in going into farm work.

"What we have to focus on is that less than 10 percent of the farm workers are U.S. citizens," said David Runsten, director of research for the California Institute of Rural Studies and one of the earlier study's authors. "This has important implications for government policy. We have to abandon the myth of a U.S. labor force."

The reality, Runsten observed, is that there has been a "broadening and a deepening" of the migration into the United States since Mexico's economy began to crumble in the late 1970s. The "obvious result" is an excess supply of farm workers, leading most agricultural employers to eliminate health insurance benefits and has sent wages "slipping inexorably toward minimum wage."

Another not-so-obvious consequence of this increased migration is the formation of Chicano and Mexican enclaves within the state's farming communities. Palerm, who is also an anthropology professor at UC Santa Barbara, said these communities "contain the vast majority of the state's rural poor and often present grotesque images of blight and deprivation not unlike those commonly found in inner-city ghettos and slums."

Nearly 150 of these enclaves are in various stages of development throughout California's agricultural regions. Palerm noted two trends that seem to be fueling their formation. First, the growing urban influx of migrants from Mexico and Central America has increased competition for low-skilled urban jobs and has thus diminished the customary rural to urban migration. Second, agriculture's emphasis on labor-intensive specialty crops is "in great measure" responsible for the

settlement of former migrant farm workers. These enclaves have received little research attention and, as a result, have become “invisible societies” shown negligible public concern.

Rise of Farm Labor Contractors

Many growers, reluctant to take risks hiring illegal aliens or cope with other complications of direct employment, have increasingly turned to farm labor contractors to supply them with workers. These “middlemen” recruit and supervise up to half the state’s farm labor force and are major first employers of new immigrants. In some instances, farm labor contractors also provide housing, transportation, and meals to the workers. FLC workers, however, are often charged excessive fees for those services.

If IRCA were functioning as designed, said UC Davis agricultural economist Ed Taylor, the role of the farm labor contractor would shift — from that of a “revolving door” for illegal immigrants to that of a manager of a legal, more stable workforce. But Taylor’s analysis of California’s unemployment insurance records shows a “significant increase” in the turnover rate of farm employees. “This is not a picture of a smaller, more legal workforce,” he said. “This is a picture of a labor market fed by illegal immigration.”

While some farm labor contractors may fit the image of a “sleazy bunch of crew bosses,” notes attorney and agricultural economist Suzanne Vaupel, “the great majority I’ve met are honest, hard-working people trying to stick to the laws.” Vaupel has interviewed more than 60 farm labor contractors this year in another EDD-sponsored study by the University of California. She found that, while most farm labor contractors are Hispanic, former foremen, some are Anglos who have worked with custom-harvesting operations. Still others come from backgrounds having nothing to do with agriculture — a seamstress, an electrical engineer, even a former school superintendent were among those interviewed.

Lupe Sandoval, a former farm worker who has conducted interviews for the current study, is more critical of farm labor contractors. “There are too many bad apples out there,” he said. “Unfortunately, many aren’t qualified to be employers.” He charged that the test to become a farm labor contractor is so easy that “an eighth grader with common sense and a little knowledge about farm worker safety and pesticides could pass that test.”

Sandoval, who is also involved in health and safety training for agricultural workers, proposed that farm labor contractors be required to pursue continuing education in the same manner as pest control professionals. “There’s no penalty for not staying up to date with rules and regulations.” Uneven enforcement of regulations is

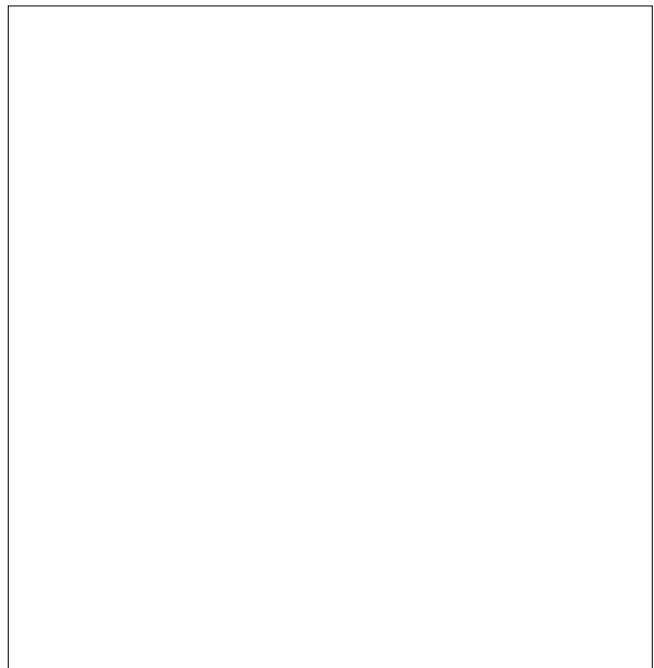
yet another problem he noted. High-profile contractors who are usually in compliance with the law are more likely to get audited by authorities, while unlicensed contractors go unchecked.

Economic Realities

Howard Rosenberg, UC Berkeley Agricultural Labor Economist, explained the growers’ dilemma and the economic realities aggravating the farm labor situation. “Although many California farmers have personnel policies designed to cultivate employee good will and stability, most seasonal farm workers still have to endure hard work, low pay, and uncertain job opportunities,” he said. “The highly competitive nature of fruit and vegetable markets forces firms to control their costs and liabilities, and glutted labor market conditions invite them to do so.”

Rosenberg noted that some production technologies, such as in dairies and machine-harvested vineyards, lend themselves more easily to stable and rewarding terms of employment. The big, seasonal swings in labor needed to produce most fruits and vegetables, however, make it more difficult for workers to earn a steady living in those crops. Seasonality adds also to the grower’s challenge of having the right number of appropriately skilled workers to perform work when needed.

“The immigration reform law was expected to reduce the overall supply of farm labor and lead to better conditions for domestic workers,” Rosenberg added. “It has done nothing of the sort.” Even companies long known for progressive management have found it hard



Harvesting fresh market tomatoes.

to maintain their traditions under the circumstances that have developed, according to Al Guilin, vice president of Limoneira Company in Ventura County.

In summarizing a day and a half of discussion on agricultural labor, Bert Mason, a professor at California State University, Fresno, put it bluntly: "IRCA is a colossal failure." He believes the law could be enforced if sufficient resources were applied to it. But as long as "huge waves" of illegal immigrants enter the country, agricultural labor conditions will continue to deteriorate. "It's the competitive nature of the supply structure." □

Events

Drugs in the Workplace. Labor Management Workshop, Tuesday, December 3, 1991, 9:00 a.m. to 2:15 p.m., at University of California Cooperative Extension, 420 South Wilson Way, Stockton. Topics include whether or not to use drug testing to screen employees; drug testing after employees are hired; recognizing and dealing with chemical dependency; and employee discipline. Registration fee of \$10 includes lunch; fee is \$8 if preregistered by mail. Send checks payable to "Farm and Home Advisors' Office" to Gregory E. Billikopf, UC Cooperative Extension, 733 County Center III Court, Modesto, CA 95355 (phone 209/525-6654).

Pesticides and the Health and Safety of the Agricultural Work Force. December 10-11, 1991, at the Stockton Hilton, 2323 Grand Canal Boulevard, Stockton. Panel discussions and participant workshops will address promotion of the safe use of pesticides, strategies for source reduction, and pesticide-related health care issues. Co-sponsored by University of California, U.S. Environmental Protection Agency, California Department of Health Services, California Environmental Protection Agency, Western Agricultural Chemicals Association, and California Hispanic Health Care Association. Registration fees: \$80 for both days or \$50 for one day only, if received by December 2; \$100, and \$60, respectively, after December 2. Conference information is available from: Pesticide Conference, IPM Education and Publications, University of California, Davis, CA 95616-8620 (phone 916/752-2733; FAX 916/752-9336. Hotel information: Stockton Hilton (209/957-9090).

Annual Meeting of WRCC-76, Agricultural Experiment Station Coordinating Committee on "Immigration Reform and U.S. Agriculture." January 16-18, 1992, at the Imperial Valley Agricultural Center, El Centro, California. Agenda will include: (1) reports on current immigration-related research by participants from land grant universities, (2) updates on legislative and public agency activity, and (3) field trip to day-haul assembly points,

field and packing house operations. For information, contact Philip Martin, UC Davis, 916/752-1530.

Leadership and Supervision of Ag Labor. Labor Management Workshop, January 23, 1992, 9:00 a.m. to 2:45 p.m., at University of California Cooperative Extension, 2145 West Wardrobe Avenue, Merced. Topics include conflict resolution and negotiation skills, leadership power and abuse of power, and how workers view the boss. Registration fee of \$10 includes lunch; fee is \$8 if preregistered by mail. To register or obtain further information, call Gregory Billikopf, 209/525-6654.

California Agricultural Safety Expo. February 19, 1992, 8:00 a.m. to 5:00 p.m. at the Red Lion Inn, Modesto. The expo will include seminars, information on written safety programs and compliance with SB-198, demonstrations by vendors of safety products, and exhibits, in a repeat of last year's successful inaugural at the same location. Some sessions will be in Spanish. Advance registration fee is \$65. For information, phone 209/278-6113.

Agricultural Personnel Management for Extension Educators. February 26-28, 1992, at the Clarion Inn, Napa, California. This in-service workshop, co-sponsored by the Farm Foundation and USDA Extension Service, is open to educators throughout the U.S. land grant system and to others interested in developing programs on farm personnel management. Most sessions will present concepts and techniques in a form generally appropriate to agricultural audiences. Among topics are: employee selection, pay administration, first-line supervision, performance reviews, corrective action and discipline, family-business issues, and laws that apply to labor management. Registration is \$60 if received by November 27, 1991, \$75 after November 27. For program brochure or further information, contact Agricultural Personnel Management Workshop, 319 Giannini Hall, University of California, Berkeley, CA 94720 (phone 510/642-2296; FAX 510/642-6108). Hotel information: Clarion Inn Napa Valley (800-CLARION or 707/753-7433).

Annual Forum of the Agricultural Personnel Management Association. March 11-13, 1992, at the Marriott Hotel, San Diego. For information on content and registration, phone the association office, 805/837-1778. □

Resources

Publications

Findings From the National Agricultural Workers Survey (NAWS) 1990, A Demographic and Employment Profile of Perishable Crop Farm Workers. Office of Program Economics Research Report No. 1, by Richard Mines, Susan Gabbard, and Beatriz Boccalandro. Undertaken to

help determine the extent of need for additional workers to perform Seasonal Agricultural Services as required by the Immigration Reform and Control Act of 1986, the survey collects information on demographics, migration, and employment patterns of farm workers in the United States. This publication reports summary characteristics of workers interviewed in 1990. Copies are available from: Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Ave., N.W., Room S-2114, Washington, DC 20210 (phone 202/523-6049).

Health and safety training packet. A brochure and monthly calendar for an audience of 10 workers, plus a trainer's guide, are included in a packet for on-farm training of workers to reduce injury and illness. The packets address different topics each month. They are available from Agricultural Engineering Extension, Attn. Evett Stanghellini, University of California, Davis, CA 95616 (phone 916/752-0563).

Farm Labor Needs and Farm Workers in California, 1970 to 1989. California Agricultural Studies Report 91-2, by Juan Vicente Palerm, UC, Santa Barbara. The report, prepared for the California Employment Development Department (EDD), describes the formation of Chicano and Mexican "enclaves" in rural California, changes in California agriculture, and profiles of farm workers. Copies are available at no charge from: Special Projects Unit, Labor Market Information Division, Employment Development Department, 7000 Franklin Boulevard, Building 1100, Sacramento, CA 95823 (phone 916/424-7310).

Farm Labor Research Bibliography. California Agricultural Studies Report 91-4, prepared by Cheryl L. Brown, Grace Dote, Christopher M. Edmonds, Jeffrey M. Perloff, Howard R. Rosenberg, and Nanyan Xiong, Department of Agricultural and Resource Economics, UC Berkeley, for the Labor Market Information Division (LMID) of EDD. The bibliography, available both on a computer database and in printed form, lists sources of information on such subjects as hiring and recruitment practices, federal programs, farm worker demographics, labor-management relations, and labor demand and supply. To obtain the printed version or request an individual data search, contact: Special Projects Unit, Labor Market Information Division, Employment Development Department, 7000 Franklin Boulevard, Building 1100, Sacramento, CA 95823 (phone 916/424-7310). Computer users can also arrange to receive a copy of the full bibliography on floppy disk (Macintosh or IBM-compatible, to be provided by the user); phone first to discuss software and other requirements.

Human resources management. Three updated volumes have been added to a series published jointly by BNA Books (Bureau of National Affairs, Inc.) and the Society for Human Resource Management (formerly American

Society for Personnel Administration). The series now includes the following: Volume 1, *Human Resource Management: Evolving Roles and Responsibilities*; Volume 2, *Human Resource Planning, Employment and Placement*; Volume 3, *Compensation and Benefits*; Volume 4, *Employee and Labor Relations*; Volume 5, *Developing Human Resources*; and Volume 6, *Managing Human Resources in the Information Age*. Each volume is \$25. BNA Books has also announced the availability of *Gainsharing: Plans for Improving Performance*, by Brian Graham-Moore and Timothy L. Ross, 300 pages, hardcover, \$39, and *Employee Discipline: Policies and Practices*, by James R. Redeker, 426 pages, softcover, \$32. Ordering information and a catalog that includes several other titles in personnel management, can be obtained from BNA Books Distribution Center, 300 Raritan Center Parkway, P.O. Box 7816, Edison, NJ 08818-7816 (phone 908/225-1900; FAX 908/417-0482).

Video Tape

Spanish version of video on milking. Utah State University has translated the Cornell University milker-training video, *Proper Milking Procedures*, into Spanish and plans to sell it for \$25. USU also has prepared a glossary of dairy terms translated into Spanish. For information on ordering the video and the glossary, contact Dr. Wallace Taylor, Utah State University, Logan, UT 84322-4815 (phone 801/750-2164).

Radio Program

Agricultural Radio Service. APMP Area Farm Advisor Steve Sutter is hosting a new radio program from 7:00 to 10:00 p.m. on the third Monday of each month on KMPO, 88.7 FM, an affiliate of Radio Bilingue in Modesto and Stockton. The monthly program, broadcast in English beginning November 18, features personnel management, business, and safety topics.

Agricultural Information Network

The Agricultural Labor Information System (ALIS) adds agricultural labor and safety information — including selected items from *Labor Management Decisions* — to the Advanced Technology Information Network (ATI-Net), a computer system operated by the California Agricultural Technology Institute (CATI) of California State University, Fresno. There is no charge to use the system other than the regular telephone charges to one of the network's 19 access points in California. The user needs communications software and a modem installed on a telephone line. For more information, contact the ATI-Net office at CATI, School of Agricultural Sciences and Technology, California State University, Fresno, CA 93740 (phone 209/278-4872; FAX 209/278-4849). □

Agricultural Personnel Management Program
University of California
319 Giannini Hall
Berkeley, CA 94720

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We welcome readers' opinions, news items, and other information. Letters will be published as space permits.

Contributors

Special contributors to this issue:

Bruce J. Janigian (page 1), Chairman, Agricultural Labor Relations Board, Sacramento

Robert Pence (page 8), former Postgraduate Researcher in the Department of Applied Behavioral Sciences, University of California, Davis, now a doctoral student at the University of Wisconsin, Madison. While at Davis, Pence worked with *James I. Grieshop*, Extension Community Education Specialist in the early phase of the outreach project on farm safety training.

Vijay S. Pradhan (page 12), Statistician, Department of Agricultural and Resource Economics, UC Berkeley

John Stumbos (page 16), Information Representative, Agricultural Communications, University of California, Davis

Suzanne Vaupel (page 5), Agricultural Economist, Vaupel Associates, Sacramento

Photos provided courtesy of *Alfred Smith*, ANR Publications, University of California, Oakland

Agricultural Personnel Management Program Staff:

Gregory Encina Billikopf, Area Agricultural Personnel Management Farm Advisor (Stanislaus, Merced, and San Joaquin counties), UC Cooperative Extension, 733 County Center III Court, Modesto, CA 95355 (phone 209/525-6654)

Howard R. Rosenberg, Director, APMP, and Cooperative Extension Specialist, Department of Agricultural and Resource Economics, University of California, Berkeley, CA 94720 (phone 415/642-7103)

Stephen R. Sutter, Area Agricultural Personnel Management Farm Advisor (Fresno, Kings, Merced, and Tulare counties), UC Cooperative Extension, 1720 South Maple Avenue, Fresno, CA 93702 (phone 209/488-3285)

Betsey H. Tabraham, Coordinator, APMP, 319 Giannini Hall, University of California, Berkeley 94720 (phone 415/642-2296)

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