

# Labor Management Decisions

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## Iowa "Ombudsman" Program Aids Worker - Employer Communication

Beverly A. Clark and Rosalie A. Knight

Since Henry A. Wallace formed the original company in 1926 and sold 650 bushels of seed corn, Pioneer Hi-Bred International, Inc., has become the world's largest agricultural seed company. It sells millions of units of corn and other agricultural seed annually.

It is often said in the company that people make Pioneer. And the saying is true. As important as our seed products, ongoing research, and physical facilities are, it is the ideas and efforts of people that have made the company grow. The company relies on a large labor force to plant, detassel, and harvest the seed corn crop and to ensure a superior quality product. Pioneer employs 55,000 to 60,000 people to detassel the seed corn. The summer work force includes teachers, students, families, and migrant workers.

Most of the migrant workers come from the Rio Grande Valley in Texas; others come from Florida and Arizona. Those employed by Pioneer are generally good workers, but cultural differences, language barriers,

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and unfamiliarity with the detasseling of seed corn have at times led to frustration and friction between them and the company, as in other seed companies.

In 1989, the year after the drought in Iowa, all the seed companies planted extra acreage. They started employing a greater number of migrant workers, be-



*The Iowa-based seed company Pioneer Hi-Bred International, Inc., employs thousands of workers in the summer to detassel its seed corn crop. Workers at left are riding on a personnel carrier.*

*Last January, Pioneer and nonprofit service organization Proteus Employment Opportunities, Inc., received the Outstanding Practical Achievement award from the Center for Public Resources in New York for implementing the Migrant Ombudsman Project. In this article, Beverly Clark, Corporate Counsel, and Rosalie Knight, Legal Assistant at Pioneer in Des Moines, describe the program, now completing its third successful season, and its approach to resolving farm worker complaints.*

cause the local labor force could not meet the increased labor needs. Also in that year, many of the larger seed companies became involved in migrant lawsuits. Unfavorable press coverage highlighted the difficulties. Some people expressed reluctance to have the migrant workers living in their communities. Pioneer became concerned about the friction and lawsuits and decided to take action.

## **New Program Developed**

Pioneer wanted to find a way of helping the workers while getting the detasseling job done efficiently and effectively. The company approached Proteus Employment Opportunities, Inc., for help. Proteus had been established in 1979 as the Iowa field office of a California nonprofit organization providing employment and training services to migrant and seasonal farm workers. In 1982, Proteus was incorporated as an Iowa independent nonprofit organization. Its services have changed over the years in response to the needs of the Iowa farm worker population. In addition to its work in employment and training, Proteus provides primary health care, Migrant Head Start, housing assistance, adult education, and various outreach services.

As a bilingual service organization, Proteus offered the link that Pioneer was seeking between the migrant workers, most of whom are Hispanic, and employers. In 1990, Pioneer and Proteus created the Migrant Ombudsman Project with the goal of resolving migrant farm worker grievances quickly and fairly. The project was developed and funded in cooperation with about half a dozen seed companies in Iowa, as well as growers and farm labor contractors.

Typically, the ombudsman visits the migrant worker housing sites and leaves fliers, with phone numbers, describing how Proteus can help them. The workers may talk to the ombudsman during the visit, or later by telephone, about their human service needs, and their questions regarding expedited food stamps, locations of agencies and medical facilities, and the like. The ombudsman also listens to the farm workers' concerns about the pay they are receiving, terms of the contract for field work, or working and housing conditions.

The ombudsman serves as an impartial third party investigating worker complaints. After an initial investigation at migrant work sites and residences into problems identified by the farm workers, the ombudsman brings specific complaints to Proteus' and the employer's attention. Complaint forms are filled out and, along with other documentation, become part of a Proteus case file. Together the employer and workers, assisted by the ombudsman, try to resolve the complaints. If this fails, a legal department staff person or attorney gets involved directly with the worker. The intent is for

this relatively informal action to relieve worker discontent and minimize the problems and costs associated with litigation.

The concerns brought up most commonly by the workers have been related to wages, contracts, working conditions, housing conditions, and crew leaders. Payment of wages is often misunderstood; the workers sometimes believe they have been misled about potential earnings when compared with the actual amounts received. Many misunderstandings arise simply because a person could not read the work agreement he or she was signing.

The ombudsman may already be familiar with the employer's recruiting process and be able to address the workers' concerns regarding expectations and actual disclosures. He or she may be able to answer questions about their pay stubs or other documents. If unable to supply answers right away, the ombudsman takes the questions and concerns to the employer for a response, pointing out any apparent discrepancies. The ombudsman then takes an explanation back to the workers or lets them know what the employer is willing to do to resolve the problem.

In 1992, five ombudsmen dealt with 83 situations involving contracts and wages, housing, social services, health care, subcontractors and crew leaders, supervisory methods, and transportation. Following are some examples of how the program has worked.

## **Success Stories**

This past summer, a large crew made up mainly of men was living in an unused school converted to dormitory-style housing. Some of the workers arrived a few days before work began, either because the crew leader did not get word to them of the delay in the start date or because they decided to come up early anyhow. During the idle time after moving in, a small group of the men began drinking. That night a fight erupted, and one man ended up getting beaten and stabbed in the parking lot of the housing site. The victim was taken to the hospital, and two men to jail. The ombudsman for that area was called, as were plant personnel from the seed company.

When the ombudsman arrived and started talking with the workers, the conversation at first centered on the fight. People then began to express dissatisfaction about being idle and the fact that there was no work yet. Having anticipated this, the ombudsman had spoken with the plant manager and was able to explain that the company had contacted the crew leader regarding the delay of the start date. The company put the crew to work just as soon as the fields were ready.

After the crew began work, its members were pleased with the amount of hours they were getting. But as the

season continued, other complaints arose. Again, the ombudsman and seed company plant personnel were there to listen and help. Three specific complaints were heard. One was that the workers' hands and arms were breaking out in a rash, and they wanted the company to provide salve, gloves, or both. The other two were related to treatment by the crew leader and his wife. Workers said that profanity was being directed at them and that the wife was not allowing them to drink water in the field. The ombudsman agreed to investigate, and seed company personnel followed up on the complaints.

At another Iowa production location, crew members were unhappy with the unavailability of cooking facilities at the motel where they were staying in a small town. The ombudsman and production plant personnel delivered grills and small refrigerators to the workers. The county food bank also became involved, bagging up food for each family and distributing it at the motel.

In contrast, at a production location outside Iowa (which could not be served by an ombudsman), an "open door" policy did not work well. The employer had tried to let workers know they could come to the plant to talk to the manager about any problems or that they could talk with any other plant personnel out in the fields. Unfortunately, workers were reluctant to express complaints, perhaps because they feared reprisal or believed nothing would be done about their concerns. That crew had had several complaints, but only one was brought up in time to be resolved during the period of work. A lack of cooking facilities was quickly remedied by the plant manager, who arranged for delivery of grills and small refrigerators to the families.

Other complaints — about the conduct of the crew leader and about their reported hours — did not surface until after the workers had finished and were leaving or had left for Texas. The crew felt the leader had deliberately shorted their hours and had over-recorded hours for people who worked very little or had not worked at all in the fields. In the end, the seed company had to fly a representative to Texas to talk with some of the workers who had complained. If an ombudsman had been on the spot to identify and help resolve such problems as they came up, the workers and the plant manager might have been able to avoid or correct them in a more timely manner. The trip to Texas and involvement with a legal services group might have been avoided as well.

### **Cooperation Essential**

The success of the Migrant Ombudsman Project depends on the cooperation of the agricultural employers. Each company, grower, and contractor participating in the program signs a memorandum of understanding and contributes funds to the project. There are no service-specific charges for what the ombudsman provides.

The other important element in the project's success is the link it provides between agricultural employers and the human service agencies issuing food stamps, county relief agencies distributing food bank supplies, medical service facilities, and local providers of legal services. Improved communications between employers and public agencies, as well as among the agencies, assists each party involved in achieving its goals.

On January 23, 1992, Pioneer and Proteus received the Outstanding Practical Achievement award from the Center for Public Resources, an organization that promotes the development of alternatives to litigation. A selection panel of state supreme court judges, corporate attorneys, and other legal experts recognized the Migrant Ombudsman Project as a unique program making great strides in addressing the complaints of Iowa's migrant farm workers.

For more information on the Iowa Migrant Ombudsman Project, please contact: Beverly Clark, Pioneer Hi-Bred International, Inc., 700 Capital Square, 400 Locust, Des Moines, Iowa 50309 (phone 1-800-247-5258). □

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## **FLCs Subject to Added Expectations and Scrutiny**

Howard R. Rosenberg

To obtain a farm labor contracting license in California requires filing a written application, paying a \$350 annual license fee, depositing a \$10,000 surety bond, undergoing an investigation of character and responsibility, and passing a test of knowledge essential to the occupation. These requirements do not, however, always translate into effective influence on the behavior of first-line supervisors — known as foremen, crew bosses, or mayordomos — who are responsible for the bulk of day-to-day employee relations in all but the smallest FLC businesses. Although contractors may be held accountable for the conduct of these supervisors acting as their agents, crew bosses often operate with a large degree of autonomy.

A new law signed by Governor Wilson in September, and effective January 1993, explicitly obligates licensed labor contractors to provide all their supervisory employees with training on laws that regulate terms and conditions of agricultural employment, including worker safety. Introduced as AB 3146 by Assemblyman Areias last February, this modification of the Labor

Code also expands the scope of the FLC licensing examination, directs the Labor Commissioner to suspend contractor licenses for two failures within five years to pay wages due, and establishes a phone information line to advise workers or growers about individual FLC compliance with applicable laws.

Will FLCs be expected to cover with their supervisors *all* of the myriad laws that pertain to hiring, wage determination, payroll deductions, meal and rest periods, workers' compensation, disability and unemployment insurances, discipline and discharge, transportation, housing, child labor, collective bargaining, and more? How much information on any topic that is included will be enough? In what form is it to be given — will a one-sheet summary of everything be sufficient, or should contractors start booking classroom space? The newly enacted statute does not have answers to these questions. Guidelines are awaited from the Department of Industrial Relations (DIR) to clarify standards of adequacy for content and method of the required training.

A legislative measure that would have involved the government much more directly in the control of FLC supervisory employees was vetoed by the Governor in September. With objectives overlapping those of AB 3146, this rejected bill (AB 1544) had proposed to require licensing and bonding of every such labor contractor employee or agent. It would also have nearly tripled the FLC license fee and established a new agricultural enforcement unit in the state Department of Industrial Relations. Specifications for this unit would have created and set staffing levels for four permanent field offices, ordered outreach to individuals and worker groups, and targeted farm labor contractors for a compliance campaign to be completed by July 1, 1993.

By administrative initiative, rather than legislation, DIR had already implemented a few of the ideas contained in AB 1544. Since last April the Department has had a toll-free telephone line, staffed by bilingual personnel, for farm worker use to inquire about their rights and report labor law violations. It has given extra scrutiny to farm labor contractors through a special mail audit of payroll records and customer lists, and through an effort to identify unlicensed contractors. Results of this program, with which more than 80 percent of all state licensed FLCs have complied, are being used in choosing contractors for on-site inspection.

Coordination of worker protection activity by DIR and other public agencies has recently been formalized in a new Targeted Industries Program (see article on page 7). "TIP" is stepping up labor law enforcement in agriculture more generally and in garment manufacturing, beginning November 1, 1992.

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## Report Spotlights Farm Labor Contractors

Knowledge about farm labor contractors in California has not kept pace with their growing significance to agricultural business, despite the attention that public agencies give them under a plethora of laws and regulations. While more than 1,000 FLCs are responsible for some 20 percent of all farm employment in the state, anecdotes about the misdeeds of some have been more plentiful than informed understanding of their wide ranging business practices in relation to customers, employees, and government agencies.

A new UC report to the Employment Development Department presents results of interviews with 180 labor contractors in the Fresno, Imperial, Monterey, San Joaquin-Stanislaus, and Ventura-Santa Barbara County areas during 1991. It addresses such questions as: Who becomes an FLC and why? How are their businesses organized? How and where do they market their services? How do they manage employees and deal with government regulation? What is their outlook on the farm labor market?

EDD's Labor Market Information Division contracted with the UC Agricultural Personnel Management Program to conduct this study, which also included complementary surveys of growers and workers. Survey interviewers were much more likely to reach "visible" FLCs, selected from government agency files, than unlisted operators. Although contractors who flaunt even the basic filing requirements were underrepresented, the report adds to evidence of a sector of FLCs trying to run their businesses effectively and fairly within the guidelines of public policy.

Study findings may be quickly brought into assessment of recent legislative initiatives and new regulatory proposals affecting labor contractors. Material in the report has already been considered by the U.S. Commission on Agricultural Workers and the state Farm Worker Services Coordinating Council. Among conclusions of the study are that:

□ FLCs are an established part of agricultural industry in California. Having evolved along with production technology, workforce demographics, and the regulatory climate, labor contracting today typically engages native Spanish-speakers of Mexican descent for work on farms run by English-speakers. It relieves growers of burdens associated with direct employment and supervision of workers, especially for seasonal tasks of short duration, and can provide workers more continuous earning opportunities in a succession of such tasks. Contractors use

specialized knowledge and skills, offices, computers, and field equipment. Most of those interviewed have enduring relationships with customers and direct ownership interest in at least one related business.

❑ Contractors are mostly of Hispanic background, about half born in Mexico and more than one-quarter in California. More than half speak Spanish at home. Most are in their 40s and 50s, average less than 10 years of total schooling, and have plenty of agricultural experience. More than a fourth have been growers or farm managers. Committed to the occupation, they operate as FLCs an average of nearly nine months a year.

❑ Labor contractors have various “product lines” and business sizes. With different crops, organizational structures, and preferences for direct involvement in farm production, customers have different sets of needs that they hire FLCs to serve. Most contracting firms are small, but the one-seventh with payrolls exceeding \$1 million account for more than half of all FLC employment and three-fifths of wages paid. Nearly all contractors employ foremen to deal directly with workers — recruiting, hiring, instructing, assigning tasks, and enforcing work rules. The number of foremen at peak season averages 8 and ranges up to 62. Family members of the contractor are involved in two-thirds of FLC businesses, most commonly in office tasks.

❑ Contractors in the survey tend to have a stable customer base. On the average, they provide services to 15 growers or packing houses, but some have only one customer, and even some large FLCs do all their business with a few. Less than 20 percent put their arrangements with any customers into the form of a written contract. The structure and amount of FLC charges to customers vary more between than within crop and regional groupings. A sizable minority of the contractors say that they accept commission rates determined by customers.

❑ Core personnel functions usually served by FLCs include recruiting and hiring workers, directing them to the worksite, supervising their work, and paying wages. About half of a contractor’s workforce is composed of returnees from the previous year. Recruitment of new hires is most frequently through “walk-in” or referral from foremen and other current employees. Contractors generally provide drinking water and field sanitation facilities and often furnish tools. Less commonly, some contractors provide worker transportation, housing, food, and check-cashing services.

❑ To enter the contracting business requires little or no capital investment, and most FLCs do not find the license examination and bonding requirement difficult. Operating as a contractor in full compliance with the law, however, is much more challenging. Four out of five contractors in the survey had been inspected by at

least one government agency during the 1987-90 period. Contractors are concerned about regulatory priorities and the irony of greater attention being given by administrative agencies to those who are more stable and observant of laws.

❑ Differences in how government agencies define FLCs are reflected in respective lists of those registered with the U.S. Department of Labor, licensed by the state Department of Industrial Relations, and filing unemployment insurance as labor contractors. Only 506 of a total 3,580 entities on any of the three lists are on all of them, and an unknown number of persons who act as labor contractors are on none of the lists. Nonuniform definition of the FLC population inhibits understanding and coordinated enforcement of applicable regulations.

Overall project leader and principal investigator of the study was APMP Director Howard Rosenberg. Project coordinator and field work supervisor was Suzanne Vaupel, Vaupel Associates, Sacramento. Other co-authors of the report were Jeffrey Perloff, Department of Agricultural and Resource Economics, Berkeley; David Runsten and Don Villarejo, both of the California Institute for Rural Studies, Davis. Additional members of the study team were Christopher Edmonds, Vijaykumar Pradhan, Ana Garcia, Loretta Lynch, and Youssouf Camara.

The report is being published by EDD. Copies will be available through the LMID Special Projects Unit, phone 916/262-2123.

This information has been adapted from an article prepared by Suzanne Clark, Public Information Representative, College of Natural Resources, University of California, Berkeley.

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## California Farm Worker Statistics Previewed

Many inquiries about the personal and employment characteristics of California agricultural workers are received by Cooperative Extension staff. A unique and rich source of such information is the National Agricultural Workers Survey (NAWS), conducted by the U.S. Department of Labor (DOL) since 1989 in accord with provisions of the 1986 immigration reform act.

In collaboration with the DOL Office of the Assistant Secretary for Policy, the Agricultural Personnel Management Program is preparing to issue a special California report of NAWS findings about workers who

perform seasonal agricultural services (SAS). This report will present results of 1,844 interviews in the state conducted between October 1, 1989 and October 1, 1991.

Textual and graphical descriptions are organized in the following major sections: Birthplace and Employment Eligibility; Demographics, Family and Household Composition; Schooling, Literacy, and English Skills; Participation in the Labor Force; SAS Job Characteristics and Conditions; Activity Other than U.S. Farm Work; and Income, Assets and use of Public Programs. The data show, for example, that:

- ❑ 82% of California SAS workers were born in Mexico, only 8% in the U.S.
- ❑ 53% of the foreign-born have resided in U.S. 10 years or longer
- ❑ 62% obtained legal status through the special agricultural worker (SAW) program
- ❑ 9% of interviewees are not eligible for employment in the U.S.
  
- ❑ median age is 32; 25% are 24 or younger
- ❑ 74% are male
- ❑ 66% are married
- ❑ 60% live with one or more family members when in SAS work
- ❑ of the 60% with children, 35% do not live with their children when in SAS work
- ❑ 91% are Hispanic
  
- ❑ 71% have 8 or fewer years of education
- ❑ median education level is 6th grade for those schooled abroad, 11th grade for those in U.S.
- ❑ 88% are native Spanish-speakers
- ❑ 10% can speak English well
- ❑ 35% have taken adult education classes
  
- ❑ workers spend an average of 63% of the year in SAS work, 4% in non-SAS employment, 19% in the U.S. unemployed, and 14% out of the U.S.
- ❑ 69% are hired directly by growers and packers
- ❑ 86% of SAS workers overall and 97% of those employed by farm labor contractors work in fruits, nuts, and vegetables
- ❑ 51% of SAS workers overall and 63% of those employed by farm labor contractors perform harvest tasks
- ❑ 69% are paid on an hourly basis, a median rate of \$5.41
- ❑ 67% report being covered by workers' compensation, and fewer by unemployment insurance; 32% have health insurance
- ❑ 18% live in employer-provided housing
  
- ❑ median individual income is \$7,500-9,999 (data are in categories only), and median family income is \$10,000-12,499
- ❑ 55% own capital assets, most commonly a vehicle

- ❑ 49% have family incomes below poverty level
- ❑ 67% are unemployed sometime during the year, an average of 2.2 months, though only 38% of those workers apply for UI benefits
- ❑ 11% receive food stamps, 2% AFDC

Publication of the California report is expected by year-end and will be announced in the next issue of *Labor Management Decisions*. To request earlier notification of availability, contact Betsey Tabraham at 510/642-2296. □

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## Farm Worker Services Hearings Completed

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*The Farm Worker Services Coordinating Council (FWSCC), established last year, is planning to deliver its report to Governor Wilson on November 16, 1992. Charged with helping state agencies develop more consistent policies and more effective delivery mechanisms to serve farm workers, the Council has received copious oral and written testimony from farm workers, employers, and representatives of interested associations and agencies throughout California.*

*Public release of the report in English, and a Spanish version of its Executive Summary, is expected within two weeks of delivery to the Governor. Copies of the report, executive summary, and transcripts of testimony will be available, at nominal charge, through the FWSCC Support Unit, MIC-37, 800 Capitol Mall, P.O. Box 826880, Sacramento, CA 94280-0001; phone 916/654-5911.*

*A preliminary summary of issues raised in the hearings has been adapted here from the September 17, 1992, issue of Voice of the Fields. The author is Consultant to La Cooperativa Campesina de California and a member of the FWSCC Coordination Staff Work Group.*

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## Overview of the Hearings

S. J. Velarde

A review of the official transcripts of the public testimony shows a wide range and intensity of interest in many topics. The order in which those topics are listed below is based on the number of times a particular issue, interest, or concern was emphasized at the hearings.

Eighteen different subjects were brought up. They can be organized under six primary categories: housing; enforcement of labor laws; education and English as a second language; health services; state resources (needs for increased funding, bilingual personnel, ser-

vices, and numbers of service sites, especially in rural areas); and occupational health and safety.

Within these six categories were such matters as enforcement of labor camp codes for sanitation, health, security and safety; compliance with anti-discrimination laws; civil and human rights; workers' compensation; relations with Immigration and Naturalization Service; violations of the minimum wage law, nonpayment of wages, and noncompliance with regulations governing withholding for Social Security, unemployment insurance, disability insurance, and federal income tax.

Also included in these primary concerns was testimony regarding the accountability, or lack of it, of farm labor contractors and other employers; the need for more adult and vocational education and for literacy training in native and English languages; and training in the prevention of illness, injury, and disease. Concerns were also expressed regarding limited MediCare and Medi-Cal benefits; inadequate health insurance coverage (particularly for the high incidence of work-related injuries and illness); lack of prenatal and infant care; need for more programs in alcohol and substance abuse prevention and in parenting skills, and for greater access to Migrant Education and Migrant Head Start programs.

Throughout the large body of translated and transcribed testimony, the following complaints were frequently repeated in connection with other concerns: lack of protection by laws; low wages; transportation problems; difficulties in communicating (few bilingual personnel in service agencies and helping professions); incorrect or nontimely information about services; excessive paperwork requirements; and barriers (primarily language, cultural sensitivity, and cost) to access to education, health services, and other existing programs.

Also appearing in the testimony, although with lesser frequency, were requests for increased services (or attention to problems) in the following areas: underemployment and unemployment; bilingual outreach and information; child well-being; immigration and naturalization; emergency services; and financial assistance for special purposes, such as schooling, transportation, and disaster relief.

Underlying much of the farm workers' testimony, often strongly implied when not specifically highlighted, were feelings and concerns about racial and ethnic discrimination, and prejudicial behavior in workplaces and housing. Indignities and abuses were perceived by many workers to be the result of their ethnicity and low social and economic status. Numerous farm workers who appeared before the FWSCC began or ended their testimonies with appeals that farm workers be treated with the civility, dignity, and respect that are due any human being, regardless of station in life. □

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## Labor Law Enforcement Targets Agriculture

State and federal agencies have announced a program to coordinate their compliance efforts in industries which have a history of labor law violations and low-paying jobs. The Targeted Industries Program (TIP) links enforcement arms of the California Department of Industrial Relations (DIR), the Employment Development Department, and the U.S. Department of Labor (DOL).

The program will initially target the state's garment manufacturing and agricultural industries, according to DIR Director Lloyd W. Aubry, Jr. "TIP will be an effective way to maximize enforcement resources in these targeted industries," Aubry said. "It will assure a comprehensive enforcement and education effort among government agencies that share responsibility over employers and employees involved in these industries without creating new and duplicative bureaucracies to do the job."

Beginning in November 1992, the DOL Wage and Hour Division and the DIR Division of Labor Standards Enforcement are committing bilingual investigators to offices in nine areas of the state: El Centro, Fresno, Los Angeles, Sacramento, Salinas, San Bernardino, San Diego, San Francisco, and Santa Barbara. While the investigators will work mainly in their assigned areas, based on crop production and garment manufacturing cycles, teams will be moved from location to location depending on the need to address systemic or widespread violations. Attorneys from all three cooperating agencies will also be available to the program.

Teams of state and federal investigators will be looking for violations involving minimum wages and mandatory overtime premiums; child labor; licensing and registration; workers' compensation coverage; field sanitation, injury and illness prevention programs; migrant housing; and unemployment tax contributions.

An employee outreach component of TIP will include distribution of cards in several languages outlining worker rights under state and federal laws. A toll-free phone number for farm workers, 800/733-3899, offers information on both state and federal services. It is staffed by bilingual employees during periods more convenient than normal business hours to agricultural employees.

The program will endeavor to also provide employers with information on their responsibilities under the law. Investigators will distribute a "Basic Summary of Employment Requirements" in agriculture and garment manufacturing. TIP is set up as a two-year project, to be automatically renewed as is in 1994 unless one of the participant agencies cancels or all three agree to alter it. □

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## Seven Commonly Asked Questions About Employment and the ADA

Timothy L. Jones

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*Many employers have given serious thought to the Americans with Disabilities Act (ADA) and focused effort on it during the time between its enactment in 1990 and the effective dates of its employment provisions (July 26, 1992, for those with 25 or more employees, two years later for those with 15 or more). The Equal Employment Opportunity Commission (EEOC) and business associations have received numerous ADA questions, many of which have come up again and again, according to Timothy Jones, a senior associate with the management consulting firm Robert G. Kramer & Associates, Landover, MD. Mr. Jones addresses some of those most frequently asked by employers in the following article, adapted from The EMA Journal, Summer 1992, with permission from the Employment Management Association, Raleigh, NC.*

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The central principle of the ADA is the removal of barriers that would prevent people with disabilities from fully participating in employment and other aspects of everyday life. Organizations working toward full and effective ADA implementation are guided by one paramount objective: to remove barriers of all kinds — physical, procedural, and attitudinal. Several questions have arisen as employers pursue that end.

### 1. Does ADA require us to have job descriptions?

No, the ADA does not require job descriptions. However, a job description is one kind of evidence that an employer has identified the “essential functions” of a position and will not deny the job to a person with a disability who can do those functions with or without a reasonable accommodation. The primary value of the job description is to help managers focus on what the job actually requires of the employee and to avoid considering unrelated factors associated with a candidate’s disability.

Having good job descriptions should not be seen as the ultimate response to the ADA, but rather as one piece of an effective total process. Simply keeping job descriptions current with changing demands and fluctuating activities could become overwhelming, draining valuable staff time and energy. A manageable, rational system of reviewing job descriptions when advertising for new hires and then during performance reviews could help to integrate this activity into the total human resource system.

More importantly, the key to success with the ADA is not job descriptions but an attitude about making reasonable accommodation. Good faith attempts to make reasonable accommodation involve discussion between the manager and the person with a disability about more than simply what the job description contains; the discussion addresses every aspect of the employment experience, from work duties to the company’s social activities. When a current employee becomes disabled, the reasonable accommodation process may or may not include reviewing the job description, but it certainly covers much more than that. Accommodations ought to be made around tasks that the employee actually performs, rather than what the job description says.

### 2. What is an “essential function”?

Determining essential functions under the ADA involves looking at several factors:

❑ *Are employees in this position actually required to perform this function?* Employers may need to purge outdated job descriptions of tasks and responsibilities that no longer apply.

❑ *Does the position exist to perform the function?* This is fairly clear. For example, if the position is junior accountant, accounting functions are clearly essential.

❑ *How many people are available to do the function?* Smaller firms presumably have greater latitude in defining essential functions, whether or not the job description identifies the function, simply because they have fewer employees to cover tasks one employee cannot do. Even larger employers have limits in their flexibility to reassign tasks, particularly during times of peak workload or workforce reduction.

❑ *How much expertise is required to do the function?* High-skill and specialized tasks are more likely to be “essential” than low-skill, general tasks.

❑ *How much time is spent performing this function?* EEOC has not defined this precisely but uses the language “most of the time or a majority of the time” to explain what would be considered evidence that the task was essential to a given job.

The employer’s judgement on what is essential is important to the decision but is not the sole or even primary factor, according to EEOC. But EEOC also says that this does not mean employers will be “second-guessed on production standards, setting the quality or quantity of work that must be performed by a person holding a job, or be required to set lower standards for a job.” In other words, businesses are permitted to make informed judgements in keeping with the nondiscrimination requirements of the ADA.

### 3. Do our job descriptions have to reflect essential functions?

Many employers are redesigning job descriptions and looking at new formats that divide essential from nonessential functions. The ADA does not require employers to do that. The value of this approach relates to the overall purpose of the job description noted earlier: to focus on what the job actually requires. The President's Committee on Employment of People with Disabilities has compiled some sample job descriptions that may be helpful in applying the logic of ADA to a redesign.

### 4. What can we ask in a job interview?

The measure of a successful pre-employment interview in any context is whether the employer can make a clear determination of the candidate's abilities to perform the job. The ADA does not change that goal. In short, the interview should focus on the *ability* of the person, not the *disability*.

Most ADA-related problems in job interviews result not from intentional acts but from ignorance of the law or a lack of awareness about people with disabilities. Managers are advised to consider training anyone who routinely does interviews and briefing those who do so occasionally regarding basic etiquette for interviewing people with disabilities.

❑ *Do not ask candidates how they became disabled or what effect their disabilities will have on their work.* However, it is permissible to ask whether an individual anticipates any difficulties doing the job, and to allow the candidate to discuss any problems that relate to a disability.

❑ *If the person mentions a disability, the interviewer may then discuss it in the context of reasonable accommodation.* This discussion should be framed by statements of the organization's policy of nondiscrimination and its commitment to making reasonable accommodations.

❑ *Use proper language when discussing disability.* As with other groups, proper language communicates respect. Use "people with disabilities" and avoid terms like "handicapped" or "crippled." "Wheelchair user" is preferred over "wheelchair-bound."

❑ *Do not stare at a manifestation of a person's disability or call undue attention to it.* Normal courtesies should be offered graciously, and accommodations, such as removing a chair for a wheelchair user or escorting a blind person through an office, should be done discreetly, without fanfare.

❑ *Use common sense.* Do not speak louder to a blind person (they are blind, not deaf), and when a sign language interpreter is involved, speak in a normal voice and look at the candidate, not the interpreter.

Many organizations for people with disabilities have guidelines available for etiquette associated with persons having specific disabilities.

### 5. How will ADA affect workers' compensation?

In the application and selection processes, the interviewer may not ask a candidate about his or her workers' compensation history before making a conditional offer of employment. After a conditional offer has been made, the employer may ask about workers' compensation claims history only if *all* candidates are asked as part of a medical examination or inquiry. The only circumstance where this information can be used in a hiring decision is when the individual poses a "significant risk of substantial harm" to self or others on the job. In other words, a person cannot be denied a position simply because the employer thinks he or she *may* raise workers' compensation costs in the future.

Employers would do well to take some steps to keep workers' compensation and work-related injury claims in line while still complying with the ADA, including:

❑ *Continuing to screen out applicants with a history of fraudulent workers' compensation claims.* This is still permissible under the ADA.

❑ *Developing a system for determining when an employee poses a direct threat to the health and safety of self or others.* Be sure that the assessment of risk is based on objective medical evidence and not fears, suspicions, or myths, and that the process allows for reasonable accommodations attempting to reduce the threat to an acceptable level.

❑ *Including all relevant departments inside and outside the organization in a coordinated effort to manage workers' compensation and work-related injury within ADA guidelines.* Safety and health officials, state workers' compensation agencies, and others may help personnel management staff on such efforts.

### 6. How will the ADA affect health insurance?

The ADA guarantees equal benefits and privileges of employment, including health insurance, to people with disabilities. However, insurance carriers may still use actuarial data to determine cost of coverage and may continue to include pre-existing conditions clauses in their plans, as long as they are not engaging in "subterfuge" to evade the ADA. Benefits caps for specific conditions appear to be prohibited by ADA, but since the ADA does permit limitations on the number of treatments, this issue remains in the gray area.

As a side note, many organizations for people with disabilities consider health insurance to be the "unfinished business of the ADA" and are studying ways to improve access to health care. With the current national crisis in health care costs, this objective will be the focus

of extensive debate and discussion. Some have begun trying to address issues of both access and cost through constructive alternatives to existing health care models.

### 7. How does the ADA affect the affirmative action requirements of Section 503 of the Rehabilitation Act for federal contractors?

It does not affect those requirements at all. Companies that have federal contracts must continue to gather information on disability as part of their affirmative action programs and may make pre-employment inquiries about disability under Section 503 regulatory guidelines. In this respect, Section 503 supersedes the ADA. The ADA does, however, expand some nondiscrimination requirements for federal contractors and so should not be ignored.

Disability-related discrimination complaints against federal contractors will be handled under an interagency agreement between the Department of Labor Office of Federal Contract Compliance Programs (OFCCP) and the EEOC.

### What to Expect in the ADA's First Year

Some attorneys and others have been spreading fear among employers by predicting an explosion of litigation under the ADA. While no one can predict the future, the evidence suggests that at least the first year of ADA implementation will not be characterized in that way. The ADA's public accommodations provisions have been in effect for several months now, and the record has been largely one of disability groups engaging in an "educate and negotiate" strategy. Yes, there have been lawsuits, and some could ultimately become very expensive and damaging to company public relations, but these have not generally been aimed at firms making good faith efforts at compliance. In short, the better the effort, the less there is to fear.

As a cautionary note, check references of organizations that offer to help with ADA implementation. The Council of Better Business Bureaus' Foundation and other groups have identified companies with no history in disability issues, and apparently little or no knowledge about the ADA, that are providing misleading or simply wrong information about what the law requires. Some clues to look for, according to one national association: if they misspell "accommodation" or "accessibility," or if there is evidence that they just replaced the word "asbestos" with "disability" on their marketing materials, avoid them. Also, if they charge outrageously high rates and justify them by comparing them with the cost of litigation or civil penalties, *caveat emptor*.

It is also worth noting that the federal government has been remarkably aggressive on ADA implementation. Technical assistance manuals and other materials have been developed by the agencies, including EEOC,

and technical assistance centers have been set up nationwide to answer ADA-related questions. Organizations such as the Job Accommodation Network have increased staff and facilities to handle requests for information and assistance. Other resources are in the works to help employers learn more about the ADA and what is involved with implementation. □

#### ADA resources referred to in the article:

Equal Employment Opportunity Commission  
Office of Communications  
1801 L Street, N.W., 9th Floor  
Washington, DC 20507

800/669-EEOC [voice] or 800/800-3302 [TDD]

- Local EEOC offices are in Fresno, Oakland, San Jose, and San Diego, and district offices at 901 Market St., Suite 500, San Francisco, CA 94103 [phone 415/744-6500] and 3660 Wilshire Blvd., 5th Floor, Los Angeles, CA 90010 [phone 213/251-7278].
- Contact EEOC for ADA manual and resource directory (single copies free to employers) — *A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act*. Other booklets and fact sheets are also available.

Job Accommodation Network

P.O. Box 6123

809 Allen Hall

Morgantown, WV 26506-6123

800/526-7234 [accommodation information]

800/232-9675 [ADA information]

800/342-5526 [ADA information, computer modem]

President's Committee on Employment of  
People with Disabilities

1331 F Street, N.W.

Washington, DC 20004

202/376-6200 [voice] or 202/376-6205 [TDD]

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## EDD Computer Network Matches Jobs and Applicants Statewide

Job Match, a service that electronically matches qualified applicants with employers' job orders, became fully installed statewide last year and is now available through 140 California Employment Development Department (EDD) field offices. According to EDD, the new system gives employers and applicants "virtually instant access" to a statewide applicant pool and to job listings, respectively. Through computer-assisted file searches, EDD staff locate the best candidates for each job opening or refer applicants to the jobs most closely fitting their

background, needs, and interests, drawing from a broader geographic area than was previously possible.

Employers can list seasonal, year-round, part-time, or full-time openings by phone or FAX to a local EDD office, providing information about the job, skills and experience needed, wage and hours, and the like. Job seekers can go to the nearest EDD field office or to certain other locations, such as welfare offices, to fill out a form giving occupation, experience, preferred work locations, work history, and wage desired. An employer's job order is compared with applicants listed in the system who have specified that occupation; those who best match the job requirements are selected for referral to the employer.

The Job Match program is still in its early stages, EDD points out, and it is difficult to assess its overall usefulness, particularly under current economic conditions. During the state fiscal year that ended June 30, 1992, the service made more than 44,000 referral and 24,400 placement transactions for agricultural jobs, both of which were slightly more than the previous year's transactions.

EDD offices in areas with high agricultural activity also have local Job Service specialists assigned to help agricultural employers and farm workers. Agricultural Business Representatives (ABRs) and Outreach Workers work jointly to match workers with employers, gather and report data on labor market conditions, and keep abreast of crop conditions and community resources useful to farmers and workers. ABRs solicit announcements of job openings and help farmers with labor needs and statistics; Outreach Workers assist other EDD staff in matching workers with those jobs, as well as in providing workers with information and referrals to services. □

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## ALRB Sets Aside Union Decertification Election

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*On May 1, 1992, the Agricultural Labor Relations Board ruled on reciprocal allegations by an olive grower and a union that the other had committed unfair labor practices related to the union's right to continue representing employees of the grower. This report has been adapted from a case summary (18 ALRB No. 2) provided by the Board.*

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Six consolidated charges were made, five against the employer, S & J Ranch, and one against the union, United Farm Workers of America (UFW), AFL-CIO. The employer was alleged to have instigated and/or supported the signing of a decertification petition, unilaterally increased wages and changed other terms and

conditions of employment, discriminated against workers who took part in a work stoppage, interfered with and denied access, engaged in surveillance, and assaulted a UFW access taker. The UFW, through S & J employees acting as its agents, was alleged to have engaged in threats and in rock and olive throwing during a work stoppage on October 14, 1989.

### ALJ's Decision

The Administrative Law Judge found that S & J unlawfully instigated and supported the decertification petition that resulted in an election on November 3, 1989. She found that the petition was circulated and supported by various agents of S & J, including a supervisor, two labor consultants, and a personnel unit employee. She therefore recommended that the decertification election be set aside.

The ALJ also found that S & J unilaterally implemented a wage increase, despite the UFW's request to bargain, delayed access on several occasions until most or all of the workers had departed, interfered with access by disrupting conversations between workers and access takers, engaged in surveillance of access, and assaulted an access taker who tried to walk past a security guard.

The ALJ found the evidence insufficient to sustain allegations that S & J unilaterally increased the number of toilets in the fields, unilaterally changed olive picking requirements, fired 10 workers due to their participation in the work stoppage, and warned workers that their employment would be jeopardized if they supported the UFW.

The ALJ dismissed the allegations of threats and rock and olive throwing. She concluded it was not shown that any misconduct that occurred was by anyone acting as an agent of the UFW.

### Board's Decision

The Board affirmed the dismissal of the allegations against the UFW but did not address the issue of whether those allegedly engaging in misconduct were acting as agents of the UFW. Rather, the Board relied on the ALJ's factual findings, which showed that the evidence was insufficient to establish that any actionable misconduct took place.

The Board affirmed the ALJ's conclusion that agents of S & J circulated and supported the signing of the decertification petition, thereby rendering the petition invalid and requiring that the election be set aside. However, rather than adopting the ALJ's finding that a crew leader who circulated the petition was a statutory supervisor, the Board relied on principles of apparent authority to find that the employees would have rea-

sonably viewed the crew leader as acting on behalf of management.

The Board also adopted the ALJ's conclusions that S & J unilaterally increased wages, interfered with access, and engaged in surveillance. However, the Board reversed determinations concerning two of the alleged incidents of interference with access and the alleged assault on an access taker, finding the evidence insufficient to carry the General Counsel's burden of proof.

Regarding the surveillance violation, the Board held that the fact that the supervisors and guard stayed out of earshot does not preclude finding an unlawful chilling effect on employees' right to communicate with union representatives. The Board agreed with the ALJ that S & J failed to establish a legitimate justification for its observation of access.

Lastly, the Board dismissed several evidentiary exceptions for which S & J failed to provide grounds as required by Regulation 20282(a)(1). □

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## **Safety Program**

### **Grab Their Attention, Keep It Simple, and Follow Through**

Gregory Encina Billikopf

Although the word about SB 198 has been out for a while, some farmers are still scrambling to come up with a written safety program to comply with Cal/OSHA requirements. A few suggestions to farmers are: (1) base the program on the safety needs of *your* operation and employees; (2) make the plan simple and practical — one that catches the employees' attention; and (3) follow through with it.

Some farm safety training focuses on teaching employees about safe practices with new work methods or equipment. A substantial part of any safety training program is to remind employees about what they already know but tend to forget when in a hurry.

Most people give little thought to injury and death. That is good, since it does not help to be paralyzed by fear. Nevertheless, farming is a hazardous occupation, and it is considerably more so where necessary precautions are not taken.

Just telling someone to be safe does not go far in causing behavioral changes. Safety training in itself does not prevent accidents. But if it captures the employees'

attention, training can lead to changes in attitude and, in turn, to changes in accident-causing behavior.

Tell welders to be safe and wear eye-protective gear, and some of them will. Be more specific, and more will pay attention. Remind welders, for instance, that many slag-generated eye injuries happen after they have lifted their welding hoods, when they are making that last chip-cleaning stroke.

Perhaps even better, show welders a slide, photo, or video of a person with a piece of slag in his or her eye. Effective safety training helps workers visualize the accident and put themselves in the place of the injured person. The real prospect of going blind or of having slag removed from the eye can be potent preventive medicine.

People forget fast, so keeping safe habits alive is a challenge. Short, frequent training — but not so short that no substance is covered — spread out throughout the year is generally more effective than a single, long meeting. Frequent meetings both inform workers about how to avoid injury and remind them of the farmer's commitment to safe practices. Seasonal meetings can be tailored to specific agricultural activities.

It is useful to involve workers in safety meetings. Encourage them to ask questions and, if they don't, query them to test their understanding. Try to involve as many workers as possible. (Farmers sometimes ask if safety training meetings can be held after work, when workers are not paid. This is not an effective practice, from either a management or a legal perspective.)

Finally, when it comes to identification of safety hazards, it is critical to follow through and take preventive measures. Identifying a missing shield from a PTO shaft will do little to reduce accidents unless it is followed by action — replacing the shields.

An effective safety program can benefit agricultural operations by increasing the farmer's peace of mind, reducing workers' compensation experience ratings, and enhancing protection for the farmer, family members, employees, equipment, and commodities. Remember, although there are minimum standards set by SB 198, you may be held to a higher safety standard if you set it in policies for your operation. It is advisable to keep the program simple but grounded in the structure of a particular operation. □

**Safety publications** are available free or at a nominal charge from APMP Area Farm Advisors Steve Sutter, Fresno County (phone 209/488-3285) and Gregory Billikopf, Stanislaus County (phone 209/525-6654). One such publication is the sample "Safety Program" on the facing page, which can be obtained in a packet of training forms in English and Spanish for \$2 from Steve Sutter (make checks payable to *County of Fresno*).

The sample safety policy statement below was developed by Steve Sutter, APMP Area Farm Advisor. Cal-OSHA recognizes it as containing all elements required by SB 198.

## Safety Program

It is the policy of \_\_\_\_\_ to provide safe work conditions for all employees. Our safety program's success depends on everyone's help. \_\_\_\_\_ will have authority and responsibility for maintaining the Injury and Illness Prevention Program and will be accountable for safety practices, safety education and training, communicating safety information and fire protection.

Communication and training of new processes, new procedures, new equipment, safety activities, hazards, and safe work practices will be done by one or a combination of the following:

1. one-on-one meetings with the employee,
2. training meetings,
3. postings on the bulletin board, or paycheck enclosures.

Supervisors are responsible for getting first aid and medical care, and for filling out all necessary safety-related forms. Supervisors will be knowledgeable about the safety and health hazards to which employees under their immediate direction and control may be exposed.

Procedures to investigate occupational injury, illness, or exposure to hazardous substances include collecting appropriate information which will lead to a plan to prevent recurrence.

Procedures for correcting unsafe or unhealthy conditions and work practices will consist of either one or a combination of the following:

1. hazard reduction or abatement,
2. safe guarding,
3. personal protective equipment, or
4. training.

A health and safety training program to train employees in general safe and healthy work practices and to provide specific instruction with respect to hazards specific to each employee's job will be provided to all new employees and to all employees given a new job assignment, and employees will be trained whenever new substances are introduced to the workplace and represent a new hazard, and whenever the employer recognizes a new or previously unrecognized hazard.

Each employee has to learn and obey safety practices and rules, and use all proper safety devices and protective gear. Disciplinary actions will be taken to assure that employees comply with safe and healthy work practices.

Employees must inform their supervisor, or themselves correct, all safety, health, and fire hazards on discovery. Employees will not be dismissed or discriminated against for informing supervisors or owners about work site hazards. If in doubt about a health or safety matter, employees have a duty to talk it over promptly with their supervisor.

Employees must report immediately any accidents to their supervisor. First aid supplies are easily accessible at \_\_\_\_\_. Locations of the nearest doctor and medical facility are posted on the bulletin board.

\_\_\_\_\_ will conduct inspections to identify and evaluate unsafe conditions and work practices. These inspections will take place whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new occupational safety and health hazard; and whenever new or previously unrecognized hazards become known to \_\_\_\_\_. These inspections are in addition to the everyday safety and health checks that are a part of routine duties.

## Resources

**Social Security offers booklets and other information.** As part of a public awareness campaign targeting agriculture in California, Texas, Arizona, and Florida, the Social Security Administration (SSA) has published two bilingual booklets: *A Guide to Social Security for Farmers, Growers, and Crew Leaders (Una Guía de Seguro Social Para Agricultores, Cultivadores y Contratistas o Capataces)*, SSA Publication No. 05-10025, and *If You Are a Farm Worker . . . Your Wage Record Book and Guide to Social Security (Si Usted Es un Trabajador Agrícola . . . Libro de Registro Para Su Salario y Guía del Seguro Social)*. SSA has found that wages of many farm workers are not being properly reported or that their FICA taxes are not being withheld and matched by their employers. The campaign also includes a mailing of letters to registered crew leaders and farm labor contractors outlining their wage reporting responsibilities and a joint project with the United Farm Workers (UFW) to encourage the union's members to check their wage records with those of Social Security. Workers and employers can obtain information about reporting requirements from their nearest Social Security office. Copies of the booklets may be obtained from Social Security Administration Office of Public Affairs, P.O. Box 17743, Baltimore, MD 21235 (phone 410/965-0945; FAX 410/965-0696).

A card is available for requesting a "personal earnings and benefit estimate" statement summarizing all wages reported and Social Security taxes paid under one's Social Security number and projecting amounts of benefit under the Social Security Retirement, Survivors, and Disability programs. This request card, Form SSA-7004PC-OP1, may be obtained by phoning 800/772-1213.

**Labor Management Laws in California Agriculture.** Publication 21404. By Howard R. Rosenberg and Daniel L. Egan. Published in October 1990; 128 pages. Now \$5 per copy, plus postage and handling, through UC Cooperative Extension county offices. The book presents an integrated summary of state and federal laws regarding specific terms of employment (such as wages, rest periods, and safety standards) and interactions between employers and workers (as in pre-hire screening, collective bargaining, and dismissal). Specific statutes, administrative rules, and case precedents are discussed within the context of management decisions they affect. An updated edition is planned for publication in late 1993. Order the current edition through local county offices, or contact Gregory Billikopf at 209/525-6654 or Steve Sutter at 209/488-3285.

**A Summary of Federal Laws and Regulations Affecting Agricultural Employers, 1992.** Agriculture Information Bulletin No. 652. By Jack L. Runyan, Agriculture and Rural Economy Division, Economic Research Service, U.S. Department of Agriculture. Cost is \$8 per copy. In 30 pages, the booklet summarizes the Fair Labor Standards Act, Occupational Safety and Health Act, Federal Insecticide, Fungicide, and Rodenticide Act, Migrant and Seasonal Agricultural Worker Protection Act, Immigration Reform and Control Act of 1986, and discusses workers' compensation, federal laws on equal employment opportunities, and tax laws. To order, phone 800/999-6779, or mail check (payable to ERS-NASS) or purchase order (specify title and AIB No. 652) to: ERS-NASS, P.O. Box 1608, Rockville, MD 20849-1608. □

## Events

**Americans with Disabilities Act (ADA): Challenges and Opportunities.** Tuesday, November 17, 10:00 a.m. to 12:00 noon. Modesto: UC Cooperative Extension office at 733 County Center 3, corner of Oakdale Road and Scenic Drive. Lee Tarkington-Lundrigan, Growers Harvesting Committee attorney, will review ADA provisions, challenges, and effects on employment decisions. Gregory Encina Billikopf, Area Labor Management Farm Advisor, will discuss opportunities: job analysis; job descriptions; design of tests in hiring. Co-sponsored by UC Cooperative Extension Agricultural Personnel Management Program, Growers Harvesting Committee, and Western Growers Association. Meeting is free, but please pre-register by phoning Melynda at UC Cooperative Extension (209/525-6654) or Vera at Growers Harvesting Committee (209/527-4404).

**California Agricultural Employment Work Group (CAEWG).** Three meetings are scheduled for the fall, winter, and spring. CAEWG was established in 1983 by the director of the Employment Development Department (EDD), at the urging of the agricultural industry, to serve as a forum for discussion of agricultural labor issues. The group's members include growers, representatives of agricultural associations, farm worker advocates, farm labor contractors, representatives of state and federal agencies, and academics.

The Fall meeting will be Wednesday, November 18, 9:00 a.m. to 1:00 p.m. in Sacramento: Hearing Room B, first floor of State Energy Commission, 1516 9th Street (between O and P streets). Agenda topics will include: the Targeted Industries Program (TIP) of labor law

enforcement and the North American Free Trade Agreement. Other subjects planned for discussion at this or future meetings include the Farm Worker Services Coordinating Council report, the Commission on Agricultural Workers report, and the new Arvin farm worker housing project.

Scheduled dates for the Winter and Spring meetings in 1993 are *Wednesday, February 3*, and *Wednesday, May 5*. All interested persons are welcome to attend. For additional details, phone Tony Bland at 916/741-4194.

**Agricultural Employers' Seminar.** *Friday, November 20, 1992, 7:30 to 10:30 a.m.* To be held in conjunction with AgFresno Farm Equipment Exposition in Fresno, November 19 – 21 (AgFresno gates open at 7:00; \$3 admission; free parking; use Chance Street entrance). Topics will include EDD in agriculture, Cal/EPA pesticide regulations, federal payroll withholding deposits, and the Americans with Disabilities Act. APMP and EDD are co-sponsors; UC APMP Area Farm Advisor Steve Sutter will be moderator. Please pre-register by phoning Steve at 209/488-3285 or Ralph Juanti, EDD Agri-Business Representative in Sanger, 209/875-7501.

**Skills for Spanish-Speaking Supervisors and Farm Labor Contractors.** *Thursday, December 3, 1992, 8:30 a.m. to 3:10 p.m.* Modesto: UC Cooperative Extension, 733 County Center 3 (corner of Scenic Drive and Oakdale Road). In Spanish only. Topics will include: effective discipline; conflict resolution; communication about hazards; sexual harassment; interpersonal relations (diez puntos claves hacia la disciplina; resolución de conflictos y agravios, entrenamiento para la comunicación de riesgos, como evitar cargos de hostigamiento sexual, relaciones interpersonales). Sponsored by Agricultural Personnel Management Association (APMA). Cost is \$25 per person for non-APMA members, \$20 for APMA members (in either case, deduct \$5 per person for pre-registration by November 25). Lunch is included. Phone Gregory Billikopf, UC APMP Area Farm Advisor, at 209/525-6654.

**Hazard Communication Standard Seminar.** *Thursday, December 10, 1992, 1:30 to 4:00 p.m.* Parlier: UC Kearney Agricultural Center, 9240 South Riverbend Avenue. Seminar is free. To pre-register, phone Steve Sutter, UC Cooperative Extension, Fresno, at 209/488-3285.

**Handling Discipline and Termination Gracefully.** *Thursday, January 14, 1993, 8:30 a.m. to 4:15 p.m.* Merced: UC Cooperative Extension office, 2145 West Wardrobe Avenue. Speakers including APMP staff, as well as representatives of legal and medical professions and labor, will discuss wrongful discharge, effective discipline, the disciplinary interview, "at-will" and "for-cause" internal employment policies, dealing with chemical de-

pendency, drug testing, grievance procedures, and nondisciplinary responses to performance problems. Cost of \$10 per person (\$8 for pre-registration by January 7) includes lunch. For more information phone Gregory Billikopf or Melynda Ange at UC Cooperative Extension in Modesto (209/525-6654).

**FLC Personnel Management Conference.** *From 10:00 a.m. Thursday, February 4, to 4:00 p.m. February 5, 1993* (reception with snacks and no-host bar scheduled for Thursday evening). Visalia: Radisson Hotel and the Visalia Convention Center. The conference is primarily for farm labor contractors, secondarily for growers who use FLC services. The intent is to provide practical, immediately useful information on FLC-grower relations (form of contract, joint employment issues, invoicing), personnel management (employee selection, training, discipline, pay), and public regulation of FLC activity (registration and licensing, insurance, worker safety). Presentations will be in English with simultaneous translation to Spanish via wireless receivers. Registration fee of \$50 covers two lunches, break refreshments, and reference materials. For information and registration, contact Elvin Chong at 916/262-2219.

**Agricultural Personnel Management Association Forum (13th annual).** *March 10-12, 1993.* Buellton/Solvang: Holiday Inn Resort and Conference Center. Workshop topics include: EEO practices, health insurance, workers' compensation, evaluation interviews, supervisory communication, employment procedures, labor law update. For information, phone 805/686-1954.

**Improving Your Supervisory Skills.** *Wednesday, March 24, 1993, 8:30 a.m. to 3:05 p.m.* Stockton: UC Cooperative Extension office, 420 South Wilson Way. Topics include delegation and task assignment; conflict resolution; the supervisor as a hazard communications trainer, avoiding sexual harassment; and interpersonal relations. Cost of \$10 (\$8 for pre-registration by March 17) includes lunch. For more information, phone Gregory Billikopf or Melynda Ange at UC Cooperative Extension, Modesto (209/525-6654).

**Immigration Reform and U.S. Agriculture.** *Symposium, March 29-30, 1993.* USDA Economic Research Service Building, 1301 New York Avenue, N.W., Washington, D.C. Members of USDA Coordinating Committee on Immigration Reform (WRCC-76) will present papers on effects of IRCA in farm labor markets throughout the nation. Discussants and other participants will include federal agency and legislative staff members, agricultural industry and worker organization representatives, journalists, and academicians. All interested persons are welcome. Contact Jim Duffield, 202/219-0931. □

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

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