

FARM LABOR

RESOURCES

Created by the Merrymeeting Food Council in partnership with staff from Maine Department of Agriculture, Conservation and Forestry, Maine Department of Labor, Land for Good, University of Maine Cooperative Extension, U.S. Department of Labor and others. *Please contact merrymeetingfc@gmail.com with updates*.



Where to Advertise

- <u>Farm Labor Link Network</u>: Maine Department of Agriculture, Conservation and Forestry is charged with maintaining an agricultural jobs network linking farms and facilities processing agricultural products grown in the State with available workers who wish to work on a farm or in a local food industry. Whether you are an employer or someone interested in pursuing the rewarding work of farm and food production, this can be a first step towards meeting your informational needs. Includes links to several other job boards including Good Food Jobs. <u>One Page Summary</u>. Contact: <u>AGLabor@maine.gov</u> DACF 207-592-0640
- MOFGA's apprentice program annually attracts hundreds of people looking to work on small farms.
- <u>Live and Work in Maine</u>: Designed to increase awareness about career opportunities in Maine. Find or post a job by utilizing the Job Board. Job seekers can browse open positions, create a Job Seeker Account to upload their resume, and even apply for a position through the site.

How to Advertise

Resources from <u>Dairy Graze Apprenticeship</u> include: writing a job description, interview tips, onboarding guide and employee manual templates.

Questions to consider:

- What labor pool(s) are you targeting?
- For different labor pools what information do you need from the applicant?
- What materials/information are most useful for you as an employer to request?
- What amount of training/mentorship do you want to provide?
- Are you seeking seasonal or year round help?

MANAGEMENT

Resources for Farm Workers

- <u>National Farmworker Jobs Program</u>: The National Farmworker Jobs Program (NFJP) provides job training, employment assistance, and other supportive services to migrant and seasonal farmworkers and their dependents with the goal of helping farmworkers secure full-time employment. <u>Program Guide</u>. Contact: <u>Christopher Hoh</u>
- <u>Agricultural Connection</u>: an online collection of resources for organizations and state and local agencies that serve farmworkers through the public workforce system
- Farm Safety Videos from AgrAbility: <u>Safe Harvesting Techniques</u>, <u>Safe Lifting Techniques</u>, and <u>Safe Handwashing Techniques</u>

Resources for Farmers

- Orienting New Farm Employees: <u>A Checklist for Farm Employers</u>
- "Who Does What?" A tool for determining roles & responsibilities on the farm
- $\bullet \;\; \underline{\text{The Farm Business Culture}} \; \text{- Tools for identifying and improving farm culture}$
- A guide to creating an employee handbook
- <u>Legal Food Hub</u>: A free service that connects eligible farmers, food entrepreneurs, and food-related organizations to volunteer attorneys.
- <u>Maine DOL</u>: To learn how we can help address your workforce challenges, contact: Eileen Miazga, (207) 623-7966, <u>maineatwork.DOL@maine.gov</u>
- H2A Program questions, Contact: Jorge Acero (Jorge.A.Acero@maine.gov)
- <u>Cultivating Compliance</u>: An Agricultural Guide to Federal Labor Law. Contact: Brian Cleaseby (Cleasby.Brian@dol.gov, 603-606-3116), US Department of Labor
- Maine Farmer Resource Network
- Supporting Relationships for Farm Success <u>SARE Project Resource Compilation</u>
- Benefits and Drawbacks of Farm Work Experience in Maine (website) (PDF)



LABOR POOLS

High School Students

- 10 Questions for Youth to help students identify interest in farming (Maine AgrAbility)
- Contact Merrymeeting Food Council for connections at Brunswick High School and Mt. Ararat High School (merrymeetingfc@gmail.com)

New Mainers

contact <u>Cultivating Community</u>

Migrant and H-2A workers

- H-2A Filing in Maine. Maine Department of Labor Contact: Jorge Acero
- H-2A Fact Sheet
- <u>Migrant and Seasonal Agricultural Worker Protection Act Fact Sheet</u>
 - There is a small farm exemption if less than 500 man days.
- Maine Mobile Health Program
- Mano en Mano
- H-2A employers must provide transportation and housing and pay the higher of the applicable State or federal minimum wage, the prevailing wage in that region and occupation, as determined by the U.S. Department of Labor, or the regional average farm wage observed in the NASS FLS. The latter is known as the Adverse Effect Wage Rate, reflecting the legal requirement that H-2A employment should not negatively affect domestic farmworkers by lowering the average wage. For fiscal 2019, this minimum hourly wage ranged from \$11.13 (in Alabama, Georgia, and South Carolina) to \$15.03 (in Oregon and Washington). (USDA ARS report)

Apprentices

- <u>Ag Apprenticeship Toolkit</u> (<u>PDF doc</u>) Agricultural Apprentice Learning Network
- MOFGA Farm Apprenticeship Program: <u>Overview</u>, <u>Sample Apprentice Application</u> (<u>PDF doc</u>), <u>Sample Host Farm Application</u> (<u>PDF doc</u>)
- <u>Apprenticeship Resources</u> from New Entry Sustainable Farming Project
- Additional resources available from MOFGA

Interns and Volunteers

• Guide to interns and volunteers on farms



Individuals with Disabilities

- Maine Vocational Rehabilitation: The Division of Vocational Rehabilitation, also known
 as "VR," is a Department of Labor program that helps people who have disabilities to
 get and keep a job. VR helps people who have physical, mental, or emotional
 disabilities. In general, people are eligible for services if they have a significant
 impairment that impedes their ability to work, and if they require vocational
 rehabilitation services to attain or maintain employment. VR works with persons with
 disabilities through its three primary service provision units. Contact: Darcy Brockman,
 Maine Department of Labor.
- <u>Factsheet</u> on the Vocational Rehab program (Maine DOL)
- <u>Agrability</u>: AgrAbility is designed to assist owners, operators, managers, employees and family members of farm, fishing or forestry businesses. The vision of AgrAbility is to enhance quality of life for farmers, ranchers, and other agricultural workers with disabilities, so that they, their families, and their communities continue to succeed in rural America. For this target audience, "success" may be defined by many parameters, including: gainful employment in production agriculture or a related occupation; access to appropriate assistive technology needed for work and daily living activities; evidence-based information related to the treatment and rehabilitation of disabling conditions; and targeted support for family caregivers of AgrAbility customers. Contact: Leilani Carlson, University of Maine Cooperative Extension. <u>Educate-2-Cultivate</u>

Work Release Programs

- Factsheet on Work Release program from Buldoc Correctional Facility
- Contact: <u>Mae Worcester</u>, Maine DOL, <u>Randy Thomas</u>, Farm Manager at Buldoc Correctional Facility

Internships

• USM Food Studies Program Internship Coordinator, Amy Carrington

Seniors

• <u>Senior Community Service Employment Program</u> (SCSEP) – Recruitment Presented by A4TD. The Senior Community Service Employment Program (SCSEP) enrolls qualified older workers in part-time training positions and assigns them to public or 501(c) 3 non-profit organizations in the local community. The purpose of the SCSEP is to offer a "stepping stone" back into the workforce. It is a transitional program; positions are not intended to be permanent, all assignments are temporary. Contact: <u>Debby Cleary</u> at 207-530-2868.



Worker Cooperative/Shared Labor

- The Cooperative Development Institute is potentially interested in developing a Farm Labor Cooperative. As a starting point, they are asking farmers to complete this <u>survey</u> to assess interest and needs. Contact: <u>Katherine Bessey</u>, CDI and check out the <u>CDI</u> website.
- Whole Crops Harvest ran a pilot program which included a mobile workforce component. Whole Crops Harvest Pilot Report, Hannah Semmler

LAWS

- Overview: Cultivating Compliance -An Agricultural Guide to Federal Labor Law
- Employment Law Q & A webinars from New Entry Sustainable Farming Project
- U.S. Department of Labor-Wage and Hour Division. Contact: <u>Brian Cleaseby</u> (603-606-3116)
 - Agricultural Compliance Assistance Toolkit
 - WHD Agricultural Labor Law Links-Info.pdf
 - Fair Labor Standards Act The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a minimum wage of not less than \$7.25 per hour effective July 24, 2009. Overtime pay at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek. Factsheet.
 - During the pandemic, rapid changes in the workplace have surfaced many
 questions for workers, their advocates, and employers about wages, hours worked,
 and time off for workers or their family members dealing with serious illness. The
 Fair Labor Standards Act, Family and Medical Leave Act, Migrant and Seasonal
 Agricultural Worker Protection Act, and the provisions under the H-2A Program
 provide protections for workers that may be more crucial now than ever before.
- <u>Training Wage/Subminimum Wage</u>: <u>The Fair Labor Standards Act</u> (FLSA) provides for the employment of certain individuals at wage rates below the <u>minimum wage</u>. These individuals include student-learners (vocational education students), as well as full-time students employed by retail or service establishments, agriculture, or institutions of higher education. Also included are individuals whose earning or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed.
- Employment at less than the minimum wage is designed to prevent the loss of employment opportunities for these individuals. Certificates issued by the Department of <u>Labor's Wage & Hour Division</u> are required for this type of employment.



- The <u>youth minimum wage</u> is authorized by the FLSA, which allows employers to pay employees under 20 years of age a lower wage for 90 calendar days after they are first employed. Any wage rate above \$4.25 an hour may be paid to eligible workers during this 90-day period.
- <u>Information on special employment and subminimum wages</u> are available from the Wage and Hour Division's Web site.
- Overtime exemption for agriculture. Here is a 2019 <u>opinion letter</u> exploring whether light processing activities (cutting and freezing) constitute agriculture exempt from overtime - shared by Steven McKinney from DOL.
- H2A Visa Program Section 218 of the Immigration and Nationality Act authorizes the lawful admission into the United States of temporary, nonimmigrant workers (H-2A workers) to perform agricultural labor or services of a temporary or seasonal nature. Before the U.S. Citizenship and Immigration Services (USCIS) can approve an employer's petition for such workers, the employer must file an application with the Department's Employment and Training Administration (ETA) stating, among other things, that there are not sufficient workers who are able, willing, qualified, and available, and that the employment of aliens will not adversely affect the wages and working conditions of workers similarly employed in the U.S.. Any employer using H-2A workers must have initially attempted to find U.S. workers to fill these jobs. H-2A workers and domestic workers in corresponding employment must be paid special rates of pay that vary by locality, must be provided housing and transportation from that housing to the job site if their employment requires them to be away from their residence overnight, and must be guaranteed an offer of employment for a total number of hours equal to at least 75% of the work period specified in the contract. Contact: Jorge Acero, Maine Dept. of Labor.

AG CAREER PROMO

 Cumberland County Soil Water Conservation District video about Agricultural Opportunities in Maine - video

ADD. RESOURCES

- Maine Farmer Resource Network
- <u>Trends in Farm Labor in the United States</u> (USDA Agricultural Research Service)
- Portland Press Herald Farm Labor article (2018)
- Maine's Strategic Economic Development Plan (2019)



STATEWIDE CONTACTS

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