

What are the Options and Issues in Solving my Labor Needs?

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History of Change

- US has always found lacking in farm workers—Advent of slavery and Civil War
- WWII found nation once again in short supply
- H2A program drafted to supply guest workers for farm production—POWS were used as well
- Great Society--LBJ

History

- End of Brocero Program in 1986
- Immigration reform and Control Act-IRCA
- In 1989 7% said they were unauthorized
- In 1991 16%
- In 1993 28%
- In 1995 37%
- In 1997 52%
- In 2005 76% or more

Congress has Failed to Act

- In a DOL study performed in 1994 stated that 99% of the new entrants into agriculture were now unauthorized.
- This was a crisis seven years BEFORE the attacks on the Twin Towers of 9/11
- IRCA failed to address the growing imbalance within our nation. Agriculture was in Washington seeking relief.

Real facts about Your Labor

- From 1990 through 2002 labor productivity in the USA increased 29%
- Aggregate Agricultural output increased 15.4% while the usage of total labor input decreased by 9.2%
- Agriculture was working very hard to increase the productivity of its dwindling labor force. We were NOT turning to cheap offshore labor as a solution.

Agricultural Job Opportunity, Benefits and Security Act

- AgJOBS first introduced in 2003
- Reintroduced in the 110th Congress as S.340 and HR 371
- Two part Proposal
- Offers a Long term solution and a Transition Strategy
- Long Term is the complete modernization of the 50 year old H2A program

AgJobs

- Earned Adjustments for those experienced employees
- Opportunity for those employees to earn a legal status so long as they remain in agriculture for 3 to 5 years.
- They will be subject to strict conditions
- Congress has never seriously moved to pass this.
- Today only 54 sponsors are on record in support.

Save Act-HR 4088

- Introduced in November 2007
- Offers very strict employer sanctions
- Tightens border security
- Forces the undocumented to surface and return to their native homelands
- Offers no solutions for the needed shortages in our workforce
- Has 139 Sponsors!

Social Security No-Match Rule

- August 2007 DHS issued ruling
- San Francisco Federal Court issues a 90 day stay
- The ruling is set to be implemented last week in March 2008
- Workers will face termination or employers will face severe fines.

Confusion within the Kingdom

- With no clear direction from Washington, DC we are beginning to see States begin to create local adjustments.
- This can be dangerous and confusing to a nation of States.
- The South West and South East areas seem the most at risk.

Homeland Security

- HMS is left with no other option than to enforce the laws as they are written.
- Border Patrol and ICE has received increased funding to step up their respective efforts.
- Public seems to be drawn into argument that our workers are here at a risk to their safety and jobs.

Fruit Industry has a Safety Valve

- Fruit industry falls within the category of needing employees on a seasonal need.
- This is unlike the Dairy industry.
- H2A can be used to supply employees in the short term.
- The AEWR for WV is \$9.05
- Those interested need to act fast to ensure completion of steps.

Agriculture Remains in Danger

- Growers must decide if they are to be architects of the solution or willing to accept the rules of those less invested.
- In this area only Congressman Wayne Gilchrest from Maryland has sponsored the AgJOBS effort.
- HR 4088 has 21 sponsors from the West Virginia, Virginia, Pennsylvania and Maryland fruit area.
- In WV Shelley Moore Capito has sponsored this bill.

Conclusions:

- Agriculture is at a cross roads.
- We must find a legal source of employing our workers or face dire economic loss.
- This is not a fruit issue but a Farm issue.
- This is not a security risk as much as it is a food safety risk.
- We must act collectively and raise this issue to the consumers if we are to gain the inertia we will need to gain passage.