

Attachment C – Comments Received on the Agricultural Outreach Plan

The New York State Department of Labor received comments from two organizations on its Program Year 2014 Agricultural Outreach Plan, which are included in this attachment. These comments did not result in any change to the draft plan that was posted on the website for the public comment period.



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Eric Denk
New York State Department of Labor
Agriculture Labor Program and Communications Specialist
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RE: PY 2014 Wagner-Peyser Agricultural Outreach Plan

Dear Mr. Denk,

New York Farm Bureau, the state's largest agricultural advocacy organization, would like to comment on the proposed PY 2014 Wagner-Peyser Agricultural Outreach Plan. NYS Department of Labor, Division of Immigrant Policies and Affairs, has been amenable to farm needs while continuing the transition from the previous division. However, NYFB has some concerns in regards to the proposed outreach for the coming fiscal year.

NYFB supports the proposal within the outreach plan to continue to increase efforts to help recruit domestic workers for employment on farms. Our organization continues to offer assistance with goals and initiatives of this project and would suggest that the movement of this program be tracked. Recruiting domestic workers has continually been a challenge for agricultural employers, and we would appreciate the opportunity to work with the Department on this project.

NYFB would like to express our support of current procedures that outreach staff have been using while visiting farms. While there have been some reports of concern for the new program, outreach workers have contacted employers in advance of visiting the farm - this has helped tremendously to bridge barriers between the new employees and illustrates an understanding of the unique nature farms have for a work environment. Outreach staff have been amenable to scheduling visits in a non-harvest season for farms which has been imperative for the individual farms. Furthermore, scheduling in advance has helped to coordinate if a specific farm has specific standards set in place for bio-security purposes - especially on dairy farms. Farm employers would appreciate the continuation of this ability to contact and schedule prior to an outreach staff site visit.

NYFB would also like to express support for the employer packets that will/have been distributed at farms. These packets provide farm employers with necessary tools that can be utilized to keep up-to-date with farm labor laws. NYFB would recommend including information within the packet on deductions as the newly proposed regulations move forward into law.

NYFB is unclear on what role the Community Relations Officers and the newly added Agriculture Labor Liaison. On page four of the Outreach Plan these two positions were briefly mentioned in paragraph one under subsection (ii). The organization and members would like further details on what these positions entail and the roles each will be playing with both employers and employees.

Also in need of clarification is the review of the previous year's MSFW activity in the state. Specifically, the report cites year round operation for Long Island (nursery, potatoes and grapes). While many nurseries can be open year round, it is a broad overview to combine all three of those commodities under "year round operation." Typically the season is similar to other areas of the state, and the majority of employment for those commodities on Long Island is between mid-April and late November .

Of significant concern is the increased working relationship with PathStone Corporation. While NYFB supports organizations that help support employees with proper training and procedures, PathStone has created tension within farm communities for its attempts at retraining workers for work outside the agricultural sector. Many employers that send their employees to the PathStone centers do so with the intention their employees will be given proper training for further agricultural work. NYFB would like to stress that if NYS Department of Labor moves forward with such a strong relationship with PathStone that the Department keep the main goal of farm worker training, for work on farms, a priority.

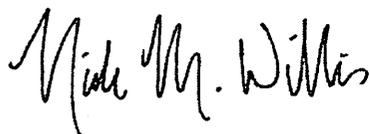
Another concern that is of extreme importance to the agricultural industry is the services provided to MSFWs through the American Job Center Network, specifically the service to transition migrant workers to employment in the non-agricultural sector and also, refer workers to non-agricultural jobs. Many of the employees are reached through their on-farm employment and granted access through agricultural employers. To continue to have Department of Labor Staff recruiting employees for non-agricultural work is incredibly troubling to NYFB and our farm employers. DIPA employees should not be utilized in a manner that would push agricultural workers to other sectors of employment; this is rarely done in other occupations and could be detrimental to many farms throughout the state. Furthermore, it will cause further tension within the farm community and the relationships with DIPA staff. If this goal continues to move forward, the strong relationship that has developed with NYS DOL will be questioned, and potentially challenged, by many farm employers.

While many areas throughout the state have reported positive interactions with DIPA staff, there continues to be an element in certain areas of uncertainty and aggressive tactics used by staff. NYFB understands that DIPA staff has a role to monitor and support compliance with labor laws. However, there continues to be staff that are aggressive and pushing strict enforcement which in turn is causing agricultural employers to have concerns with working with DIPA staff. Agricultural employers understand the importance of worker protections and granting numerous labor rights, but the relationship with DIPA should be understanding and supportive, not aggressive. In turn, with a supportive relationship, this creates a productive environment for employees, employers and the Department of Labor to work together and provide necessary services for all.

We appreciate your time and consideration of these comments and we look forward to continue working with the Division of Immigrant Policies and Affairs in an effort to provide the best support possible for farm employers and their employees.

Please feel free to contact our office with any questions or concerns you may have.

Sincerely,

A handwritten signature in black ink that reads "Nicole M. Willis". The signature is written in a cursive, flowing style.

Nicole Willis
Associate Director, Public Policy
New York Farm Bureau

Eric S. Denk
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Division of Immigrant Policies and Affairs
New York State Department of Labor
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May 7, 2014

Dear Mr. Denk,

On behalf of the NYS Department of Agriculture and Markets, I would like to thank you for soliciting comments for the Agricultural Outreach Plan for 2014 in particular the newly revised Agriculture Labor Program (formerly known as the Rural Employment Services Program) which transitioned to the Division of Immigrant Policies and Affairs (DIPA) as of April 2012.

The Department of Agriculture and Markets appreciates the work of DIPA and the staff, in conducting outreach, compliance, and inspections services for farm workers and farm employers in the agricultural areas of our state. New York farmers that utilize the H2A program services, in particular, find the DIPA staff invaluable in terms of assisting farmers with processing paperwork as well as helping to ensure compliance with regulations throughout the season. Below are comments from farmers across the state on the DIPA staff:

- 1- Farmers in the area continue to enjoy a good relationship with the new DIPA staff.
- 2- The perception seemed to be in the past that the Rural Labor Service Representatives are more enforcement driven rather than helping but that has NOT been the case so far.
- 3- The new Agricultural Specialist staff is also helpful and has a good relationship with the farm workers which, in turn helps the farmers.
- 4- Some stakeholders still are skeptical about the program but we should continue to reach out to them. In particular, we should reach out to the Horticultural Society.

The department would also suggest utilizing data from the National Agricultural Statistical Services (NASS).

Once again, thank you for the opportunity to provide comments on the Department's Agriculture Labor Program Plan in the year 2014. Please feel free to contact me should you have any questions or concerns.

Respectfully,

Hector M. Gonzalez

Migrant Labor Program Coordinator
NYS Department of Agriculture and Markets