NCAE Annual Forum
ASHCA Farm Safety Seminar
November 30, 2018

First-Line Supervisors
Risk Managers, or
Risky Business?

Guadalupe Sandoval
California Farm Labor Contractor Association

Special Thanks to
Howard Rosenberg
UC Berkeley
Our Discussion Today

• Bienvenidos

• Challenges with supervisory staff
  • Terms mayordomo and supervisor interchangeably

• Ag Labor & Supervisor demographics

• Considerations in selection

• Developing first-line supervisors

• Concluding comments
A broader approach to worker safety

- 1992: Experiences at UC Davis Ag Health & Safety Center
- Study by post-doctoral candidate, Bob Pence
- What factors lead to safe workplace (low injury rates)?
  - Training?
  - Tools and Equipment?
  - Written Safety Programs?
U.S. Department of Labor Secures Judgment to Enhance Farmworker Transportation Safety in California’s Imperial Valley

Actions Spurred by Fatal 2017 Crash Involving Grower’s Farm Labor Contractor

SAN DIEGO, CA – The U.S. District Court for the Central District of California entered a consent judgment ordering Fisher Ranch LLC to pay $21,168 in back wages and $49,104 in civil money penalties for violations of the Migrant Seasonal Workers Protection Act (MSPA) following a 2017 work-related motor vehicle accident that killed one worker and injured six others outside of Calexico, California. This action follows a U.S. Department of Labor Wage and Hour Division (WHD) investigation.

WHD investigators found the Blythe, California, agricultural company failed to ensure that its farm labor contractor, Healthy Harvesting, provided safe transportation to and from the fields for the workers. Under MSPA, growers are required to use “transportation authorized” farm labor contractors to protect workers from unqualified drivers or travel in unsafe vehicles.
Three Killed in Crushing Incidents

Three Northern and Central California workers were killed in recent days in incidents involving vehicles and equipment.

In Fremont, a supervisor for Sysco San Francisco, Inc., was crushed between a loading dock and a trailer.

In Merced, an employee of Normand & Sons was fatally pinned between a tractor and a pickup truck while attempting to jump-start the tractor.

And in Chico, an employee of Bob and Sue Vanella was pinned under a trailer while loading a tractor.
EEOC Sues Bisconti Farms, Inc. For Sexual Harassment And Retaliation

Female Manager at Temple Mushroom Farm Sexually Harassed Multiple Female Workers, Federal Agency Charges

PHILADELPHIA - Bisconti Farms, Inc., a mushroom farm in Temple, Pa., violated federal law when it subjected female workers to sexual harassment and retaliated against one worker because she opposed the harassment, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it announced today.

According to the EEOC's lawsuit, from 2007 to 2015, a female manager at Bisconti Farms subjected female workers, who worked in various positions including as box counters, box markers, or mushroom pickers, to repeated sexual harassment. The harassment included frequent and unwelcome touching of female workers' intimate areas, including breasts and vagina, repeated and frequent slapping on the buttocks, and subjecting some women to unwelcome kissing. Bisconti Farms retaliated against one of the workers who opposed the sexual harassment by disciplining her, demoting her, or reassigning her to different and undesirable work.
MONTEREY COUNTY, Calif. - Three people were arrested for embezzling money through "ghost worker" paychecks.

The Monterey County Sheriff's Office said "it's a complex scheme where crew bosses who work in the ag industry add an extra person to their crew, clock them in, and then collect and cash the ghost workers' paycheck."
Changing Labor Demographics in Ag (California)

• Labor shortages
  • Large increases in H2A Visa workers

• Aging Workforce –
  • Increase, avg age 32 years in 2000 to 39 in 2014

• More women working in the fields
  • Increase from 15% in 2000 to 40% in 2014

• Workers better informed of their rights

• More legal and government support available to workers
What’s behind the labor shortage?

#1 Decline in Newcomers and Migrants, Increase in Settled
CA NAWS 1989-2014

FTC
NEWCOMER
SETTLED
SHUTTLE
Nearly half of FLCs have payroll under $500K based on bond requirements in LC 1684

Distribution of Bond Amounts Respective to FLC Payroll (LC 1684) by Year

- $75,000 BOND (Payroll >$2M)
- $50,000 BOND (Payroll $500K to $2M)
- $25,000 BOND (Payroll up to $500K)

Source: DLSE FLC Database
Supervisors in the middle
Results to Achieve

- Production as ordered
- Good quality work
- Accident-free
- Harmonious relations
- Low turnover
- Good reputation
- . . . and . . .
Results to avoid, including…
Typical First-line Characteristics

• Perform some production work
• Deal with production workers directly and often
• Lead and control through personal communication
• Maintain compliance with many regulations
• Large number of decisions and tasks each day
• Shorter time frame to react and adjust
• Bridge differences -- org level, language, culture
When they gave me the job of supervisor, the most important reason was. . .

1. I had good work skills.
2. I had good interpersonal skills.
3. I applied and competed through application and interview,
4. I had knowledge of compliance with regulations.
5. It was my turn. I had time and experience there.
6. I am related to, or a good friend of the boss.
7. I demonstrated a high level of motivation.
8. I’m not sure.
Finding the right person

• You have an opening/need for supervisor or mayordomo
• How do you know what you’re looking for (qualifications)?
• How do you find the right candidate?
• How do potential applicants know if they might be qualified and considered?
Job Descriptions: [http://online.onetcenter.org/](http://online.onetcenter.org/)
Search: “first line supervisor farm”

<table>
<thead>
<tr>
<th>How do they match?</th>
<th>Code</th>
<th>Occupation</th>
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<tbody>
<tr>
<td></td>
<td>45-1011.07</td>
<td>First-Line Supervisors of Agricultural Crop and Horticultural Workers</td>
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<tr>
<td></td>
<td>45-1011.08</td>
<td>First-Line Supervisors of Animal Husbandry and Animal Care Workers</td>
</tr>
<tr>
<td></td>
<td>37-1012.00</td>
<td>First-Line Supervisors of Landscaping, Lawn Service, and Groundskeeping Workers</td>
</tr>
<tr>
<td></td>
<td>45-1011.00</td>
<td>First-Line Supervisors of Farming, Fishing, and Forestry Workers</td>
</tr>
<tr>
<td></td>
<td>43-1011.00</td>
<td>First-Line Supervisors of Office and Administrative Support Workers</td>
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<tr>
<td></td>
<td>33-1099.00</td>
<td>First-Line Supervisors of Protective Service Workers, All Other</td>
</tr>
<tr>
<td></td>
<td>51-1011.00</td>
<td>First-Line Supervisors of Production and Operating Workers</td>
</tr>
</tbody>
</table>
Summary Report for:
45-1011.07 - First-Line Supervisors of Agricultural Crop and Horticultural Workers

Tasks

Directly supervise and coordinate activities of agricultural crop or horticultural workers.

- Assign duties, such as cultivation, irrigation, or harvesting of crops or plants, product packaging or grading, or equipment maintenance.
- Train workers in techniques such as planting, harvesting, weeding, or insect identification and in the use of safety measures.
- Review employees' work to evaluate quality and quantity.
- Observe workers to detect inefficient or unsafe work procedures or to identify problems, initiating corrective action as necessary.
- Prepare and maintain time or payroll reports, as well as details of personnel actions, such as performance evaluations, hires, promotions, or disciplinary actions.
- Requisition or purchase supplies, such as insecticides, machine parts or lubricants, or tools.

Skills

- Active Listening — Giving full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate, and not interrupting at inappropriate times.
- Judgment and Decision Making — Considering the relative costs and benefits of potential actions to choose the most appropriate one.
- Critical Thinking — Using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems.
- Monitoring — Monitoring/Assessing performance of yourself, other individuals, or organizations to make improvements or take corrective action.
- Coordination — Adjusting actions in relation to others’ actions.
Job opening, job description, now…

• Might you have employees with potential to be really good supervisors?
• How do employees know about promotional opportunities?
• Do you consider casting a wider net?
• What is the application and screening process?
Applicant Screening

• Considerations:
• Meets basic job qualifications per job description: Verify
• Interview
• Hypothetical situations
• Testing – Written, Practical
• Other?
“We really need some supervisory training for the crew leaders.”
How do you know?
Trouble to Avoid

- Tasks not done
- Poor quality work
- People injured
- Complaints
- High turnover rate
- High indirect costs
- Conflict, litigation
- Fines, other penalties
Duties/Responsibilities Worksheet

- Staff crews and prepare employees to work
- Direct and support field operations of crew
- Provide instruction, training, orientation
- Provide transportation, equipment, and supplies
- Ensure compliance with labor laws, worker safety
- Record and report on crew activity
- Check, control, & correct work performance
Does the response matter?
What workers have said . . .

“Supervisors do not listen to employees here. They ignore complaints and even suggestions for how to do things better.”

“Workers are afraid to communicate to management.”
What workers have said . . .

“Couldn’t the crew foremen treat the workers in a friendly and respectful manner rather than bossing them around? We are hard workers without their bossing.”

“There is a differential treatment of workers. The rules are not the same for all of us.”
Ingredients for good results . . .

- Knowledge
- Ability & skills
- Attitudes
- Support
  - Tools, equipment, supplies
  - Management guidance
  - Policies
Possibilities to consider

• Does the supervisor know what to do?
  ---> *Understanding*

• Does supervisor have the capability to do it?
  ---> *Ability, skill*

• Does supervisor attempt to do it?
  ---> *Will and effort*
Do you feel you could use more information about what is expected from you? (AgSafe09)

1. Yes
2. No
3. Not sure
Do you think you need more information on how to perform your job? (AgSafe09)

1. Yes
2. No
3. Not sure

![Bar Chart]

- Yes: 92%
- No: 8%
- Not sure: 0%
What I want most from my boss is . . .

1. Always be in a good mood
2. Always provide clear instructions
3. Show appreciation for my work
4. Be a good teacher to me
5. Be a person I can trust
6. Leave me alone to do my work
7. Be fair in enforcing the rules
Diagnosing Every Situation

• Did worker **know** what to do?
  ---> *Understanding*

• **Can** the worker do it?
  ---> *Ability*

• Does worker **want** to do it?
  ---> *Will and effort*
Battling “Don’t Know”

- Job definition or description
- Hiring process
- Orientation
- Informational training, coaching
- Employee handbook
- Rotating assignments
- Meetings
- Ongoing, informal communications
Battling “Can’t Do”

• Recruitment
• Selection
• Training in techniques & methods, education
• Tools, equipment, process design
Agricultural Supervision Development Program
Two inter-related sessions to build knowledge, communication skills, and teamwork

SAN DIEGO COUNTY FARM BUREAU
1670 East Valley Parkway, Escondido, CA 92027

Management Seminar
Presented in English
November 18, 2008
1:00 – 3:30 pm
Session for middle and upper-level managers who depend on and work with first-line supervisors. At least one manager from each participating company must attend this session for supervisors to be eligible for the short course.

Topics
• Operational and legal risks in ag business
• Key functions of first-line supervision
• Meeting supervisory training needs
• Clarifying roles and company policies
• Coordinating managerial and supervisory work
• Overview of the short course
• Tools for in-house discussion

Supervisory Short Course
Presented in Spanish/Presentado en Español
November 19 & 20, 2008
8:00 am – 3:00 pm (both days)
A two-day, highly interactive course for foremen, crew leaders, mayordomos, and others who directly supervise production employees. Participants will receive a certificate of completion only if they attend both days of the short course.

Topics
• Supervisory roles and responsibilities
• Transition to the management team
• Expectations, policies, and regulations
• Tools, results, and risks of supervision
• Leadership and influence
• Communication skills to get work done
• Safety and OSHA compliance
• Meeting other legal standards
• Dealing with problem incidents
• Taking new ideas back to work

There is no fee for the Management Seminar. A registration fee of $125 per person for the Supervisory Short Course includes the cost of materials, lunches, and refreshments. Other program expenses are partly covered by the USDA Western Center for Risk Management Education.

Important Information
Please note, these sessions are designed for teams of managers and first-line supervisors. Participation in the supervisory course is limited to the first 80 pre-registrants by mail or fax, and at least one middle or upper-level manager must attend the seminar prior to supervisors (foremen, crew leaders, mayordomos) from the same company participating in the short course. No walk-ins or refunds, but substitutions from the same company will be welcome. Please mail payment for the short course by November 10, 2008 (postmark) to confirm all reservations.

The Short Course is open only to supervisors from companies that also participate in the management seminar.

For more information, please contact Sabrina Dilley at (559) 278-4404 or safefinfor@agsafe.org or Ramiro Lobo at (760) 752-4716 or relobo@ucdavis.edu, or visit the AgSafe website at www.agsafe.org. For directions to the meeting site, contact the San Diego County Farm Bureau at (760) 745-3023.

Presenters
Jess Gomez, J. Gomez & Associates
Lourdes Gonzalez, Pan American Insurance Agency
Ramiro Lobo, UCCE San Diego
Howard Rosenberg, University of California

Program offered by
AgSafe
Center for Agricultural Business at CSU, Fresno
University of California Cooperative Extension
San Diego County Farm & Home Advisors Office

Registration Form (please complete) – Agricultural Supervision Development Program in Escondido, CA
Structured Learning
### 2018 H2A Visa Workers Increased 16.7%

#### Office of Foreign Labor Certification

**H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2018**

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<th>Applications Received</th>
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<td>FY</td>
<td>Q1</td>
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<td>11,806</td>
<td>2,756</td>
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<table>
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<tr>
<th>Applications Processed</th>
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<tbody>
<tr>
<td>Determination</td>
<td>FY</td>
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<tr>
<td>Total Determinations</td>
<td>11,698</td>
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<tr>
<td>- Certified</td>
<td>11,319</td>
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<tr>
<td>- Denied</td>
<td>165</td>
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<tr>
<td>- Withdrawn</td>
<td>214</td>
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<tr>
<td>Positions Requested</td>
<td>251,579</td>
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<tr>
<td>Positions Certified</td>
<td>242,762</td>
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<tr>
<td>Processed Timely</td>
<td>91.7%</td>
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**Top 10 States**

- Georgia: 32,364 (13.3%)
- Florida: 30,462 (12.5%)
- Washington: 24,862 (10.2%)
- North Carolina: 21,794 (9.0%)
- California: 18,908 (7.8%)
- Louisiana: 10,079 (4.2%)
- Michigan: 8,359 (3.4%)
- New York: 7,634 (3.1%)
- Kentucky: 7,604 (3.1%)
- Arizona: 7,497 (3.1%)

**Top 10 Employers**

- North Carolina Growers Association (NCGA): 11,609 (4.8%)
- Washington Farm Labor Association (WAFLA): 5,163 (2.1%)
- Fresh Harvest, Inc.: 4,237 (1.7%)
- Zirkle Fruit Company: 4,169 (1.7%)
- Aiewell Concrete, Inc.: 2,706 (1.1%)
- Elkhorn Packing Co., LLC: 2,652 (1.1%)
- AG Labor, LLC: 2,207 (0.9%)
- Overlook Harvesting Company, LLC: 2,207 (0.9%)
- Rancho Nuevo Harvesting Company, LLC: 2,058 (0.8%)
- Foothill Packing, Inc.: 2,056 (0.8%)

[Pie chart showing top states: Georgia 30.2%, Florida 13.3%, Washington 12.5%, North Carolina 9.0%, California 7.8%]
CFLCA Supervisor Training Course (in planning stages)

A. Welcome and orientation (1/2 hr.)
B. Roles, Responsibilities, Challenges (2 hrs.)
C. Ethical Treatment of Employees (1 hr)
D. Wage & Hour, MSPA Basics (2 hrs.)
E. Effective, Positive Communications (2 hrs.)
F. Managing Worker Health & Safety (2 hrs.)
G. Reporting and Managing Work Injuries (1 hr.)
H. Harassment & Discrimination (1 hr)
Supervisors: Will they cost you, or will they save you?
And finally….

- Questions, comments?
- Thank you!