

7<sup>th</sup>  
ANNUAL

# NCAE AG EMPLOYER FORUM



2-4 DEC 2020

# Wednesday

## **11 am to 11:15** Welcome

Jon DeVaney, President, Washington State Tree Fruit Association

## **11:15 to Noon** NCAE Update

Michael Marsh, CEO, National Council of Agricultural Employers

## **Noon to 1 pm** Election Results and the Makeup of the Next Congress

Charlie Garrison, Garrison Group, LLC

## **1 pm to 2 pm** COVID and Farm Labor in 2020

Phil Martin, PhD, University of California-Davis

## **2 pm to 3 pm** Organized Labor's Shaping of the Market and the New Consumers

Mike Saqui, Partner, The Saqui Law Group

## **3 pm to 4 pm** "What would you do if...", A Refresher on Discrimination, Harassment and Retaliation in the Workplace

Josh Viau, Partner, FisherPhillips

## **4 pm to 5 pm** California and Washington: Canary in the Coal Mine

Jason Resnick, Senior Vice President and General Counsel, Western Growers Association

Scott Dilley, Communications Director, Washington State Dairy Federation

# Thursday

## **10:45 am to Noon** Immigration and Ag Labor Reform in the 117th Congress

Craig Regelbrugge, Moderator, Government Affairs, AmericanHort

Bob Naerebout, Director of Government Relations, Idaho Dairymen's Association

Mike Joyner, President, Florida Fruit and Vegetable Association

Dave Puglia, President and CEO, Western Growers Association

Tom Bortnyk, Vice President and General Counsel, másLabor

## **Noon to 1 pm** Emerging Health and Safety Issues in the Era of COVID-19

Bill Krycia, Sr Health and Safety Consultant, Zenith Insurance Company

Jess McCluer, VP of Safety and Regulatory Affairs, National Grain and Feed Association

Susan Quale, VP of Human Resources, Sierra Cascade Nursery, Inc.

Paul Riley, Director, Safety, Health & Environmental, AgReserves, Inc.

## **1 pm to 2 pm** New H-2A Regulations and What They Mean for Employers

Chris Schulte, Partner, Smith, Gambrell & Russell, LLP

## H-2A Beginner Track

### **2 pm to 3 pm** H-2A 101: Who Will Harvest our Crops?

Kerry Scott, Program Manager, másLabor

### **3 pm to 4 pm** H-2A Basics for Payroll Records, Housing Requirements, and Travel Reimbursements

Betsy Parkin, H-2A Program Coordinator, Snake River Farmers Association

Jillian Hitt, Case Manager, Snake River Farmers Association

Nickol Corr, Case Manager, Snake River Farmers Association

### **4 pm to 5 pm** Legal Eagle Panel – Your Questions for Our Answers

Jeanne Malitz, Moderator, Partner, Malitz Law, LLC

Joel Anderson, Esq., Executive Director, Snake River Farmers Association

Tom Bortnyk, Vice President and General Counsel, másLabor

Chris Schulte, Partner, Smith, Gambrell & Russell, LLP

# Thursday

## H-2A Advanced Topics

### **2 pm to 3 pm** Crisis Management and PR in the H-2A Context

Joel Anderson, Esq., Executive Director, Snake River Farmers Association

### **3 pm to 4 pm** H-2A Trends: DOL and the Board of Alien Labor Certification Appeals (BALCA)

Tom Bortnyk, Vice President and General Counsel, másLabor

### **4 pm to 5 pm** Navigating Leave Laws in the Time of Pandemic: Don't leave home without it.

Rebecca Schultz, Associate Attorney, Saqui Law Group



# Friday

## **11 am to Noon** US Department of Labor, Office of Foreign Labor Certification

Brian Pasternak, Administration, Office of Foreign Labor Certification

Shane Barbour, Center Director, Chicago National Processing Center

Alejandra Dominguez, H-2A Certifying Officer, Chicago National Processing Center

Shawn Packer, Senior Counsel to the Assistant Secretary of the Employment and Training Administration, Department of Labor

## **Noon to 1 pm** US Department of Labor, Wage and Hour Division

Whitney Ford, Director, Division of Immigration, Farm Labor, and Trade

## **1 pm to 2 pm** US Department of State

Geoff Thomas, H2 Team Lead, Mission Mexico

Department of State Staff

## **2 pm to 3 pm** The 2021 Enforcement Forecast for the USDOJ Civil Rights Division/IER Section: Strategies for Avoiding Employer Liability in Recruitment and Hire

Mary Pivec, Managing Principal, Pivec & Associates, PLLC

# Friday

## 3 pm to 3:30 pm Guatemala H-2A Program

Rafael Eugenio Rodríguez Pellecer, Minister of Labor

## 3:30 pm to 4:00 pm Honduras H-2A Program

Dr. Olvin Aníbal Villalobos Velásquez, Minister of State for Labor and Social Security Offices

## 4:00 pm to 4:45 pm US Equal Employment Opportunity Commission

Keith E. Sonderling, Vice Chair

## 4:45 pm to 5:15 pm Happy Half Hour Q & A – Nothing Off the Table

Lynn Jacquez, Principal, CJ Lake, LLC

Jon DeVaney, CEO, Washington State Tree Fruit Association

Michael Marsh, CEO, National Council of Agricultural Employers



# Speaker Bios



## Joel Anderson Executive Director Snake River Farmers Association

Joel is the Executive Director of the Snake River Farmers' Association, a nationwide non-profit organization of H-2A agricultural producers. SRFA was founded by farmers in 1985 to specialize in the complex world of H-2A processing and program compliance. Joel's educational background includes a Bachelor's Degree in business administration from the University of Colorado at Denver and a *Juris Doctor* from the University of Denver's Sturm College of Law. He has worked in the field of immigration since 2000, and following his admission to the Colorado Bar in 2007 he has devoted his practice exclusively to immigration law. His work has afforded him the opportunity to present immigration topics to numerous audiences and stakeholders around the country, from state and national restaurant, lodging, and landscaping associations to state chambers of commerce. He participates regularly in seasonal worker panel discussions and works with US Congressional Delegates' offices on a range of immigration matters, including agency over-regulation, agency processing errors/delays, and immigration legislation and regulations.

Joel serves on the NCAE's Executive Committee. He is honored to also serve as a military attorney in the US Army Reserves Judge Advocate General Corps. He is an avid outdoor sports enthusiast and enjoys camping, hiking, hunting, and fishing and spending time with his wife Natalie and their 6 children in the beautiful State of Idaho.

# Speaker Bios



**Shane Barbour** Center Director  
Chicago National Processing Center | Department of Labor

Shane Barbour currently serves as the Center Director of the Chicago National Processing Center for the Office of Foreign Labor Certification in the Employment and Training Administration. In this capacity, Mr. Barbour is responsible for the overall operations and strategic program planning of the temporary visa programs conducted at the Chicago National Processing Center. Mr. Barbour has

served the Department of Labor for the last 15 years.



**Tom Bortnyk** Vice President and General Counsel  
MAS Labor

Tom Bortnyk is the Vice President and General Counsel for másLabor, the nation's largest provider of comprehensive H-2A and H-2B services. He advises másLabor's clients on regulatory compliance issues and best practices, in addition to overseeing the company's quality assurance program and client service processes. Tom has a B.S. in International Affairs from Florida State University and a

J.D. from Washington & Lee University School of Law. Prior to law school, he was a project manager at a Florida-based software development firm.

# Speaker Bios



**Jon DeVaney** President  
Washington State Tree Fruit Association

Jon DeVaney has served as the President of the Washington State Tree Fruit Association since September of 2014, when the Association was established through the merger of four existing tree fruit industry organizations. In this capacity he oversees the Association's industry education, data collection and reporting, and state and local government relations activities.

Prior to this merger, he was the Executive Director of the Yakima Valley Growers-Shippers Association from November of 2009. Mr. DeVaney has an extensive background in agricultural policy and politics, having previously served as a long-time staff member for Congressman Doc Hastings, as Washington State Director of USDA Rural Development (2005-2009) and on the staff of the Northwest Horticultural Council. Mr. DeVaney has a B.A. from the University of Washington and an M.A. from Georgetown University.



**Scott Dilley** Communications Director  
Washington State Dairy Federation

Scott Dilley is the communication director and labor policy expert for the Washington State Dairy Federation, which represents Washington's dairy farm families. Scott has more than 17 years of experience in public policy and has expertise in labor and employment matters, as well as transportation and energy issues. He previously served in government relations at Washington Farm

Bureau. Scott received a bachelor's degree in government from Centre College and a master's degree from the Assemblies of God Theological Seminary. Scott is a native of Oxford, Mississippi, and now lives on a farm near Montesano with his children. He also serves as a commissioner on the board of Grays Harbor Public Hospital District 2.

# Speaker Bios



**Alejandra Dominguez** Certifying Officer  
Office of Foreign Labor Certification

Alejandra Dominguez is a Supervisory Immigration Program Analyst with the Office of Foreign Labor Certification (OFLC) under the Department of Labor. She is currently working at the Chicago National Processing Center, and is one of three Certifying Officers in the H-2A Temporary Agricultural Labor Certification Program. She has been with OFLC for approximately four years. Before working in the H-2A program, she also worked in the H-2B program as a Certifying Officer. Prior to joining the Department of Labor, she was at the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS) for approximately 15 years and was in various departments and positions, including Branch Chief, First-Line Supervisor, and Immigration Services Officer (ISO).

**Whitney Ford** Director, Division of Immigration, Farm Labor, and Trade, Wage and Hour Division  
Department of Labor

# Speaker Bios



## **Charlie Garrison** President The Garrison Group

Charlie Garrison was born and raised on a central Indiana dairy and row crop farm. He received a Bachelor's Degree in Animal Science from Purdue University and then was a partner in the family farm for ten years. During that time he was elected Vice-President of the Indiana Holstein Association and was selected as a participant in the Indiana Agriculture Leadership Program.

Charlie then accepted a staff position in Chicago with the Beef Industry Council, the checkoff-funded promotion and research arm of the beef industry that is now part of the National Cattlemen's Beef Association. While in Chicago he attended the Kellogg Graduate School of Management at Northwestern University.

Next, Charlie moved to Washington, D.C. to create the position of Director of Industry Relations for the National Dairy Promotion and Research Board. He remained in that role during and after the merger of the National Dairy Board staff and programs into Dairy Management Incorporated (DMI).

Now in its third decade, The Garrison Group is a Washington, D.C.-based public affairs firm specializing in food, agriculture and energy policy and communications. Clients have included businesses and organizations involved in dairy production, processing, marketing and exporting as well as meat processing, financial services and clean energy.

# Speaker Bios



**Lynn Jacquez** Principal  
CJ Lake LLC

Lynn Jacquez's professional background spans private law practice, government relations, and service in the Federal government. Upon graduation from the University of Notre Dame School of Law, she came to Capitol Hill to serve as counsel for the House Judiciary Committee. In her work for its Subcommittee on Immigration, Refugees, and International Law, she had primary responsibility for the drafting and processing of the Immigration Reform and Control Act of 1986 (IRCA) and refugee reauthorization legislation. After her tenure on the Committee, Ms. Jacquez entered private practice with Heron, Burchette, Ruckert & Rothwell, and later with McAuliffe, Kelly & Raffaelli. In 1992, she helped form the government relations firm which became CJ Strategies in 2006 and in 2011 established the law firm of CJ Lake LLC where she is now managing partner and Principal.

In her legal practice, Ms. Jacquez represents employers in individual and class action litigation involving MSPA, wage and labor and immigration law. She counsels employer clients on statutory and regulatory compliance with immigration laws including I-9 compliance and temporary foreign worker visa program compliance. She represents organizations seeking regulatory and legislative reform to address workforce issues and is actively engaged on behalf of employers in developing immigration program reform legislation.

Ms. Jacquez is a member of the District of Columbia Bar. Ms. Jacquez received her undergraduate degree from L'Université d'Aix-Marseilles and holds a law degree from the University of Notre Dame School of Law.

[ljacquez@cj-lake.com](mailto:ljacquez@cj-lake.com)

# Speaker Bios



## Mike Joyner President Florida Fruit & Vegetable Association

Mike Joyner is the President of the Florida Fruit & Vegetable Association (FFVA). Serving Florida's grower-shipper community since 1943, FFVA represents a broad range of crops, including vegetables, citrus, tropical fruit, berries, sod, sugar cane, tree crops and more. Its mission is to enhance the business and competitive environment for producing and marketing fruits, vegetables and other crops. Most recently, Mike served as assistant commissioner of agriculture and chief of staff for Agriculture Commissioner Adam Putnam, helping to lead the state Department of Agriculture and Consumer Services for almost eight years. Before that, he represented clients throughout Florida and the United States before the Florida Legislature and state regulatory agencies. He also served in public affairs and environmental affairs positions for The St. Joe Company and Progress Energy (now Duke Energy) and worked as chief of staff for the Florida Department of Environmental Protection.



# Speaker Bios



## **Bill Krycia** Senior Safety & Health Consultant Zenith Insurance Company

Bill has been involved with Occupational Safety and Health for over 37 years. Prior to coming to Zenith, Bill's career at Cal/OSHA spanned the range from field inspector to Regional Manager. While at Cal/OSHA Bill led the Region II Enforcement Unit; coordinated the Division's statewide Agriculture Safety and Health and Heat Injury Prevention efforts; conducted and reviewed inspections on all industries; and was the Division's past team Leader for Emergency Response. Bill continues to be involved externally as the External Advisory Board Chairperson for the NIOSH Western Center for Agricultural Health and Safety at UC Davis. Bill is also the Agricultural Safety Work Group Lead person for NIOSH/National Occupational Research Agenda (NORA), and on the Review Panel for CDC/NIOSH National Agricultural Centers. He is an American Board of Industrial Hygiene Certified Industrial Hygienist (CIH) and a graduate of the University of Michigan School of Public Health, Ann Arbor, and holds a Master's in Public Health (MPH).

Bill's areas of specialty include agricultural safety and health; heat illness prevention; training and outreach; compliance issues, and industrial hygiene.



# Speaker Bios



## **Jeanne Malitz** Principal Malitzlaw, Inc.

Jeanne M. Malitz is the principal of Malitzlaw, Inc., a boutique law firm specializing in employment-based immigration matters. Malitzlaw, Inc. has a national presence representing employers on a wide variety of immigration-related matters with an emphasis on permanent labor certification and temporary labor certification for agricultural employers. Her practice also includes counseling on employment verification including E-Verify and I-9-related issues. Ms. Malitz actively participates in advocacy for immigration reform through national committee work on behalf of the American Immigration Lawyers' Association (AILA) and the National Council of Agricultural Employers (NCAE). She served as a member of AILA's national Department of Labor Committee for 14 years. Ms. Malitz also chaired the H-2A Committee for the NCAE. She frequently presents and writes on immigration-related topics.

Ms. Malitz received her B.A. degree from the University of San Diego (Magna Cum Laude, 1985) and her J.D. degree from the Boston University School of Law (1990). She was employed by several national and international law firms including: Gray Cary Ames & Frye and Morrison & Foerster. Ms. Malitz has been nominated as a San Diego "Top Lawyer" for the years 2013 to the present.

# Speaker Bios



## **Michael Marsh** President & CEO National Council of Agricultural Employers

Michael Marsh, President and CEO, National Council of Agricultural Employers (NCAE)

Michael earned bachelor's degrees in history and accounting from the University of Wyoming where he also studied law. He is a certified public accountant.

Although Michael started his career in public accounting in Casper, Wyoming working for a CPA firm that had many farm and ranch clients, his career changed dramatically when he began to focus in the areas of forensic accounting and fraud investigation. In fact, it was a fraud he uncovered at the National Potato Promotion Board in Denver that ended up tying him inextricably to agriculture. He was subsequently hired to be the Director of Finance for the Almond Board of California and later became the CEO of the largest dairy producer trade association in the US at Western United Dairymen in Modesto. After consulting for a few years in the areas of litigation support and complex financial transactions in Federal District Court, Michael returned to his true passion advocating on behalf of America's farmers and ranchers at NCAE.



## **Phil Martin, PhD** Professor Emeritus University of California-Davis

Philip Martin is Professor emeritus of Agricultural and Resource Economics at the University of California-Davis, editor of Rural Migration News (<http://migration.ucdavis.edu>), and the author of numerous research publications on migration and farm labor. His most recent book is *Managing Merchants of Labor: Recruiters and International Labor Migration* (Oxford, 2017). ([plmartin@ucdavis.edu](mailto:plmartin@ucdavis.edu))

# Speaker Bios



**Jess McCluer** Vice President, Safety and Regulatory Affairs  
Chairman of the Board of Directors for ASHCA  
National Grain and Feed Association

Jess McCluer, Vice President, Safety and Regulatory Affairs with the National Grain and Feed Association is responsible for directing and managing the NGFA's wide-ranging operations programs for grain elevators, feed mills and grain processing plants. He also oversees the NGFA's activities regarding employee safety and industrial health, environmental issues, grain-handling facility design and equipment, grain inspection and weighing issues, grain and feed quality and agroterrorism/facility security related issues.

Prior to joining NGFA in 2007, Mr. McCluer was a program analyst at OSHA's Office of Outreach Services and Alliances.

Jess is a native Texan who received his undergraduate degree from Texas A&M University, and his Masters of Arts from the George Washington University. Jess has served on the ASHCA Board since 2018 and as Chairman since 2019.



# Speaker Bios



## **Bob Naerebout** Director of Government Relations Idaho Dairymen's Association

Bob Naerebout has spent the entirety of his career within the dairy industry in different capacities after graduating from Michigan State University in 1975. Those ventured into many different areas that include managing Michigan State University Dairy Research facility, owning a dairy farm in Michigan, serving as President of both the marketing co-op and its processing operation and forming Western Dairy Business Solutions.

In the spring of 2003 Western Dairy Business Solutions contracted with Idaho Dairymen's Association (IDA), which represents all dairy producers in Idaho, to manage the association. As the dairy industry in Idaho grew so did IDA which now includes, IDA Consulting Services, Independent Environmental Action League (IDEAL) and the IDEAL Foundation.

The growth of the association and its affiliates facilitated the IDA board in 2017 to hire Rick, Bob's son, to be the CEO. That change in leadership provided Bob the opportunity to dedicate all his time to government relations for the association. In Bob's new role besides lobbying he serves on numerous state and national boards. Many of those boards primary goal is to see responsible immigration reform successfully move forward.

The dairy industry and IDA have a strong need and desire for immigration reform. The past three years the board and staff's passion for immigration reform has not gone unnoticed. They were named the Idaho Hispanic Chamber of Commerce Immigration Advocate of the Year, Idaho Commission on Hispanic Affairs Advocate of the Year, and the Idaho Catholic Charities Bishop Michael Patrick Driscoll Award.

# Speaker Bios



**Shawn Packer** Senior Counsel to the Assistant Secretary of the  
Employment and Training Administration

Department of Labor

Shawn M. Packer is Senior Counsel to the Assistant Secretary of the Employment and Training Administration (ETA). Prior to ETA, Mr. Packer worked in the Office of the Solicitor at the Department of Labor as an Attorney-Advisor to the Solicitor. In his role as Senior Counsel, Mr. Packer advises the Department on all policy issues regarding the Department's foreign labor certification programs, including the implementation of the President's Executive Order "Buy American, Hire American."



**Brian D. Pasternak** Administrator

Office of Foreign Labor Certification

U.S. Department of Labor

Brian Pasternak serves as the Administrator for the Office of Foreign Labor Certification in the Employment and Training Administration, Department of Labor. In this capacity, Mr. Pasternak provides executive leadership, management, and strategic direction over the operations of prevailing wage, permanent and temporary visa programs administered by the Department of Labor. He also advises the Assistant Secretary and Office of the Secretary on legislative, regulatory, and policy issues affecting the organization and administration of employment-based immigration programs. Mr. Pasternak has served in numerous senior management positions at the Department of Labor for the last 17 years. He holds a Bachelor of Arts degree in History from the University of North Carolina at Wilmington, and a Master of Public Policy degree from the College of William & Mary.

# Speaker Bios



## **Mary Pivec** Managing Principal Pivec & Associates, PLLC

For more than 35 years Mary E. Pivec has counseled employers dealing with government regulations, investigations and enforcement actions. Rated by peers as AV Preeminent in the Martindale Hubble Attorney Survey, Mary is recognized as one of the most experienced and knowledgeable attorneys in the U.S. in the field of immigration-related worksite enforcement and compliance. She has represented employers in over 100 Form I-9 inspections, immigration-related discrimination investigations, and OCAHO proceedings, has testified as an expert on I-9 compliance and immigration-related discrimination claims in civil and criminal litigation, and has trained and counseled hundreds of managers and human resource officers on immigration compliance issues. Mary also represents employers in DOL H-1B/LCA enforcement audits and in appeal proceedings before DOL administrative law judges and the DOL Administrative Review Board. Mary is a 1981 graduate of the University of Maryland School of Law and practices with the firm of Pivec & Associates, PLLC, located in northern Virginia. She is a Fellow of the American Bar Association College of Labor and Employment Attorneys and has been listed annually in *Best Lawyers in America* in the field of Immigration Law since 1990. Mary also served for nine years on the AILA Board of Governors and on numerous AILA liaison and advisory committees relating to the employment of foreign nationals and immigration compliance and enforcement issues of concern to employers of foreign nationals.

# Speaker Bios



## **Dave Puglia** President and CEO Western Growers Association

Dave Puglia was selected President and CEO of Western Growers in 2019. Since joining the organization in 2005, he has focused on leading public policy initiatives affecting the agriculture industry in California and other western states.

Puglia has been at the forefront of major legislative and regulatory issues involving water supply, water quality, energy, air quality and labor. His work has included negotiating statewide water bond provisions to enhance storage capacity, advocating for a comprehensive safe drinking water solution in partnership with environmental justice leaders, and negotiating the nation's first state regulatory standard for prevention of heat illness in agricultural settings.

Before joining Western Growers, Puglia served for seven years in the California Attorney General's Office, first as Press Secretary and then as Director of Public Affairs and Communications. He has also worked as a public affairs consultant to numerous corporations and industry groups in addition to serving in senior roles on several statewide political campaigns.

Puglia is currently Vice Chair of the Public Policy Institute of California's Water Policy Center Advisory Council and has served on several industry-related boards and advisory councils.

A Sacramento native, Puglia earned a bachelor's degree in Government-Journalism from Sacramento State University and resides with his wife Lezlie in Orange County, California.

# Speaker Bios



**Susan Quale** Vice President of Human Resources  
Sierra Cascade Nursery, Inc.

Susan Quale is the Vice President of Human Resources for Sierra-Cascade Nursery, Inc., a leading supplier of strawberry plants to commercial fruit growers. Responsibilities include the oversight and coordination of all HR functions, including benefits and compensation, health and safety, workers compensation, labor law compliance, labor management including administration of the H-2A Guest Worker program which entails managing food service, housing and transportation for all eligible employees of the company. Sierra-Cascade Nursery grows many crops in addition to strawberries and has multiple sites in California, Southern Oregon, Idaho and Nevada. The company employs in excess of 2,400 people at its peak and utilizes multiple H-2A contracts each year, housing and feeding over 1,300 employees. Susan has been with SCN for 22 years and is a Certified HR Professional.



**Craig Regelbrugge** Senior Vice President  
AmericanHort

Craig Regelbrugge serves as AmericanHort's senior vice president, where he is responsible for industry advocacy and research programs. AmericanHort is the national trade organization representing the horticulture industry, including nursery and greenhouse growing, garden retail, landscape design and installation, and suppliers.

Regelbrugge serves in national leadership positions representing the horticulture industry on matters relating to the labor force, plant health, and trade. He co-chairs the Agriculture Coalition for Immigration Reform, a broad-based coalition seeking legislation to ensure a stable and legal agricultural workforce. He also chairs NCAE's Immigration Committee. Craig is a longtime friend of NCAE and a WORKHORSE on Immigration.

# Speaker Bios



## **Jason Resnick** Senior Vice President and General Counsel Western Growers

Jason Resnick joined Western Growers in 2003 as a staff attorney. Today as Vice President and General Counsel, he has responsibility for overseeing the organization's legal affairs and serves as Western Growers' corporate secretary. As a member of the Western Growers' executive team, Jason provides advice and counsel on various legal, business and policy matters. Jason also manages Western

Growers H-2A Services, which serves as a full-service H-2A agent exclusively for Western Growers members.

Jason is a frequent speaker and magazine contributor on employment law and ag labor issues. He serves as vice president on the board of directors for the Agricultural Personnel Management Association (APMA), is on the board of iFoodDecisionSciences, and is a past co-chair of the Agribusiness Committee of the State Bar of California.

Jason received his bachelor's degree from the University of California, Irvine and his JD from the University of the Pacific, McGeorge School of Law.



## SHRM Certification

- NCAE is proud to announce that we are offering Professional Development Credits for the Society For Human Resource Management for participation at this year's Ag Employer Labor Forum.
- Please see Nigel Bocanegra, Manager of Association Services at NCAE, ([nigel@ncaeonline.org](mailto:nigel@ncaeonline.org)) to ensure you receive Activity IDs after attending the conference.

# Speaker Bios



**Paul Riley** Director, Safety, Health & Environmental  
AgReserves, Inc.

Paul is a Certified Safety Professional with 30 years of experience in Occupational Safety and Health. He received his bachelor's degree in Environmental & Occupational Safety & Health from Brigham Young University and his master's degree in Business Administration. He has worked in the Safety and Health profession in several different industries including Mining, Agriculture, Insurance, Government, and Construction. Paul is currently the Director of Safety and Health for AgReserves, Inc. AgReserves, Inc. is a multi-national agriculture company involved in Beef, Dairy, Almonds, Pistachios, Walnuts, Pecans, Oranges, Olive Oil, Potatoes, Onions, Corn, Wheat, and Soybeans. Paul sits on the board of directors for the Agricultural Safety and Health Council of America and has served as President of the Utah Chapter of the American Society of Safety Professionals (ASSP) and other national leadership positions within ASSP.



# Speaker Bios



## Rafael Eugenio Rodríguez Pellecer Minister of Labor and Social Welfare Guatemalan Government

Minister Rafael Rodríguez is a Guatemalan citizen and has a Master's Degree in Government and Public Administration from the Complutense University of Madrid, Spain. He has a degree in Legal and Social Sciences and a law degree from the Rafael Landívar University of Guatemala.

On July 1, 2020, he took office as Minister of Labor and Social Welfare, appointed by the President of the Republic of Guatemala Dr. Alejandro Giammatei.

He has served as Director of the National Civil Service Office -ONSEC-, legislative advisor in the Congress of the Republic of Guatemala, and a legal specialist in the USAID / CHECCHI COSULTING Security and Justice Project. He has advised on issues of parliamentary technique to different work commissions in the Congress of the Republic. He has also served as a professor in the Master in Public Administration, in charge of the National Institute of Public Administration and endorsed by the University of San Carlos de Guatemala. He carried out consultancies that resulted in the creation of projects on the Reform of the Civil Service and Regulation of the Service of Public Directors.



# Speaker Bios



## Michael Saqui President The Saqui Law Group

Michael Saqui's highly successful track record spanning almost three decades makes him a powerful partner to the clients he represents in all aspects of employer-employee relations.

Michael has fought and prevailed against many of the biggest and best financed labor organizations in the U.S. He has managed over 100 union avoidance campaigns in dozens of states, resulting in maintenance of union-free status. He has successfully tried hundreds of grievances and arbitrations involving just cause discipline, seniority, technological advances impacting bargaining units, and other contract interpretation issues. Michael represents clients before the NLRB and other federal and state agencies and courts. He has also formulated and implemented preventive labor relations programs, trainings, procedures and union avoidance protocols for employers of all sizes and from virtually all industries. Michael remains at the forefront of how the outside influencers are disrupting the H-2A program, and Organized Labor's Shaping of the Market and the New Consumers.

Michael is one of the most sought after public speakers in the industry on labor and employment matters, and does extensive public speaking including seminars and in-house training, to counsel employers in developing proactive approaches to address employment and labor relations matters. He has also written numerous trend reports and management guides that help clients understand the legal climate and build strategies to undo vulnerabilities, enhance labor relations and manage crises when they arise.

# Speaker Bios



**Chris Schulte** Partner  
Smith, Gambrell, & Russell, LLP

As a partner in SGR's Litigation Practice, Mr. Schulte advises and litigates on behalf of employers and employer associations with respect to employment and business immigration matters, including wage and hour, H-2A and H-2B non-immigrant worker program compliance matters. Additionally, he works on public policy issues involving Congress and Federal agencies related to immigration, agriculture, insurance, clean energy, health care, environment, and transportation. Mr. Schulte is a member of the District of Columbia, New York, Massachusetts, and New Hampshire bars and has been admitted to practice before federal district and appellate courts throughout the U.S.



**Rebecca Schultz** Associate Attorney  
The Saqui Law Group

Rebecca spent her high school days involved in Future Farmers of America and earned her Bachelors of Science in Agriculture from Cal Poly, San Luis Obispo. In 2016, Rebecca joined the Saqui Law Group to return to her roots in agriculture by defending farmers in employment litigation suits. Her practice is focused on defending employers in all employment matters, including wage and hour class actions and collective actions, labor commissioner hearings, sexual harassment and discrimination claims, and DOL investigations and audits, particularly involving H-2A workers and H-2A program compliance.

# Speaker Bios



## Kerry Scott Program Manager Mas Labor

Kerry graduated from Washington and Lee University in 1976 with a degree in Political Science and holds a master's degree in International Relations from Troy University. Kerry served 28 years as an officer in the United States Army with tours of duty in Germany, Austria, Ethiopia, Rwanda, Liberia and Washington, DC and now lives on the family farm in Amherst County, Virginia, with his wife, Marlies, and a small herd of dogs, cats, and horses.

Kerry is Program Manager for MAS Labor, based in Lovingston, Virginia, the country's largest supplier of H-2A and H-2B legal guest workers. MAS provides H-2 services in 46 states and in virtually every eligible agricultural and non-agricultural sector from apiculture to viticulture; landscaping to hospitality. Kerry originally made farm calls for MAS; advising clients on how to stay in compliance with the highly regulated H-2A program. Kerry's responsibilities now include business development for MAS, reporting directly to the owners of the company. This work has him exhibiting and speaking to agricultural and horticultural groups all over the country. Recent participants have credited Kerry as being the first speaker to leave them truly understanding the H-2A program. MAS also provides employers with TN visa holders for positions requiring bachelors or higher degrees and demonstrated bilinguality.

# Speaker Bios



## **Keith E. Sonderling** Vice Chair Equal Opportunity Employment Commission

Vice Chair Keith E. Sonderling was nominated by President Trump on July 17, 2019, and was confirmed on September 22, 2020, for a term expiring July 1, 2024. Sonderling was also designated by President Trump to serve as Vice Chair of the Commission.

Prior to his appointment to the EEOC, Vice Chair Sonderling served as the Deputy Administrator of the Wage and Hour Division of the U.S. Department of Labor. He previously served as the Acting Administrator. The Wage and Hour Division administers and enforces Federal labor laws including the Fair Labor Standards Act, the Family Medical Leave Act, and the labor provisions of the Immigration and Nationality Act.

Prior to joining the administration in 2017, he practiced labor and employment law at the Florida-based Gunster Law Firm.

Vice Chair Sonderling received his B.S., magna cum laude, from the University of Florida and his J.D., magna cum laude, from Nova Southeastern University.



## **Geoff Thomas** Vice Consul U.S. Consulate General Monterrey

Geoff is a Foreign Service Officer with the U.S. Department of State currently serving at U.S. Consulate General Monterrey. His prior work with the Department includes time in Washington DC and Cairo, Egypt. In Monterrey he's served on the H-2 team since October 2019 and as H-2 Team lead since January 2020.

# Speaker Bios



## Josh Viau Partner Fisher & Phillips LLP

Employers represented by Josh Viau consider him a valuable resource for avoiding disputes as well as a tireless advocate when disputes do arise.

Josh counsels and defends many agricultural employers in connection with the Fair Labor Standards Act (FLSA) the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), the H-2A temporary foreign agricultural worker program, and other federal and state employment and discrimination laws. His work for employer clients includes defending claims and advising employers on day to day issues arising under state and federal statutes such as Title VII, the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), and the National Labor Relations Act (NLRA).

Josh works with a variety of national and local clients including employers in agriculture. Josh graduated from the Emory University School of Law and he is the former Chair of the Labor and Employment Law Section of the Georgia State Bar.

Josh has been selected to the *Best Lawyers in America* since 2015 and was recognized as a *Georgia Super Lawyer* since 2015 and as a *Georgia Super Lawyer – Rising Star* from 2006 through 2014. A more detailed bio is available here:

<https://www.fisherphillips.com/attorneys-jviau>

FisherPhillips has over 370 attorneys in 32 offices. Founded 75 years ago, it is one of the largest U.S. law firms to concentrate its practice exclusively upon representation of employers in labor and employment matters. The firm has offices in Atlanta, Baltimore, Boston, Charlotte, Chicago, Cleveland, Columbia, Columbus, Dallas, Denver, Fort Lauderdale, Gulfport, Houston, Irvine, Kansas City, Las Vegas, Los Angeles, Louisville, Memphis, New Jersey, New Orleans, Orlando, Philadelphia, Phoenix, Portland, Sacramento, San Diego, San Francisco, Tampa, and Washington, D.C.

# Speaker Bios



## **Dr. Olvin Aníbal Villalobos Velásquez** Honduran Government Minister of State for Labor and Social Security Offices

In his academic training, he graduated as an Industrial Engineer, has two master's degrees, one in Total Quality Management, and the other in Strategic Planning, from the University of Cologne in Germany. He also has a Doctorate in Administrative Sciences from the Catholic University of Honduras.

In his work experience, he worked for more than 15 years in the private sector, where he held positions as manager. He has been a professor for different universities in the country. In the public sector, he has more than 10 years of experience, he has been a technical advisor at the highest level, and he was the Presidential Director of Strategic Planning, Budgeting and Public Investment. He was Coordinator of the Sectorial Cabinets and Government Center. He was Deputy General Coordinator of Government in the Governance Cabinet. His previous position was Vice-Minister of State for Labor and Social Security Offices, appointed by Agreement No. 15-2019, effective as of March 5, 2019. He was trained in negotiation and conflict resolution in the public sector by the National School of Public Administration of Brazil. Over the last 8 years, it has strengthened a cooperative working relationship with Employers and Workers, within the framework of the Economic and Social Council, a space for social dialogue par excellence in Honduras.

# Speaker Bios



**Jillian Hitt** Case Manager  
Snake River Farmers Association

Jillian Hitt is a Case Manager at Snake River Farmers' Association. An Idaho native, Jillian enjoys assisting SRFA Members in Idaho's Western Region through the H-2A filing process.



**Nickol Corr** Case Manager  
Snake River Farmers Association

Nickol Corr's love for farming and passion for helping a community of people led her to SRFA 5 years ago. When Nickol began working for SRFA, she worked with several SWAs, learning the different State nuances. Since then, her primary focus has shifted to SRFA's growing membership in Southern Idaho.



**Betsy Parkin** H-2A Program Coordinator  
Snake River Farmers Association

Betsy is the H-2A Program Coordinator for Snake River Farmer's Association and has worked in the H-2A industry for over 12 years. She is a lifelong resident of Rupert, Idaho and grew up on the family farms owned by her father and grandfather.

Her husband Kenny also grew up on a multi-generational farm, and together they operated their own farm for over 20 years. Betsy and her husband have two lovely daughters and five spoiled grandchildren.

# NCAE MEMBERSHIP INFORMATION

If you are not a member of NCAE, **Join Today** on our website ([ncaeonline.org/membership/](https://ncaeonline.org/membership/))!!

Use the Discount code **LF2020** until **March 1, 2021** and NCAE will send you a **\$50 Visa Gift Card** to thank you for engaging on critical labor issues with our organization and our membership in **2021**.

Are you already a member? Encourage someone to join – if they list you as a sponsor and use the Discount Code **LF2020**, you both will receive a **\$50 Visa Gift Card** for your commitment to NCAE! Again, this offer is good until **March 1, 2021**.

## OVERVIEW OF NCAE MEMBERSHIP LEVELS

**LEADER - \$15,000.00/ calendar year** Membership level for leaders in the industry who are interested in being integral participants in setting and executing NCAE and national policy for agricultural employers.

**PATRON - \$7,000/ calendar year** Appropriate participation level for national and large state/regional associations, growers and other employers with over 150 seasonal employees, labor brokers/providers, national/regional/large statewide commercial sponsors, and others with high interest and ability to offer major industry support.

**BENEFACTOR - \$3,850.00/ calendar year** Appropriate Membership level for medium size growers/employers and local/partial state suppliers and sponsors.

**SUPPORTER - \$1,825/ calendar year** Minimum level for state and national associations to receive Subscriber benefits. H-2A agents and employers should consider this the base dues level.

**SUBSCRIBER - \$600.00/ calendar year** Membership level for small growers/employers with less than 15-20 seasonal employees or associations with less than \$250,000/yr. revenue.

## ALL NCAE MEMBERSHIP LEVELS RECEIVE:

- **Weekly News Briefs** with federal legislative and regulatory updates critical to agricultural employers.
- **NCAE Action Calls** inform members about upcoming issues, facilitate contact with elected representatives, before unworkable laws or regulations are imposed.
- **NCAE Alert Memos** immediately apprise members of new laws and regulations and their impact on agricultural employers.

If you have questions, email **Nigel ([nigel@ncaeonline.org](mailto:nigel@ncaeonline.org))** or call the NCAE office **202-629-9320**.

**SAVE  
THE  
DATES**

## NCAE 2021 ANNUAL MEETING



Save the date for  
NCAE's Annual Meeting in DC  
February 2-4, 2021

Agendas and Registration will be available in the coming weeks at [ncaeonline.org/events/ncae-annual-meeting/](https://ncaeonline.org/events/ncae-annual-meeting/)

If you have any interest in sponsoring the Annual Meeting or if you have any questions, please contact [Nigel@ncaeonline.org](mailto:Nigel@ncaeonline.org).

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