



**Department of
Job and Family Services**

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Office of
Workforce Development

Migrant Agricultural Ombudsperson Annual Report
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INTRODUCTION

The Ohio Farm Worker Program helps match Ohio's agricultural and other employers with seasonal workers, including workers who travel from other states when local workers cannot be found. It serves employers and workers in two main industries:

- The nursery industry, which produces shrubs, trees and other plants that often take more than one season to cultivate, and
- The farming industry, which produces a variety of annual crops.

In both of these industries, the Ohio Farm Worker Program helps businesses recruit qualified employees and helps ensure good working and living conditions for those employees. These services are provided by the agency's migrant agricultural ombudsperson, the monitor advocate, and several Ohio Department of Job and Family Services (ODJFS) field staff who work with employers and workers in areas where migrant and seasonal farmworkers are needed.

INDUSTRY BACKGROUND

Labor Supply and Demand

Each agricultural industry has a busy season, when the need for workers is greater.

Nurseries are typically busy from February through December. Nursery job opportunities tend to pay a higher wage than farming job opportunities and are most often filled by local workers. Most employers manage recruitment themselves. However, there are times when nurseries request help finding applicants.

The farming industry in Ohio experiences a hike in activity lasting approximately six months; much of this work is performed by migrant workers, who travel to the state when they are needed. Agricultural employers typically require more workers during short, critical periods – such as during planting, growing and harvesting – weather permitting. This work typically requires minimal experience, training and knowledge of the product; instead, the most sought-after skills are speed and endurance.

Challenges agricultural employers face are the following:

- Finding enough workers to complete required tasks quickly
- Retention - planting to harvesting period

Employers often rely on the Ohio Farm Worker Program for help with recruitment.

Housing

Most seasonal positions in the nursery industry are held by local year-round residents. Providing housing for this population is not required, as is the case with seasonal workers employed at food packing and processing plants that operate on a seasonal basis.

Migrant farmworkers require temporary housing, and employers usually provide this temporary housing at agricultural labor camps. Ohio Administrative Code (OAC) Chapter 3701-33 defines agricultural labor camps as *"one or more buildings, trailers, tents or vehicles, together with any land appertaining thereto, established, operated or used as temporary living quarters for two or more families or five or more persons intending to engage in or engaged in agriculture or related food processing, whether occupancy is by rent, lease or mutual agreement."*

Many camps house both farmworkers and their family members who are not employed in agriculture. In recent years, some camp residents have been single men who move between states in groups that include their own crew leaders. They are dependent on employers for the quality of their shelter, including the plumbing, grounds and other amenities.

GOVERNMENT SERVICES

Living and Working Standards

The Ohio Department of Health (ODH) inspects agricultural labor camps and issues annual licenses for camps that meet the health and safety standards defined in OAC Chapter 3701-33. When the migrant agricultural ombudsperson discovers unlicensed housing, it is reported immediately to ODH for an inspection.

In 2015, ODH licensed 95 camps housing 3,294 residents, down from 99 camps in 2014. In 2014, seven counties lost 11 labor camps because the growers went out of business or because camp conditions needed extensive updating and repair. However, four counties gained seven camps. All of these new camps were subsidized by the Agricultural Labor Camp Improvement Program, which allowed farmers to apply for matching-grant funds to improve existing or build new housing units. Attachment 1, "2015 ODH-Licensed Agricultural Labor Camps," shows where these camps are located and their capacities.

By the end of 2015, Agricultural Labor Camp (ALC) rules were revised, were approved by the Ohio Public Health Advisory Board, and were awaiting consideration by the Joint Committee on Agency Rule Review. The draft rules require running water in every housing unit within five years of the effective date of the final revised rule, which is expected to be Jan. 1, 2017. They also require ALC housing plans either to be approved by a professional engineer or registered architect or to be submitted to the local board of building standards for review.

H-2A Foreign Labor Certification

The federal H-2A temporary agricultural program allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. To participate in the program, interested employers must submit an H-2A application either electronically OR via mail directly to the Chicago National Processing Center (NPC).

Source: <https://www.foreignlaborcert.doleta.gov/h-2a.cfm>

Recruitment of U.S. Workers: In order for the U.S. Department of Labor to certify that there are not sufficient U.S. workers qualified and available to perform the labor involved in the petition and that the employment of the foreign worker will not have an adverse effect on the wages and working conditions of similarly employed U.S. workers, employers must demonstrate the need for a specific number of H-2A workers. In addition to contacting certain former U.S. employees and coordinating recruitment activities through the appropriate State Workforce Agency, employers are required to engage in positive recruitment of U.S. workers. H-2A employers must provide employment to any qualified, eligible U.S. worker who applies for the job opportunity until 50 percent of the period of the work contract has elapsed. Employers must offer U.S. workers terms and working conditions which are not less favorable than those offered to H-2A workers.

Source: *Fact Sheet #26: Section H-2A of the Immigration and Nationality Act (INA)*
<https://www.dol.gov/whd/regs/compliance/whdfs26.pdf>

Ohio Farm Worker Program

Ohio Farm Worker Program staff provide the following services for employers and workers:

1) Estimating Labor Needs

To effectively serve both workers and employers, annual pending labor demand projections must be gauged throughout the course of the year. This is accomplished by considering the following:

$$\text{Task} + \text{Time} = \text{Estimated Manpower}$$

Labor requirements vary from crop to crop. For example, some pre-planting tasks must be done before tomato seedlings can be planted in the ground: Workers must form beds/mounds of earth, fertilize and treat the beds, cover them with plastic, and plant the seedlings through the plastic on a mechanical planter.

Generally, one worker can plant about 10 acres of a given crop. If timed correctly, this will have to be done only once a year, unless the crop fails and has to be re-planted because of a late frost or other weather-related catastrophe. Harvesting generally requires one person per acre and usually involves multiple rounds of picking as different portions of a crop ripen.

To estimate the amount of work that will need to be done, Ohio relies on data from the U.S. Department of Agriculture (USDA). The USDA National Agricultural Statistics Service publication titled “Vegetables 2015 Summary” reports on Ohio's principal crops in two categories: (1) fresh-market fruits and vegetables and (2) vegetables for processing.

More than 32,000 acres of fresh-market crops were planted, and 29,440 were harvested in Ohio in 2015. This was down from 2014, but crop cash values increased by more than \$8 million. The following chart identifies the acreage planted, the acreage harvested and the cash value of Ohio's seven principle fresh-market fruit and vegetable crops.

Fresh-Market Crops	Acres Planted	Acres Harvested	Cash Value
Strawberries	600	540	\$3,910,000
Cabbage	1,300	1,100	\$4,070,000
Squash	2,000	1,800	\$12,960,000
Bell Peppers	2,600	2,500	\$24,725,000
Tomatoes	3,700	3,500	\$34,916,000
Pumpkins	6,400	5,500	\$14,372,000
Sweet Corn	15,500	14,500	\$39,289,000
Total	32,100	29,440	\$138,699,000

Source: Vegetables - 2015 Summary, January 2016, USDA National Agricultural Statistics Service

Approximately 10,000 acres of tomatoes and cucumbers were planted for processing in Ohio in 2015. The 5,000 acres of tomatoes was 300 more than in 2014. The 5,000 acres of cucumbers were planted by seed and did not require agricultural workers' help. Because of heavy rainfall in 2015, cucumbers were down by 2,500 acres from 2014.

The chart below shows the acreage planted, the acreage harvested and the cash value of tomatoes and cucumbers grown for processing in 2015.

Processing Vegetables	Acres Planted	Acres Harvested	Cash Value
Tomatoes	5,000	4,700	\$17,094,000
Cucumbers	5,000	5,000	\$12,285,000
Total	10,000	9,700	\$19,289,000

Source: Vegetables - 2015 Summary, January 2016, USDA National Agricultural Statistics Service

Because some workers both plant and harvest crops and can harvest more than one crop at a time, and because some farmers allow consumers to pick their own produce, it is difficult to estimate the total number of farmworkers needed in Ohio each year. ODJFS can verify that 3,294 people lived in Ohio's 95 licensed agricultural camps during 2015; agency partners estimate that a similar number lived outside the camps. (Some partners use a broad definition of "farmworker." As a result, their estimates tend to be larger than ODJFS estimates.) However, the total number of farmworkers could be as high as 19,000.

2) Outreach to Employers

ODJFS staff maintain communication with agricultural employers throughout the year to better help with their labor needs. Crop farmers start each season with an annual event, the Ohio Produce Growers and Marketers Association (OPGMA) Congress. In 2015, ODJFS field staff attended the OPGMA Congress to learn about projected labor needs and to provide information to employers about services available through local OhioMeansJobs centers.

In addition, OhioMeansJobs center staff in northeastern, northwestern and southwestern Ohio have agricultural employer meetings during the winter to address employer questions and concerns and to update them on labor camp policies and regulations, federal requirements, recruitment assistance, and supportive services. Among other things, they inform employers about the federal Agricultural Recruitment System, which allows state workforce agencies to recruit and refer temporary qualified workers from within a state and from other states when there are anticipated shortages of workers.

OhioMeansJobs center staff also encourage employers to use **OhioMeansJobs.com**, the online career and employment center ODJFS operates in partnership with **Monster.com**. Employers can post job openings for free and search millions of resumes with advanced filtering tools that make it easy for them to narrow down many resumes to the most promising ones. Employers also can go to the site to learn about such things as employee training, tax incentives, and other federal and state programs that can help their businesses grow. In addition, staff at local OhioMeansJobs centers can screen resumes for employers and refer potential candidates to them.

3) Outreach to Workers

Each year, Ohio develops a plan to recruit migrant and seasonal farmworkers to help meet employers' needs. The plan includes numerical goals, policies and program objectives. In all outreach efforts, ODJFS staff work closely with public and private community service agencies and other partners. In 2015, ten ODJFS migrant outreach specialists were stationed around the state.

4) Miscellaneous Services

ODJFS operates an Ohio Migrant Hotline to address employers' and workers' concerns. In 2015, the hotline received an equal number of calls from employers and workers. Most employers requested help with recruitment; most workers requested help finding jobs.

RECOMMENDATIONS

Living and Working Conditions

Providing adequate living and working conditions for migrant and seasonal farmworkers is important for moral reasons, as well as economic ones. Workers prefer working in areas where they are treated well. In order to provide more hospitable conditions and remain competitive with neighboring states, the migrant agricultural ombudsperson recommends that the next revision of OAC Chapter 3701-33 incorporate the recommendations of ODH's Ohio Public Health Advisory Board that every housing unit have running water and that all housing plans be approved by a professional engineer, registered architect or local board of building standards. The ombudsperson also recommends that the ODJFS Agricultural Labor Camp Improvement Program continue to be fully funded, as it has a proven track record of supporting employers' efforts to build and maintain housing for migrant and seasonal farmworkers.

Emergency Assistance

Most migrant farmworkers travel from Florida and Texas to perform work in Ohio. Many of these families arrive with children, including workers who can be as young as 12. Making this trip is expensive, and families often arrive with limited funds. It can be especially difficult if unusual weather patterns, such as excessive rain, prevent the families from starting work right away. The migrant agricultural ombudsperson recommends that the General Assembly create an emergency fund to provide temporary assistance to families in need after they arrive in Ohio and until they are able to work and obtain a paycheck.

Recognition

Migrant farmworkers are a vital contributor to Ohio's agricultural economy, and each year ODJFS co-sponsors a Farmworker Appreciation Day in their honor. This event is greatly appreciated by all who attend. The migrant agricultural ombudsperson recommends that the General Assembly also recognize migrant and seasonal farmworkers for their many contributions to Ohio's economy.