

FARM LABOR UPDATE 2020

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Rocky Mountain
Employers
Immigration
Alliance

2

FARM LABOR TEAM

3



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**Please Don't
Record This.**

5

**EMPLOYMENT
+
IMMIGRATION**

6



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H.R. 5038

Farm Workforce Modernization Act

9

- * Certified Agricultural Worker Status**
- * Path To Permanent Resident Status**
- * Revises H-2A Program**
- * Mandatory Ag E-Verify**

10

House Passed

260 Aye
to
165 No

11



12



13



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Expires 10/31/2022

[https://www.uscis.gov/
system/
files_force/files/form/i-9-paper-
version.pdf](https://www.uscis.gov/system/files_force/files/form/i-9-paper-version.pdf)

“USCIS FORM I-9”

15

QUESTION ONE:

Who
needs an
I-9?

16

EVERY EMPLOYEE

Hired After
11/06/1986
34 YEARS AGO

17

**What If They're
Just Part-Time?**

18

But I Only Have
THREE
Employees
and
Two Only Work
Part of the Year

19

What If **None**
Of My Employees Are
Immigrants?

20

My **H-2A** Workers
DON'T
Need An **I-9** Form,
DO
They ?

21

H-2A WORKERS
=
EMPLOYEES

22

What About INDEPENDENT CONTRACTORS?

23

QUESTION TWO:

When
Should I Complete
an I-9?

24

ANSWER:

THE
FIRST
DAY OF
EMPLOYMENT.

25

Can
Somebody
Do It For Me?

26

Yes,
But
Be
Careful.
AND GET IT IN WRITING

27

SECTION ONE:
EMPLOYEE
SECTION TWO:
EMPLOYER

28

SECTION TWO: EMPLOYER

**MAKE SURE THE PERSON
WHO ACTUALLY LOOKS AT THE
DOCUMENTS
SIGNS THE FORM**

29

**Do
I Need
Copies?**

30

So Just How
“Fake”
Does A Document
Have To Be ?

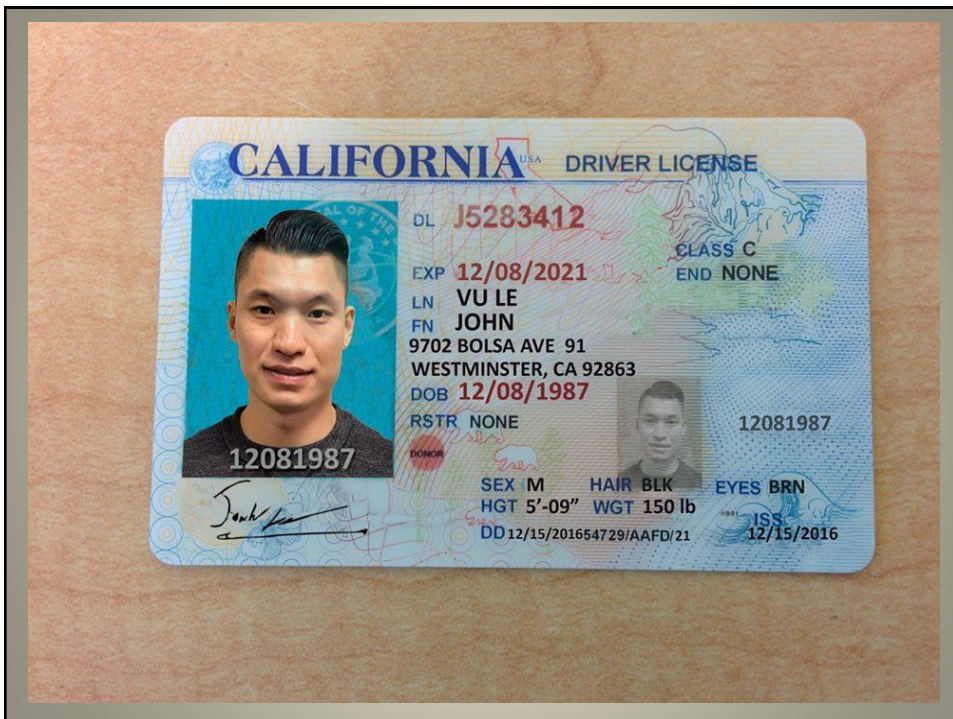
31



32



33



34

Remember:
Some States Issue Drivers’
Licenses
WITHOUT
Proof of Lawful Residence

?

35

CA	CO	CT	DE	HI
IL	MD	NJ	NM	NY
NV	OR	UT	VT	WA
		DC		

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**Can I Accept This
Drivers' License
As An I-9
Document?**

38



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QUESTION THREE:

***How Long Do I
Have To
Keep
My I-9s?***

40

ANSWER:

THREE YEARS
FROM DATE OF HIRE
OR
ONE YEAR
FROM DATE OF TERMINATION,
WHICHEVER IS
LATER.

41

What About
E-VERIFY?

42

20
States Require
Some Employers
To Use
E-Verify

AL, AZ, MS, SC

43

**"We're not just talking about
arresting the aliens at these
work sites,
we are also talking about
employers
who knowingly hire people who
are unauthorized to work."**

ICE Acting Director
2018

44



**ACTING SECRETARY OF
HOMELAND SECURITY
CHAD WOLF**

45



**ICE Acting Director
Matthew Albence**

46



47



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Bottom Line:
It's
NOT
Getting Better.

49

**DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION & CUSTOMS ENFORCEMENT**

NOTICE OF INSPECTION

OR

**IMMIGRATION
ENFORCEMENT
SUBPOENA**

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51

**Make Your Check
Payable To:
“I.C.E.”**

52

**If You Blow It
Once, They May
Well Be Back...**

53

And This Time:

- **TIMECARDS**
- **PAYROLL RECORDS**
- **TAX RECORDS**
- **CORPORATE DOCUMENTS**
- **HOUSING INFORMATION**
- **INDEPENDENT CONTRACTORS**

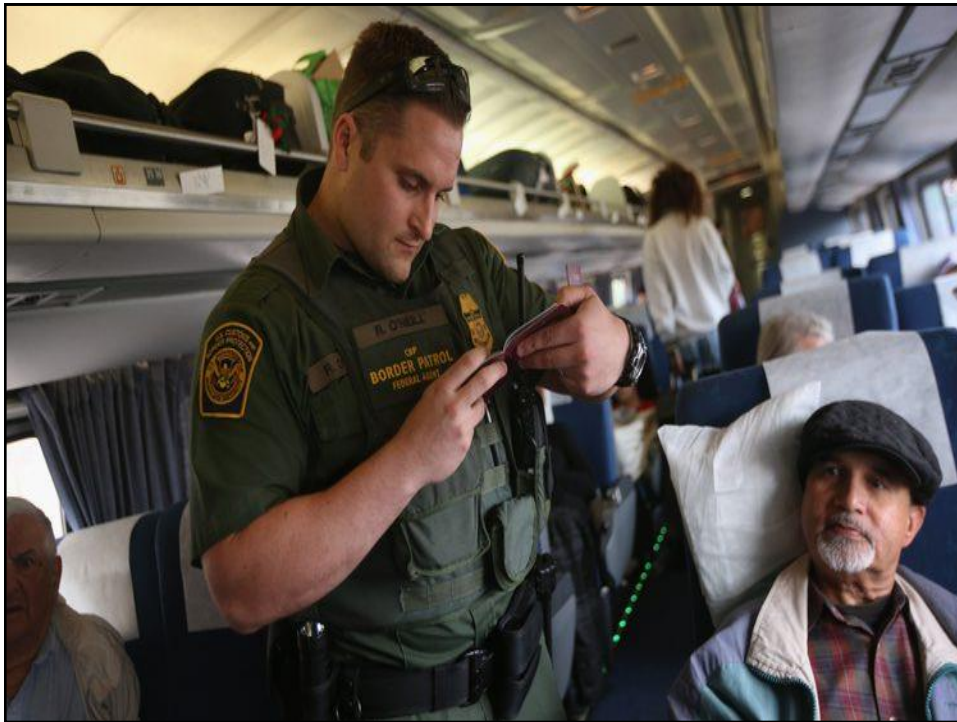
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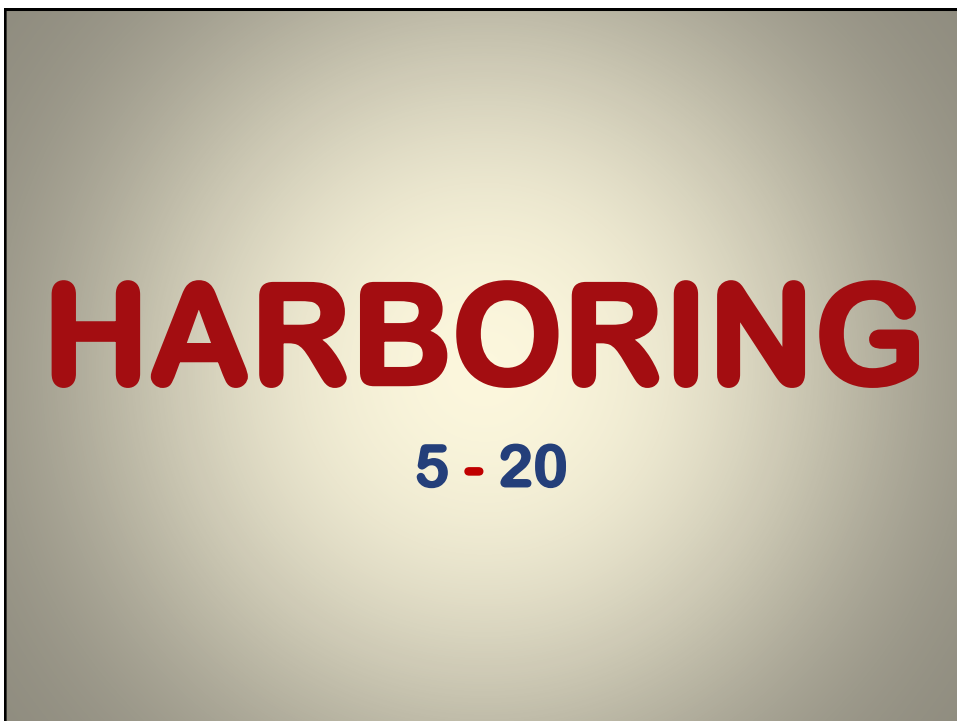
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59



60

“Could you pick up a few groceries for us?”

61

**If you know,
let ‘em go.**

*Because if you know, it's **your** problem.*

62

So, How Do
You **Know**
What You
Know, Huh?

63

Social Security Administration
“NO MATCH”
Letters

64

Social Security Administration
**Retirement, Survivors and
Disability Insurance**
Employer Correction Request

Dear Custom Harvester:

Why You Are Getting This Letter?

You reported names and SSNs that do not match.

65

**The W-2 Forms You Filed
Don't Match SSA Records.**

66

Before October 2019

**Access the SSA Web Site,
Set Up an Online Account,
Get Your Names,
and
Make Corrections Within
60 Days.**

67

**Inform Your Employees
and Confirm They Take Steps
To Fix The Problem.**

68

October 2019

**Visit the SSA Website
and
See If You Can
Figure It Out**

69

And If You Can't:

**“There is no need to take
any further action.”**

70

**Do NOT Fire
Anybody
Owing To A
No-Match Letter**

71

**WAGE
and
HOUR
COMPLIANCE**

72

FEDERAL MINIMUM WAGE:

**The 500
Man-Hour
Rule**

\$ 7.25 / Hour

73

STATE

Minimum Wages

CO: \$ 12.00 / Hour ; OH: \$8.70 / \geq \$319K;

MN: Min Wage & OT

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FARMWORKER HOUSING

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Issue Brief: Farmworker Housing Quality & Health

Seasonal and year round farmworkers and their families often reside in dilapidated rental housing and mobile homes.

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**DISCRIMINATION
&
HARRASMENT**

77

OSHA

78



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**States Are Limiting
Or Prohibiting
Employment-Related
THC Testing &
Discipline
(e.g., Illinois)**

80

But
NOTHING
Changes
For Federal Testing
Requirements
(e.g., CDL)

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The Rocky Mountain
Employers
Immigration Alliance
FARM LABOR TEAM

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