



Farm Labor Contractors

Casual local day labor which once provided much of the agricultural work force has become an increasingly shrinking and unreliable source. For growers looking for labor a crew leader who can provide the needed number of workers may appear to be a good solution...but there are several important matters to consider in making this decision.

The "Crew Leader" may be a Farm Labor Contractor (FLC)

A Farm Labor Contractor (FLC) is someone who, for money or other valuable consideration paid or promised to be paid, recruits, solicits, hires, employs, furnishes, transports migrant and/or seasonal agriculture workers, or provides housing to migrant agricultural workers. FLC's are commonly referred to as a crew boss or crew leader. No matter the term used "crew leader", "crew boss", "supervisor", etc., if the person hires, solicits, recruits, or transports any worker on behalf of the grower for a fee they are considered a FLC and should be complying with laws and regulations pertaining to FLC's.

All FLC's must be registered.

Farm Labor Contractors are required under MSPA to be registered, as noted above, and many "crew leaders" who function as contractors are not. Use of an unregistered FLC is a violation of Federal labor law.

You may be considered a joint employer.

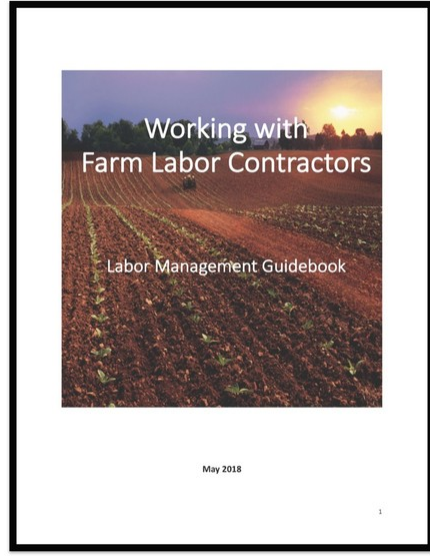
A grower who uses an FLC to obtain workers may be considered under the law to be a joint employer. Thus, the grower may be considered equally liable with the FLC for any violation of Federal labor law committed by the FLC. Therefore, it is very important that growers understand all the regulatory and legal requirements associated with FLC use and insure all of these requirements are met.

Farm Labor Contractors can be Debarred by DOL

The U.S. DOL Wage and Hour Division also maintains a list of individuals or corporations whose authorization to operate as a FLC has been revoked. There are various reasons why a FLC's registration may be revoked placing them on the debarred list such as:

- Knowingly made misrepresentations in FLC application
- Failing to comply with laws or regulations
- Failing to pay a court judgment
- Failing to comply with a final order
- Being convicted of a named crime or felony

How do you know if a FLC is debarred? If you are GAP Grower Member you can access a searchable list of US DOL Registered FLC's and a list of US DOL Debarred FLC's by logging into your account at www.gapconnections.com and scrolling down to "US DOL Registered FLC List" and the "US DOL Debarred FLC List".



New Resource to Help you

The Farm Labor Practices Group (FLPG) developed the Working with Farm Labor Contractors – Labor Management Guidebook as a resource for labor-intensive crop growers who work with farm labor contractors (FLCs). This guidebook can be found on our website under Resources or by clicking on the image to the left.

The Guidebook is designed to help the reader to better understand:

- What Farm Labor Contractors are
- What Farm Labor Contractor Employees are
- Obligations to the workers hired by an FLC
- Liability considerations regarding FLCs' action or inaction

Need Records?

GAP Connections record templates are a great resource for growers to use in order to have all the required information compiled for an on-farm assessment or certification audit. Record packets were distributed at Annual GAP Training this winter, but if you did not pick up a packet or need additional pages, they can be downloaded for FREE from the GAPC website [here](#). If you wish to receive a packet in the mail, they can be purchased [here](#) for \$15. Any form of record keeping system is acceptable, ie: electronic record keeping, as long as you can supply all the required information upon inspection.



Non-Tobacco Related Material (NTRM)



Non-tobacco related material (NTRM) or foreign matter is a broad term that refers to all materials that are not tobacco lamina or stem. This includes, but is not limited to: soil particles, paper, string, metal fragments, tobacco stalks and suckers, plastics, foam materials, wood, grasses, weeds, oils and burlap fibers, as well as gloves and other personal protection equipment.

Providing a product that is free of all forms of NTRM is a critical aspect of GAP Connections Certification Standards that begins at the farm level with elimination of NTRM sources and physical removal of all NTRM materials during on-farm tobacco handling, storage, and transport. Inspections should be done routinely such as once or twice weekly, to ensure new sources of NTRM are addressed as soon as possible.

[Click here](#) to download NTRM inspection checklist and NTRM inspection log.

Barn Safety

Hanging tobacco in barns or other curing structures can be very dangerous if proper precautions are not taken. Prior to harvest all curing structures should be inspected and evaluated for safety and prepared for housing.



GAP Connections provides growers with a Barn Inspection Log to inspect the outside and inside of each structure. An inspection should be done at minimum prior to having any workers enter the barn. However, it is recommended that each time workers enter the barn, the barn is inspected to make sure new issues have not popped up.

[Click here](#) for a list of items to look for as part of a Barn Safety Inspection and download a Barn Inspection Log for your GAPC records.

Human Resources and Legal Hotline for Growers

GAPC partnered with Littler Mendelson, attorneys at law, for the second year to provide growers with a comprehensive risk management hotline service carefully designed to help manage workforce employment issues and reduce exposure to employment related liability. This hotline is free to all GAPC grower members.



Employment & Labor Law Solutions Worldwide®

Growers can access the hotline by phone (866) 823-6333 or by email LittlerHRhelp@littler.com. When contacting the hotline, please be prepared to provide, your name, GAPC grower ID #, location, type of issue, phone and email (if available).

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