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THE NORTH CAROLINA GROWERS ASSOCIATION

The context. In 2005 and 2006, when the economy was running at peak capacity, economists estimated that supply and demand were generating a flow of 500,000 unskilled workers into the U.S. every year, some employed seasonally, others working in year-round jobs. Today, that flow has diminished significantly, but the U.S. still offers only two small visa programs to accommodate incoming unskilled workers, the H-2A and H-2B temporary worker programs, both heavily regulated, difficult for employers to use and providing only short-term, seasonal visas.

An all but unusable process. Employers across the country make do the best they can in these circumstances, but left to their own devices many have found the H-2A and H-2B programs unusable – prohibitively expensive, bureaucratic, requiring all but impossible advance planning and burdensome paperwork. The North Carolina Growers Association was founded 20 years ago to bridge this gap, helping employers and employees navigate the H-2A process and making the program usable for North Carolina growers, if still far from an ideal arrangement.

What is the North Carolina Growers Association? A nonprofit business association run by a small staff of dedicated professionals that helps North Carolina growers from an array of sectors use the federal H-2A temporary worker programs. Its primary activities: pooling applications, assisting with paperwork, navigating the federal bureaucracy, helping employers comply with regulations, mediating relationships between employers and employees and troubleshooting through the months workers are present in the U.S.

The association's goals. To help employers meet worker shortages. To help participating businesses remain in compliance with complex H-2A regulations. To facilitate arrangements and manage expectations among employers and temporary workers, with the goal of making the H-2A experience a win-win for all parties.

Who participates. A majority of the association's members are tobacco growers. Others include sweet potato farmers, Christmas tree growers, nurseries, landscapers and other seasonal employers in North Carolina. The association's peak year to date was 2004, when it served some 1050 employers and brought more than 10,000 workers into the state. Consolidation in the tobacco industry has reduced volume somewhat, but this year the association will bring in more than 7000 visa holders to work on more than 700 farms.

Pooling. The key to the organization's success is pooling applications – i.e. it is the association, not any individual employer, that applies for H-2A visas. Among the tasks the organization takes over for employers: demonstrating a bona fide labor need, certifying that every effort has been made to recruit U.S. workers and supplying the federal government with detailed information about wages and working conditions.

Worker placement. Unlike other H-2A visa holders, workers brought to the U.S. by the association often move from employer to employer – association member to association member – during the course of a single growing season. Workers can also spend the season on a single farm – 70 percent of participating employers and employees prefer a single placement. The overwhelming majority – more than 80 percent – of workers who participate in the NCGA program return to North Carolina every year.

Paperwork. Participating employers handle their own payrolls. They deploy and manage workers as they see fit. Everything else – paperwork that in other states often requires growers to hire full-time staff people or pay expensive for-profit agents – is handled by the association. This includes applications, record-keeping and after-the-fact reporting that in other states consume employers for much of the year – long before the growing season begins and long after it ends. As NCGA staff explain, “We take care of short-term employment issues so our members can concentrate on creating long-term job opportunities. We free them to focus on the important things – growing their crops, looking for markets and delivering a quality product to their customers.”

Troubleshooting. The association does more than handle employers’ obligations to the federal government – the bureaucratic requirements of the H-2A program. It also works to insure that things go smoothly on the ground during the growing season. Employers and employees alike have access to a toll-free telephone hotline. The association maintains a bilingual staff that crisscrosses the state during the summer months, assisting with management issues and mediating any disputes that arise. Staff members say they are as responsive to workers as to growers.

Compliance. According to the association’s staffers, its proudest accomplishment is its compliance record. Applications are close to error-free, minimizing bureaucratic interference and wasteful delays. Employers sleep easily at night without worrying that they are running afoul of complex federal regulations. The secret of this success, according to the association: 20 years of experience, a well-trained staff and a bedrock commitment to getting the details right, overseeing every aspect of the H-2 process and the employment relationship.

Replicating the NCGA in other states. After 20 years of operation in the agricultural community in North Carolina, the NCGA is a revered institution – much more than a just a clearinghouse or a paperwork pass-through, it’s an essential part of how many North Carolina farmers do business. But this does not mean it cannot be replicated in other states. On the contrary, the association’s founders and staff have developed an array of tools, templates and procedures that can be applied elsewhere – there’s no need for other states to reinvent the wheel.

A willing partner. NCGA staff are eager to share their experience, helping employers in other states build on their successful model. The H-2A program has been under assault in Washington in recent years, and new regulations have made it even more unwieldy and difficult to use. But it is still the only option open to U.S. growers who rely on unskilled foreign workers and want to hire them legally. The NCGA has gone further than any organization in the country to make the program usable by employers, and staff are eager to share the lessons learned over 20 years – lessons for growers in other states seeking to hire legal workers and for policymakers, in Washington and the states, seeking to tailor workable guest worker programs.