**UC ANR CASUAL FARM LABORER GUIDELINES AND PROCEDURES**

**December 7, 2016**

1. This outlines policy and procedures regarding the temporary employment of casual farm laborers working within ANR.
2. “Casual Farm Laborer” is the term UC and ANR uses for those working in a non-UC-employee agricultural service capacity. The hiring of a Casual Farm Laborer is only allowed in certain qualified circumstances. Casual Farm Laborers are not hired as UC staff employees, nor are they paid through traditional UC ANR employment practices. Rather than being paid through UC Davis Payroll Services, they are paid with a check disbursed by UC Davis Accounting & Financial Services and payments are considered taxable income.

**Policy:**

* Casual Farm Laborer duties are strictly limited to one or more of the following:
	+ Preparation, care and treatment of farm land, pipeline, or ditches, including leveling for agricultural purposes, plowing, disking and soil fertilization
	+ Sowing and planting of any agricultural or horticultural commodity
	+ Care of any agricultural or horticultural commodity, including but not limited to cultivation, irrigation, weed control, thinning, heating, pruning or tying, fumigating, spraying and dusting
	+ Harvesting of any agricultural or horticultural commodity
	+ Assembly and storage of any agricultural or horticultural commodity
	+ Raising, feeding, and management of livestock, fur-bearing animals, poultry, fish, mollusks and insects
	+ Harvesting of fish, as defined by Section 45 of the Fish and Game Code, for commercial sale
	+ Conservation, improvement or maintenance of such farm and its tools and equipment
* Earnings are limited to $1,500 dollars from the University within the calendar year
* Hourly wages must be tied to the title code 8544, Seasonal Farm Worker.
	+ All laborers must be paid at the current minimum hourly rate per the current SX Bargaining unit agreement.
	+ Minimum Casual Labor hourly rate effective 10/1/2016 is $16.47
* Based on $1,500 maximum annual earnings, laborers are currently limited to working approximately 10 days of full 8-hour days. (Hourly wage rate and/or overtime earnings may affect this days-worked estimation.)
* Laborers must be at least 16 years old. Persons working between the ages of 16 and 18 must present a work permit to the employing officer (Advisor or County Director). ANR does **not** recommend working laborers under the age of 18.
* Hours worked in excess of 40 hours/week must be compensated at 1.5 times the regular wage rate. Overtime standards are subject to change due to recent legislation.
* Services from the prospective Casual Farm Laborer cannot have been provided to the hiring department in the preceding 12 months as a UC employee under any other contract or personnel program.
* If an employee is later hired by the University in a limited term position, the maximum duration of the appointment (1000 hours) is reduced by however many hours have been worked in the Casual Farm Laborer status.
* If it is anticipated that an employee will earn more than $1,500 during the calendar year, the individual should be directly employed as a UC employee by ANR in the Farm Laborer or Farm Seasonal Worker Per Diem classifications. ANR has an accelerated hiring process for these situations.
* Standard meal and break periods apply to Casual Farm Laborers as they apply to SX employees.

**Documentation Required for Hiring of Casual Farm Laborer**

All Casual Farm Laborers are required to provide completed legal documentation of their eligibility to work in the U.S. to the department prior to performing any work on behalf of UC ANR.

1. County Directors are responsible to initiate, verify eligibility and retain the original documentation of hire eligibility on the UC I-9 Verification of Eligibility Form.
2. The following documentation is required to show eligibility to work as a Casual Farm Laborer:
	1. I-9 U.S. Immigration & Naturalization Service (INS) Form
	2. For U.S. citizens, Oath of Citizenship (multiple laborers can certify on one form)
	3. Aliens who possess a visa that permits them to work are exempt from signing the oath
	4. Form to be submitted along with each laborer’s Casual Farm Laborer Employment Record. Subsequent worksheets do not require I-9 or oath.
3. Casual Farm Laborer Employment Record is completed indicating the legal name, birthdate, dates and hours worked, rate of pay, and amount earned. The form must be signed by the laborer, the Advisor supervising the laborer, and the County Director.
	1. Partially completed forms may result in delayed payment.
	2. For days worked on a future time sheet (total earnings not to exceed $1,500), only the completed and approved Casual Farm Laborer Employment Record is required.
4. Process for documentation and subsequent Employment Records
	1. Submit to the BOCK for review
	2. BOCK processes and submits through Kuali Financial System to UCD AF&S as a check disbursement
5. It is it responsibility of the County Director to ensure that no one laborer exceeds the $1,500 limit in any calendar year.

**Compliance**

In the event the $1,500 maximum is exceeded, UC Davis and UC ANR policy requires the following:

* That the individual be hired as a UC employee retroactively for the hours worked exceeding $1,500 – requiring exceptional approval from ANR HR
* A damage payment for wages owed must be initiated for the individual, which results in
	+ State and federal labor law violation.
	+ Audit/grievance and lawsuit risk.
	+ Payment delays
	+ Administrative burdens for processing.
	+ Director and unit is out of compliance with UC Davis and UC ANR employment policy.

**Additional Resources**

UC ANR Human Resources can provide additional information regarding accelerated recruitments and the temporary hiring of UC employees as Seasonal Farm Laborers. Contact HumanResources@ucanr.edu to ask questions or to begin the hiring process. For more detailed policy related questions, contact Bethanie Brown, brbbrown@ucanr.edu, UC ANR Compensation and Employment Manager.

For additional information regarding the documentation for processing Casual Farm Labor payments, contact Emily LaRue, (elarue@ucanr.edu), at the Business Operations Center - Kearney.