

Appendices

Record of Concern (English)

Note: Identification information is requested, but need not be supplied.

<p>Name :</p> <p>Permanent contact information (address, city, state, zip, phone if available):</p>

Issue of Concern:

Name of farm, business, agency or service provider involved:

(Examples – Xxxx Family Farm, Xxxx Inc., Michigan Department of Xxxx, Xxxx Police Department)

If there have been previous complaints about this matter, who were they made to?
(Please include person's name if known).

Testimony (Explanation of Issue):

(If testimony is continued on reverse or additional pages, the total number of pages is _____)

Form filled out by: ___ interviewer; ___ interpreter. Date: _____ Forum: _____

Contact information: (Please include at least name, phone and either address or email)

Testimony recorded: ___CD; ___audio; ___video; ___not.

Witness # _____





STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS
EXECUTIVE

JENNIFER M. GRANHOLM
GOVERNOR

KELVIN W. SCOTT
DIRECTOR

For Release: July 22, 2009

Contacts:

Harold Core, Director of Public Affairs
Lansing: 517/241-3986

Jacki Miller, Public Information Officer
Lansing: 517/241-4926; Detroit 313/456-4694

**Civil Rights Commission Visits Communities, Collecting Testimony
on the State of Migrant and Seasonal Farmworkers**

Lansing, MI – On July 15, 2009, the Michigan Civil Rights Commission started accepting testimony on the state of migrant and seasonal farmworkers in Michigan. A series of visits will take place to speak with migrant and seasonal farmworkers and others in the agricultural industry. Testimony may be submitted at any of the announced local forums, a Commission meeting scheduled for August 24th in Sparta, or in writing to the Department. All testimony, which will result in a Commission report to be released later this year, must be received by the August 24th Commission meeting.

The scheduled visits are as follows:

July 30 – St. Peter the Apostle Church, 309 S. Lane St., Blissfield, MI 49228
August 5 – Bear Lake Migrant Head Start, 10101 Nurnberger Road, Bear Lake, MI 49614
August 13 – Watervliet Migrant Head Start, 745 North M-140, Watervliet, MI 49098
August 18 – Bay/Arenac Migrant Head Start, 2801 Sterling Road, Omer, MI 48749

Testimony can be submitted to Commission and Department staff at these locations between 6:00 and 8:00 pm on each date. Anonymous testimony will be accepted. Spanish language translation and child care services will be available for those wishing to testify. In addition to representatives from all

aspects of the agricultural industry, the Commission is also accepting testimony from representatives of government and social service agencies.

Written testimony should be submitted between now and August 24, 2009. Please submit to: Harold Core, Director of Public Affairs, MI Department of Civil Rights, 110 W. Michigan Avenue, Suite 900, Lansing, MI 48933.

This effort is a collaboration between several entities, including the Department of Civil Rights, Farmworker Legal Services, Telemon Migrant Head Start and the Michigan State University Cooperative Extension Service. The purpose of the effort is to ensure that Michigan can continue to attract migrant and seasonal farmworkers, who are critical to the agricultural industry. The agriculture industry is the second largest industry in Michigan, and critical to the state's economy.

For more information on the Michigan Civil Rights Commission, visit <http://www.michigan.gov/mdcr>. For more information on Farmworker Legal Services, visit www.farmworkerlaw.org.

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STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS
EXECUTIVE

JENNIFER M. GRANHOLM
GOVERNOR

KELVIN W. SCOTT
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For Release: August 14, 2009

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Lansing: 517/241-3986

Jacki Miller, Public Information Officer
Lansing: 517/241-4926, Detroit: 313/456-4694

Civil Rights Commission to Host Meeting, Public Forum in Allendale

Lansing, MI – On August 24, 2009, the Michigan Civil Rights Commission will hold a formal meeting and public forum. This will take place in the Auditorium of the Cook-Dewitt Building on the campus of Grand Valley State University in Allendale.

The formal business meeting will begin at 3:00 pm. The public forum will follow at 4:30 pm in the same location. The public forum will address the issues of migrant farmworkers. This represents the last opportunity for people to provide public testimony on concerns faced by those in the agricultural industry. The Michigan Civil Rights Commission and several partner organizations have engaged in a process of local visits to gather information during July and August. These visits and public testimony gathered will culminate in a report to be released later this fall by the Commission. Both the meeting and public forum are open to the public with opportunities for public comment.

If you require an accommodation to attend this meeting, please contact Harold Core at 517/241-3986.

For more information on the Michigan Civil Rights Commission, visit <http://www.michigan.gov/mdcr>.

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FROM E-VERIFY PAGE 1

The E-Verify contractor rule and the No-Match rules were released late in the Bush Administration. The E-Verify rule would require most major federal contractors to use E-Verify in order to qualify for their contracts. However, most food items were later removed from the requirement. The No-Match rule provided a "due diligence" process where employers received letters from the Social Security Administration notifying them that employees social security numbers do not match their names. The rule outlined specific procedures for employers to follow after receiving such letters and the penalty for not following the procedures is a potential finding of knowingly hiring unauthorized workers.

Agricultural employers had already been following most of the procedures in the rule but the "safe harbor" provisions instituted a 90 day window for the process to be completed with protections for employers who terminated employees for not providing acceptable documents within that period of time.

Both rules have been blocked from implementation due to litigation. The Obama Administration needed to determine whether it wished to fight for either or both rules and the July 8th press release from Secretary of Homeland Security Janet Napolitano made clear that the Administration will only fight for the contractor rule.

A key sticking point in the litigation has been whether the rule's application of E-Verify to existing employees of a contractor should be permitted or whether only new employees should be put through the system. Under the rule the contractor would be required to E-Verify all new employees during the contract period and also verify existing employees who are assigned to the contracted work. Initially, all employees of the contractor would have been verified through E-Verify.

While farm employers may not be directly impacted by the requirement their buyers could have a significant impact. As revised rules are published, the food qualifications may also be revised and could be a major impact to agriculture.

Michigan Civil Rights Commission to Investigate Violations of Migrant Workers' Rights

The Michigan Civil Rights Commission began accepting testimony regarding the state of migrant and seasonal farmworkers in Michigan at a Wednesday, July 15 program in Hart. The Commission will host the series of visits to local communities to speak with migrant and seasonal farmworkers and others in the agricultural industry. Testimony may be submitted at any of the announced local forums, at a Commission meeting scheduled for August 24th in Sparta, or in writing to the Department. All testimony, which will result in a Commission report to be released later this year, must be received by the August 24th Commission meeting.

Written testimony should be submitted between July 15 and August 24, 2009. Please submit to: Harold Core, Director of Public Affairs, MI Department of Civil Rights, 110 W. Michigan Avenue, Suite 900, Lansing, MI 48933.

Anonymous testimony will be accepted. Spanish language translation and child care services will be available for those wishing to testify. In addition to representatives from all aspects of the agricultural industry, the Commission is also accepting testimony from representatives of government and social service agencies.

In a press release from Farmworker Legal Services this series of fact finding events over the next couple of months will seek comments from migrant workers, employers and interested parties related to possible civil rights abuses.

Employers should consider presenting difficulties they have encountered regarding such issues as farmworker housing establishment and expansion, payroll check cashing issues and local harassment of employers of migratory labor along with the harassment of the workers.

The Michigan Civil Rights Commission has the power to expose and fight civil rights abuses. If you have faced discrimination by employers or government officials come tell the commission your story and help STOP THE ABUSE!

Have you or someone you know been...

- Racially profiled by police or other officials?
- Denied access to federal services because you could not speak or read English?
- Required to provide additional proof of work eligibility or immigration status because you are

Latino?

- Denied housing because you have a family or been told that housing was only available for single workers?
- Denied marriage or birth certificates because of your immigration status?
- Denied an interpreter in court proceedings or at the hospital?
- Exposed to pesticides and not received needed medical treatment or an opportunity to report the exposure to authorities?
- Been denied food stamps for your U.S. citizen children or faced difficulties in obtaining food stamps because you do not speak English?
- Told your children could not attend school because of language or immigration issues?
- Discriminated against because of your race or national origin by employers or government officials?

The Proposed Site Visit Dates & Locations:

- Thursday, 7/15 -- Hart Migrant Head Start Covering Oceana/Mason/Newaygo Cos.
- Thursday, 7/30 -- Adrian Migrant H.S. Lenawee/Monroe/Washtenaw Cos.
- Thursday, 8/5 -- Bear Lake H.S. Manistee/Benzie/Grand Traverse/Leelanau
- Thursday, 8/13 -- Watervliet H.S. Van Buren/Berrien/Cass
- Tuesday, 8/18 -- Omer/Standish H.S. Bay/Arenac
- Monday 8/24 -- Sparta Migrant H.S. [MCRC Commission Hearing]

Typical Schedule for Site Visits:

- 3:00 – 5:00pm – Outreach Visits to area labor camps & facilities
- 5:30 – 6:00pm – Buffet Dinner with Head Start parents and migrant service agency reps
- 6:00 – 6:30pm – Large Group (25 – 40) presentation of MCRC investigation, Q & A, etc.
- 6:30 – 8:00pm – Small Group and individual live testimony (affidavit, audio, video)



Civil Rights Issues Affecting Migrant and Seasonal Farmworkers in Michigan



PROGRAM PRESENTED BY FARMWORKER LEGAL SERVICES
TO MICHIGAN CIVIL RIGHTS COMMISSION ON JUNE 22, 2009

Farmworker Demographics and Overview of Issues

Speaker: Thomas K. Thornburg, Co-Managing Attorney

For several generations, migrant and seasonal farmworkers have helped sustain and harvest over 40 labor intensive crops throughout Michigan. A 2006 study estimated that migrant and seasonal farmworkers and their children number over 90,000 in Michigan annually. Although the total annual field value of Michigan's hand-harvested crops is over \$2 billion, the annual income for a farmworker family of five remains well below the federal poverty level. Michigan's farm labor force is 99% Hispanic or Latino and is comprised of a significant foreign-born population, mainly of Mexican origin. It is estimated that the majority of farmworkers in Michigan (57%) speak Spanish as their primary language. Contrary to popular opinion, the great majority of farmworkers in the upper Midwest (over 70%) are "lawfully present" and authorized to work in the United States. Family-based migration (primarily from Texas and Florida) is a unique factor in Michigan's migrant workforce, with the number of children and teens accompanying farmworkers estimated at over 40,000 annually.

Familial Status Discrimination in Farmworker Housing

Speaker: Megan A. Reynolds, Attorney

Many migrant farmworkers travel to Michigan with non-working spouses and children. Both the federal Fair Housing Act (FHA) and the Michigan Elliott-Larsen Civil Rights Act prohibit discrimination in housing on the basis of familial status. These statutes make it unlawful to refuse to rent or otherwise make unavailable or deny, a dwelling to any person because of familial status. They also prohibit statements with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on familial status. Under federal precedent, the FHA is applicable to temporary farm labor camps because the camp units are "dwellings" of the workers for the duration of their employment. Nevertheless, some Michigan growers have openly announced their intention to discriminate on the basis of familial status in job orders posted with Michigan Works! and in other public forums.

The Migrant Housing Licensing Crisis

Speaker: Stephanie L. Little, Law Graduate

Numerous migrant farmworkers throughout the state of Michigan are forced to live in deplorable conditions. Although state and federal law mandates certain minimum standards for migrant housing camps, these laws have not been rigorously enforced. The Michigan Department of Agriculture (MDA) is responsible for inspecting and licensing all camps in the state where five or more migratory agricultural workers are housed, but this agency has not been adequately staffed for nearly a decade. Recent budget cuts have resulted in additional reductions in the Michigan Migrant Labor Housing Inspection staff, and the MDA has announced that over 100 camps throughout the state will not be inspected or licensed this year. It is estimated that this decision will result in extreme underenforcement of conditions-based housing violations and a severe reduction in the availability of safe and sanitary housing for thousands of Michigan's migrant farmworkers.

Environmental Justice and Michigan's Migrant and Seasonal Farmworkers

Speaker: Rachel M. Udow, Pesticide Action Campaign Coordinator

The Environmental Protection Agency defines "environmental justice" as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies." Michigan's farmworkers and their family members, the majority of whom are Hispanic or Latino and reside in low-income households, are subjected to a disproportionately high number of environmental and health hazards. This elevated risk is due not only to the hazardous nature of farm work, but also to the inadequate and unequal protection of farmworkers under federal and state health and safety regulations. Such systemic failures to provide equal protection for Michigan's farmworker families result in many preventable workplace illnesses and injuries and constitute a breach of environmental justice.

Access to Vital Documents

Speaker: B. Daniel Inquilla, Co-Managing Attorney

Immigrant farmworkers often face barriers on a state and local level when they try to access basic documents such as driver's licenses and marriage licenses. State and local officials make determinations of ineligibility that are contrary to law. In addition, officials often interpret laws against the interests of immigrants. The inability to obtain vital documents negatively impact immigrants in various ways and leave them extremely vulnerable to abuses by private and governmental actors.



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS
EXECUTIVE

KELVIN W. SCOTT
DIRECTOR

October 6, 2009

To Michigan Growers and other Agricultural Organizations:

You may know that in June of this year the Michigan Civil Rights Commission began looking into the conditions of migrant and seasonal farmworkers, in part to make sure the state could continue to attract this valuable workforce. As part of this effort the Commission and Department of Civil Rights did a tour of migrant camps around the state, and began collecting testimony on the state of farmworkers in Michigan.

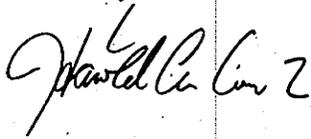
As a stakeholder of the agricultural industry, you are aware that migrant farmworkers are in demand by growers throughout the Midwest during the short harvest season. As with any mobile laborer, migrant farmworkers will seek employment in those communities offering the best conditions. Past attempts to recruit and use a Michigan-based workforce for harvesting our bounty have not been successful. According to a 2006 report, there are an estimated 45,800 migrant and seasonal farmworkers in Michigan. It is very simple: Michigan's economy needs agriculture, and agricultural businesses need migratory farmworkers.

Please contact the Department if you would like to offer testimony or make policy suggestions designed to improve the state's ability to attract and retain migrant and seasonal farmworkers. The Commission will use this feedback, along with feedback from the farmworkers and service agencies, to issue a report including recommendations for improving the working and living conditions of migrant workers in Michigan. Hopefully, through this report we can maintain this valuable labor force and continue to utilize their efforts to boost the industry.

Please send all written testimony to Harold Core, MI Department of Civil Rights, 110 W. Michigan Ave, Suite 900, Lansing, Michigan 48933. Testimony can also be emailed to Harold at coreh@michigan.gov or faxed to 517-335-6513. All testimony must be received by 5:00PM, November 2, 2009.

In our current economic environment, Michigan can ill afford the risk of having a crop rot in the field due to a shortage of experienced farmworkers. Therefore, the Michigan Civil Rights Commission and the Michigan Department of Civil Rights are talking and working with farmworkers, farm owners, growers, agricultural experts, public safety officers and other interested and involved organizations in an effort to sustain and improve the economic impact of agriculture in Michigan.

Sincerely

A handwritten signature in black ink, appearing to read "Harold Core". The signature is written in a cursive style with a large initial "H" and "C".

Harold Core
Director of Public Affairs



7373 W. Saginaw Hwy. • PO Box 30960 • Lansing, MI • 48909

November 2, 2009

Harold Core
Director of Public Affairs
Michigan Department of Civil Rights
110 W. Michigan Ave.
Suite 900
Lansing, Michigan 48933

Dear Mr. Core,

In response to your invitation to provide comment, please accept the following as Michigan Farm Bureau's written testimony regarding the recent hearings held by the Michigan Civil Rights Commission on the issue of migrant and seasonal farmworker conditions. Michigan Farm Bureau is the state's largest general farm organization, representing over 47,000 farmers and farm families.

Many sectors of the agriculture industry rely on migrant and seasonal workers. Many farmers in Michigan have determined that they are able to attract and maintain skilled workers by providing on-farm housing. Most of these farmers must have their employer provided housing inspected prior to occupancy each year to verify it meets the standards for safety and sanitation, and also to establish the maximum number of persons allowed to occupy each housing unit. Michigan farmers who provide on-farm worker housing were dealt a blow in early 2009 when Governor Granholm, by Executive Order, eliminated the remaining funding for the Michigan Department of Agriculture to perform migrant labor housing inspections. This action left approximately 400 of 800 facilities unable to obtain a preoccupancy inspection, and thus unable to house their workers. This Executive Order clearly targeted a protected class as persons of Hispanic decent were to be disproportionately impacted by the government's actions. This action could have placed as many as 12,000-15,000 people on the streets. The elimination of the program could have put as many as 22,000 people on the street.

Fortunately through funding shifts within MDA and additional funding through interdepartmental grants, MDA was able to complete the inspections for 2009. However the challenges remain as the Michigan Department of Agriculture budget for 2009 contains roughly half of the General Fund support needed to complete inspections in the 2009-2010 fiscal year, with an additional fee to be assessed to farmers that will still leave the program well short of full funding. So farmers will again face the dilemma of desiring to provide free or significantly subsidized housing to their employees only to find they must close and evict or not even open their housing due to the state's unwillingness to fulfill their statutory requirements. For operations that choose to open the housing without a license, the U.S. Department of Labor stands ready to file actions against these farms. Will they support farms seeking to improve their housing? We doubt it.

Examples of the bias that exists against growers seeking to employ and improve housing for workers are many. One case involved a farm operation in central Michigan that sought to replace existing housing consisting of aging mobile homes with an apartment style housing unit funded in part through a federal loan program. The federal loan program required facilities to meet many construction and occupancy requirements. The farmer attempted to build the facility but was stopped by the local government as it

did not meet the agricultural zoning code *which was silent with regard to agricultural housing*. Even though Part 124 of the public health code prohibits local regulations that prevent agricultural worker housing, this local government not only sought to prohibit the housing construction but also sanctioned the housing of workers, who happen to be Hispanic, in declining housing.

In another case, a west central grower also sought to replace existing and aging housing with new housing of similar occupancy size. This case went to the Court of Appeals which sustained a local ruling that prohibited the housing's replacement. The workers, primarily Hispanic, continue to live in the older but licensed housing.

Agriculture has a long history of providing employment to workers who "no one else wants." Many agricultural employers treat their workers as family members with a deep respect and dignity that few other industries see where employees are simply a number and are expendable. For many agricultural employers they develop a long standing friendship with workers that last long after the worker has moved on to other industries.

The Michigan Civil Rights Commission has indicated it is "looking into the conditions of migrant and seasonal farmworkers." To undertake a review of the industry that employs and houses migrant and seasonal farmworkers under the notion of "civil rights," while ignoring the discriminatory barriers from local units of government and local residents is, in our opinion, misguided.

We agree with your statement that in our current economic environment, Michigan can ill afford the risk of having crops rot in the fields due to shortages of experienced farmworkers, and that we must engage in efforts that will sustain and improve the economic impact of agriculture in Michigan. We appreciate the opportunity to provide these comments, and hope that overall perspective is maintained in this discussion.

Sincerely,

A handwritten signature in cursive script that reads "Robert S. Anderson". The signature is written in black ink and is positioned above the typed name.

Robert S. Anderson
Legislative Counsel



Letters: Migrant workers fill important role

By Muskegon Chronicle

July 24, 2009, 6:55AM

On July 18, The Muskegon Chronicle published a story about how state civil rights officials are examining migrant worker housing and employment conditions. Some comments posted to the online edition of the story revealed and perpetuated misconceptions about the Michigan migrant worker population. It is worth examining who migrant workers are and what role they play in the state's economy before passing judgment on the work of the Department of Civil Rights or the population of workers.

First, the discussion about migrant farm worker rights is separate from concerns about foreign labor taking U.S. jobs. "Migrant" seems often confused with "immigrant" or "foreign," but "migrant" simply means that the workers have traveled a significant distance from their homes to work in another place. Most of Michigan's migrant workers come from other states, not from other countries. The great majority of Michigan's migrant farm labor arrives from Florida and Texas and not from Mexico.

Additionally, the discussion about migrant farm worker rights is also separate from the debate about immigration. A common misconception is that most of Michigan's migrant workers are in the United States illegally. In fact, the opposite is true. According to Department of Labor officials, 71 percent of migrant agricultural workers in the Midwest are legally documented aliens or U.S. citizens, and a full 48 percent of migrant farm workers in the Midwest were born in the U.S. and its territories. This is considerably different from the situation on the East and West coasts where migrant farm labor populations are approximately 50 percent undocumented workers. Since a super majority of Michigan's migrant farm workers are here lawfully, and almost half are U.S. born workers, it would be unwise to allow concerns about workers' civil rights to become side tracked by a debate about immigration.

The discussion about Michigan migrant workers needs to focus on the violations of workers' rights -- workers who pick a hand harvested crop that according to the Michigan Department of Agriculture is worth over \$2 billion of the state's \$5.7 billion agriculture industry. Michigan needs its migrant farm workers to keep crops from rotting in the fields and to keep the state's economy from getting worse than it already is. Michigan's unemployment is over 15 percent and it appears that far more workers are leaving Michigan rather than filling open farm labor positions. If we dismiss the problems that the Civil Rights Commission is investigating, the conditions for migrant workers will continue to deteriorate and migrants will stop returning to Michigan. Michigan cannot afford to lose an industry and its workers because it fails to protect their basic rights.

We should all support the Commission in its efforts to confront unlawful housing and employment conditions. By doing so we support an important industry and revenue source for Michigan, and we also support employers who respect workers' rights and have to compete with those who do not.

Crespo is a law student and former naval officer, and is currently in Michigan working with migrant farm workers.

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