

skill and the possible dangers of working with machinery has substantially reduced, and in many instances has eliminated, the number of women and children employed as farm laborers.

Legislation, Regulations, and Governmental Actions Affecting the Farm Labor Market in Colorado

The industrial labor market is affected to a considerable extent by federal and state legislation and related rules and regulations. Some of the subjects covered by this legislation include: workmen's compensation, unemployment compensation, minimum wages, child labor, overtime, labor relations, social security, and safety standards. Application of legislation (both state and federal) on these subjects usually extends to farm labor in a lesser degree, if at all, in most states.⁸

Seasonal farm employment in Colorado is affected by the following federal laws and regulations:

1) inclusion of some workers under social security (those who work 20 days for or earn \$150 from one employer);

2) minimum age of 16 years for employment during school hours (Fair Labor Standards Act);

3) minimum age of 14 years for employment in sugar beet work (Sugar Act);

4) wage determination hearings and orders for sugar beet work (Sugar Act);

5) transportation standards for workers traveling by truck in interstate commerce (Interstate Commerce Commission regulations);

6) employment of Mexican nationals and related wage rate determinations (Public Law 78 and amendments thereto); and

7) regulations concerning the housing and employment of interstate labor (U. S. Department of Labor, Bureau of Employment Security).

State legislation covering agricultural workers in Colorado is limited to the following:

1) provision that labor contractors and crew leaders employing migrant farm workers must keep detailed payroll records and submit copies of same to the Industrial Commission and must give each worker in their employ a written statement of earnings and deductions;⁹ and

2) recourse to the Industrial Commission's wage claim authority if wages are illegally withheld or only partially paid.¹⁰

8. See separate chapter in this report on legislation in other states.

9. Chapter 80, Article 25, Colorado Revised Statutes 1953, 1960 Permanent Supplement.

10. Ibid.

Colorado statutes relating to minimum wage and hours of work for women and children appear to be sufficiently broad to apply to their employment as seasonal farm workers but have never been so interpreted or utilized. Section 80-9-3, Colorado Revised Statutes 1953, in part provides the following:

It shall be unlawful to employ women in any occupation within the state of Colorado for wages which are inadequate to supply the necessary cost of living, and to maintain in health the women so employed. It shall be unlawful to employ minors in any occupation within the state of Colorado for unreasonably low wages...

In addition, the operations and regulations of the state employment department's farm placement service in conjunction with the U. S. Bureau of Employment Security has a substantial impact on the farm labor market.

State Department of Employment

The fragmented nature of the seasonal farm labor market indicates that it is unlikely that the market could ever be effectively structured and organized, except by a public agency--even then, it is doubtful. The state agency which plays the biggest role in the organization of the farm labor market is the department of employment's farm placement service. The present program dates from the return of farm placement service functions to the U. S. Department of Labor and the respective state employment departments in 1948.

Employment Department Relationship With U. S. Bureau of Employment Security

The federal government finances the activities of state employment departments, including the farm placement service. Departmental budget appropriations are based on departmental activities. Each state employment department must report to the bureau monthly on the amount of time its employees spend on various activities. The number of job placements have a direct bearing on the amount of money appropriated. The monthly reports are carefully reviewed and audited by the Bureau of Employment Security.¹¹

The bureau also provides the state departments with technical assistance. Such assistance may be requested in the evaluation of existing programs and in the development of new programs. The federal legislative basis for the relationship between the state and federal agencies is contained in the Wagner-Peyser Act and the amendments thereto.¹²

11. Legislative Council Committee on Migratory Labor, Minutes of Meeting of January 18, 1962.

12. Ibid.

The Denver regional office of the Bureau of Employment Security covers a five-state area: Colorado, Montana, New Mexico, Utah, and Wyoming. As is the case with other employment security functions, the farm placement service is a joint effort of the state and federal governments; however, the operation of this program within each state is the state's responsibility.¹³

Farm Placement Division

The farm placement division is an administrative unit of the state department of employment, with a supervisor and three assistants on the state level. This service works with local area employment offices through the four employment department field supervisors. These field supervisors are responsible for all of the local area offices' functions, not just those relating to farm labor. In some local offices, there may be staff members assigned only to farm labor, and, in a few areas, separate farm labor offices are maintained during the growing season. The farm placement division is "responsible for developing, coordinating, supervising and/or executing plans for the recruitment, mobilization, direction, and utilization of local, intrastate, and interstate farm labor."¹⁴

Governor's Farm Labor Advisory Council. The division is assisted and advised by the Governor's Farm Labor Advisory Council. This council is composed of 13 members, and all except one represent growers, shippers, and processors. For the first time, an officer of the Colorado A.F.L.--C.I.O. was added to the council in 1962. The council holds regular annual meetings, at which time problems relating to the recruitment and efficient use of agricultural labor are discussed and possible solutions suggested. Pending legislation and regulations relating to farm labor are also reviewed by the council. Special meetings are called by the chairman, when further discussion and review of problems and legislation are indicated.

Functions of the Farm Placement Division

The farm placement division is directly involved in: 1) the recruitment of domestic farm labor; 2) the referral and reallocation of such labor, including day-haul activities and the organization of field crews in some areas; 3) the determination of labor needs; 4) the certification of domestic worker shortages requiring the importation of Mexican nationals; 5) the inspection of migrant housing, with the corresponding responsibility of withholding domestic labor from growers who do not comply with the housing regulations and/or correction of housing deficiencies when informed of same; and 6) cooperation with other states in the recruitment and referral of labor and in the operation of the Annual Worker Plan.

13. Legislative Council Committee on Migratory Labor, Minutes of Meeting of January 18, 1962.
14. Farm Labor Report 1961, op. cit., p. 3.

March 16, 1962 Meeting With Employment Department

The Legislative Council Committee on Migratory Labor requested a meeting with departmental officials on March 16, 1962 to obtain a better understanding of the employment department's farm labor service operations. At that time, the committee directed questions covering several topics on farm labor service operations to the department and farm placement division officials present. The committee also requested similar information from employment departments in selected states. Following is a summary by topic of the discussion with the Colorado Department of Employment; also included is explanatory material, as well as information received from other state employment departments.

Comprehensive Farm Labor Requirement Plan

- 1) Does the department make independent statistical estimates of acreage, average productivity, and timing of agricultural activities in order to arrive at the maximum number of workers needed independently of the worker requests made by growers?

Explanation. An adequate farm labor utilization plan should include acreage and production data by area and crop (or perhaps even by sub-area as in California), manpower needed, and worker productivity by area and crop. Once a basic plan is developed, annual revision can be made according to acreage and productivity changes and the effect of mechanical and technological improvement. Such a plan, among other things, provides the basis: 1) for determining the validity of labor requests; 2) for determining recruitment needs by origin of workers (intrastate, local, and interstate); 3) for determining the accuracy of seasonal farm worker weekly census reports; 4) for expediting the reallocation of workers during the growing and harvest seasons; and 5) improving the possibility of eliminating temporary labor shortages and surpluses.

Employment Department. The farm placement division has explained the procedure for determining labor needs as follows:¹⁵

The determination of reasonably accurate estimates of the farm labor supply and demand is dependent upon gathering data from many sources. Employment data reported on...

Weekly In-Season Farm Labor Reports, are key punched on IBM cards. At the end of the reporting season, these data are tabulated by agricultural reporting area, by local office, by crop activity, and by week. Crop acreage estimates for the coming year are assembled by the local offices in February and submitted to the Research and Analyses Section in the Central Office. Estimates of the number of local workers expected to be available

15. Farm Labor Report 1961, op. cit., pp. 44-45.

during the coming season are also submitted by the local offices. Colorado Department of Employment's recruiters in neighboring states report on the number of interstate farm workers expected to be shipped during the coming season. These data are then used as the basis for estimating labor demand and supply for the coming year. Adjustments are made in light of current information; e.g., the portion of a crop expected to be harvested by machine or changes in the amount of work accomplished by an average worker. Labor shortage estimates are then projected by week for the coming season.

At the March 16, 1962 meeting, the director of employment said that if the Colorado employment department had a large appropriation, he would not hesitate to prepare an elaborate labor requirement plan such as California's; however, under existing budgetary limitations it would be difficult to justify.¹⁶ The reliance of the department on the weekly farm labor reports as a basis for estimating labor needs was questioned, because the field study indicated that in some areas and for some types of workers, these estimates were inaccurate. The director of employment felt that the weekly reports were as accurate as could be obtained without making an actual worker count, which is impossible.

Other States. Four of the 11 states answering the committee questionnaire have developed comprehensive acreage, productivity, and manpower schedules. Maryland developed such a schedule a number of years ago and revises it annually on the basis of local office reports. Michigan developed and put into effect a new farm labor requirement plan in 1960. In the development of this plan field surveys were conducted covering various activities in each of the agricultural reporting areas. These surveys included: county of employment, number of workers, beginning and termination of employment, labor force composition, productivity, work days by crop activity, and origin of workers (local, intrastate, or interstate). From these surveys average worker productivity bench marks were compiled. By coordinating the acreage and productivity figures of the 1959 census and the U. S. Department of Agriculture estimates on commercial farms by county, total man day labor requirements were determined. These requirements were checked further against job orders and placement reports. For agricultural activities for which all labor is recruited by processors and associations, acreage and tree information was submitted by them on a semi-monthly basis together with the number of workers employed. This information was used as a further check. Once the basic survey has been made, further surveys are not needed on an annual basis except in crop activities or areas where the composition of the work force changes or mechanical and scientific developments change work force requirements.

16. Unless otherwise indicated, the employment department information under each question was taken from the remarks of the director of employment and other department staff members at the March 16, 1962 meeting.

Virginia has used a general farm labor requirement plan since 1947. The basis of this plan is the contact of growers for information on proposed acreages, types of crops, numbers of workers needed, and periods of need. Contacts are made throughout the year in order to keep the requirement estimate current. Revision of the general plan is unnecessary, but revision of the detail on contacts is constant. Contacts also vary in different crop areas and seasons.

A comprehensive farm labor requirement plan is developed annually for the state of Oregon as a whole. The basis for this plan is an early pre-season determination of the approximate acreage of each significant labor-using crop in each local office area within designated agricultural reporting areas. This determination is based largely on a field visiting program supplemented with or guided by lists of growers and acreages obtained from processors, shippers, growers' associations, irrigation districts, soil conservation districts, county agents, or other governmental agencies. Insofar as possible at the early annual date, acreages for the coming season are verified by direct field visiting if furnished originally by some other source. Less significantly, labor using crops are lumped together under the heading "All Other Agricultural Activities," and a determination is made as to the total acreage in the local office area which is involved in these activities, which individually employ less than 100 seasonal workers at the peak of the activity in the area.

Labor demands are then computed by the local office for the total acreage involved in each crop activity in the area for each half-month period in the season. This computation is based on previous experience as to labor demand for the activity per acre, taking into account the effect of increased mechanization, crop condition, or any other factors then possible to assess.

An estimate is then made of the probable amount of labor available for each activity and each period, from local, intrastate, and interstate sources, based again on past experience, employment and economic trends in these sources, and any other foreseeable variables. Possible shortages are calculated for each period and activity where the expected demand exceeds the supply. Additional data is assembled by reporting offices regarding the numbers of orders received for agricultural labor, openings filled, and openings cancelled, the number and capacity of housing units, both on and off the farm, available in the area for seasonal workers for each crop activity and in total, and the number of trailer hook-ups available, likewise by activity and in total.

By April 1 of each year, the agricultural local office submits a report to the state administrative office covering the above mentioned data and requirements, probable supply and anticipated shortages for each crop activity, and totals for all activities for each reporting period, together with a narrative plan of action describing methods to be used and personnel to be assigned in conducting recruitment and field visiting, taking and filling employers' orders, organizing and supervising day-haul activities, promoting and maintaining public relations, gathering labor market information, operating seasonal offices, and obtaining data for required in-season reports.

Local office pre-season reports are summarized by the Research and Statistics Division of the Oregon agency to provide the total pre-season picture for the state. Narrative plans of action are carefully reviewed, in some cases discussed and revised, and statewide plans are made to fill, insofar as possible, the needs foreseen.

Five states (Delaware, Illinois, Minnesota, Ohio, and Washington) appear to depend largely on the previous year's acreage and number of workers reported, as modified by local office early season estimates of acreage and labor needs. Three of these states (Minnesota, Ohio, and Washington) indicate that the central office reviews these local office estimates quite carefully and checks them against other information sources.

- 2) Are labor requests checked, in what way and on what basis? Does the department ever reduce the number of workers requested?

Explanation. A basic labor requirement plan makes it possible to check the validity of labor requests more accurately. This question does not imply that growers, associations, or processors purposely request an oversupply of labor. Such requests are more than likely the exception rather than the rule. However, without productivity and acreage information, how can a determination be made as to whether requests are high or low? To a certain extent, past experience provides a guide, and any significant change in the number of workers requested should at least be questioned by the department.

Employment Department. As a general rule, the department approves the number of workers requested by growers and processors. There is always a shortage of domestic workers, so it is necessary to certify Mexican nationals. It is costly to bring in braceros, and this factor acts as a control on worker requests.

Other States. Other states were asked whether they required supporting data on labor requests and whether they checked requests and ever reduced the number of workers requested. Delaware and Illinois report that no supporting data is required because needs have been fairly well determined by experience. Illinois, however, will refuse requests if minimum standards are not met regarding wages, working conditions, and housing.

Several states require supporting information. In Michigan, requests must be supported by acreage or tree information. A three-year average is used to determine average productivity per worker. If the labor request exceeds the department's calculated manpower need, discussions are held with the employer to determine the reason. In addition to data on acreage, Minnesota requires information on mechanization and any other factors affecting labor needs and reports that labor requests have not been inflated. Maryland, Oregon, Virginia, and Washington report that requests are reviewed carefully by both local offices and the central office. Maryland mentioned specifically that requests are checked against the department's acreage and crop surveys. Most of these states also require that housing, wages, etc., meet minimum standards.

The practices described above obtain regardless of whether requests are made by individual growers, processors, or growers' associations. Pennsylvania requires associations to list individual grower members and the labor needs of each. This information is then checked against acreage and productivity data on a farm-by-farm basis.

Utilization of Local Labor

- 1) To what extent is effort made to make full utilization of local labor? Are there specific programs for this purpose? If so, what are they and how effective? For example, to what extent are day-hauls used? What is the longest one-way distance for day-hauls? What is the average one-way distance for day-hauls? What per cent of total labor needs are supplied by the day-haul program?

- 2) Does the placement service have a high school program or some other type of youth program designed to encourage older youngsters to work as seasonal farm workers during the summer months? Is every effort made to make full use of local labor before outside workers are recruited?

Explanation. Although this study is focused on migratory labor, all components of the seasonal farm labor market need consideration to present a balanced picture. In certain areas and at certain times during the growing season, there is definitely an inadequate supply of local workers. In other areas, this has appeared to be the case, but no specific employment department program aimed at the employment of local workers as seasonal farm workers was observed.

Employment Department. Every effort is made to assure full use of local labor. Three approaches to the utilization of local labor were then discussed. These included youth programs, day-hauls, and extensive selective recruiting in urban areas.

The director of employment said that he disagreed with federal officials on the utility of youth programs. All young people throughout the state are encouraged to take summer farm employment, but the department has not conducted any intensive recruiting in the high schools. There are several shortcomings in any youth program. First, there evidently is little interest among city youths to work on farms, or there would be more requests for farm employment. Second, city youths are untrained for farm work and are not used to the hard physical labor often demanded. Third, youths who have been working during the summer have to leave the farm to return to school in September. In the Greeley area, for example, there is still a great need for labor during the first part of September for potato harvest.

A youth program had been successful in the Greeley area in 1961 because the program had been approached with a reasonable view, and the young workers had been employed in such tasks as tractor driving. The department would not intensify its youth recruitment program in 1962, but all youths who showed an interest would be encouraged. Two

additional reasons for the success of the Greeley youth program were cited. First, there was considerable community interest and support for this project. Second, most of the youngsters involved were originally from farm families who had moved to Greeley, and they were experienced in farm work and welcomed the opportunity to obtain this kind of summer employment.

The number of day-hauls and day-haul points have been reduced in recent years because of: 1) a decrease in the number of workers available; and 2) technological changes affecting labor requirements. There were only 40 workers available on a daily basis in Denver for day-hauls in 1961 as compared with as many as 300 in previous years. These workers must be screened carefully to avoid alcoholics. The minimum use of day-hauls in the Arkansas Valley had been successful in 1961, and it was hoped that the program could be expanded. No need for day-hauls in the San Luis Valley had as yet been demonstrated. The decrease in the number of day-hauls in the Fort Lupton area was a direct result of the mechanization of the green bean harvest.

Public housing projects were mentioned as a possible source of obtaining agricultural workers in the Denver area. The department had tried this approach and had not found it to be successful. Not all urban workers will accept farm employment, even if they have a farm background and are otherwise unemployed. This situation makes urban recruiting difficult, especially when compounded by the problem of alcoholism.

Other States. Delaware reports that only a limited supply of local labor is available. There is no youth program, and day-hauls have met with only limited success. An extensive program is underway this year to recruit local workers on a full-time, permanent basis. Idaho had an increase in 1961 of 28 per cent over 1960 in the number of local workers employed. (Local workers accounted for 53 per cent of the total seasonal farm labor force.) Mechanization was partially responsible for this increase, because growers tended to hire local people to operate mechanical cultivation and harvest equipment. There were 19 day-haul points located in 11 small communities. There were also 10 day-hauls operated for high school youth.

Illinois reports that several approaches to the recruitment of local workers are employed. Day-hauls are used in many places throughout the state. During the past season there were 31 supervised and 98 unsupervised day-haul programs in operation. The first was in 21 towns, average workers transported 1,433; the latter was in 61 towns with average workers transported 2,475. The average day-haul is about ten miles one way. The school program consists of signing up high school youths for corn de-tasseling. Day-hauls from Chicago proper have never been satisfactory. In Maryland, some one-way day-hauls were as far as 100 to 150 miles in 1961. Continuous effort is made to organize day-hauls and local worker pools throughout the state.

Michigan states that day-hauls have not been too effective. Some farmers would arrive early and pick up more workers than could be given a full day's work. Also the constant shuffling of workers among employers provided no opportunity for good employee-worker relationships. Three years ago, some of the techniques of the annual worker plan were

applied to the scheduling of local labor with some success. High schools are contacted early in the spring and interested youths registered. Transportation arrangements are also made in advance of the growing season. Farmers are contacted and those interested in using high school youths have specific youngsters assigned to them.

In 1961, Minnesota made a concentrated statewide effort to place local youths in sugar beet thinning and hoeing. This program was considered successful and will be expanded this year. A special effort will also be made this year to promote more employment of locals, especially youth, in vegetable crops. Fifty-seven regular day-hauls were operated from 49 communities in 1961, and there were 55 youth day-hauls.

Ohio attempts to recruit former migrant workers who have settled in the state; usually at least some family members are available. Day-haul programs have been quite successful; in 1961, there were 106 day-haul points in 53 communities. During the peak harvest period, day-hauls provided 5,033 of the 12,000 workers employed. (It should be remembered that Ohio has many large urban communities.) Day-hauls are usually limited to one-way drives of an hour or less. High school youth are employed but are limited in availability for harvest work because of school sessions.

Specific programs are provided to make full utilization of local labor in Oregon. Day-hauls are used very extensively. In 1961 there were 48 organized day-haul points in 22 communities.

It is estimated that well over one-third of all workers in the two heaviest labor-using activities (strawberries and beans) are transported by day-hauls. To a lesser degree and for a smaller percentage of the total workers, day-hauls bring workers to the fields for other crops throughout the season.

The average one-way distance for day-hauls is probably 10 to 15 miles. Again, no exact figures are available. Some day-hauls were operated for a short period in 1960 and 1961 in which the one-way distance was 80 miles or slightly over. Several have operated for years involving a one-way distance of 40 to 50 miles.

The youth program in Oregon includes both high schools and upper grade schools. Thousands of young workers are recruited and employed each year in the strawberry, cranberry, and bean harvests. Recruitment is arranged for and conducted in the schools by local office farm placement personnel. Three recruitment and training films for strawberry and bean pickers have been produced by the Visual Educational Department of Oregon State University, extension service, and employment department. These have been shown extensively for the past several years at school assemblies and to individual classes. Showings are accompanied with personal appearances by the local office representative to explain job opportunities, the need for workers, and how students can register for work. Sometimes growers or platoon leaders accompany the local office representative to answer questions, give further explanation, and help recruit workers and organize day-hauls or platoons. Where films have been used for several years, appearances only, or showing of a film annually to the sixth grade only have been successful. Registration cards, with space

provided for entering name, age, sex, address, telephone number, preferred crop activities and grower choice, if any, are used for self-registration of students interested in summer jobs. Some offices use a larger registration form for older high school youths who have experience, skills, and/or physical qualifications for certain types of jobs. Other offices use the regular registration card for this purpose, with entries briefed to significant items.

Full utilization of local labor is attempted in Virginia; however, the implementation of specific programs varies widely. These programs include day-haul, high school placement programs, and newspaper, TV and radio advertising. Implementation of these programs depends upon the crop involved, the type and availability of local labor, the season and the geography involved. There is only one area in Virginia that has been successful in day-haul operations. This is the area surrounding Norfolk. Here the crop activity is strawberry picking. This requires little skill and does not entail heavy labor. The terrain is comparatively level and does not create transportation problems. The Norfolk metropolitan area abounds with available housewives, semi-retired and others not normally in the labor force.

The day-haul program is considered to be a prime tool in Washington in the full utilization of local labor. The day-haul program has proven to be exceedingly effective when controlled properly by the Employment Security Department. Controls include the issuance of radio and newspaper publicity in order to alert workers of the need and the physical control of the workers at agency-supervised pick-up points. Perhaps the longest one-way, day-haul distance is 30 miles with the average one-way distance being approximately 15 to 20 miles. The percentage of total labor needs supplied through the use of the day-haul program varies from area to area and ranges from more than 90 per cent in the King County bean harvest to less than five per cent in the Eastern Washington apple harvest. The Western Washington strawberry harvest is probably a good example of the average; approximately 75 per cent of the workers are supplied through day-haul.

There were 37 day-haul pick-up points in 19 cities and towns operated for the purpose of utilizing local workers. As many as 2,800 workers were transported each day from these pick-up points. Eighteen day-haul pick-up points were established by the department for the purpose of utilizing the services of school age youth. In addition, farm employers are encouraged to employ youth on live-in jobs. It is a regular practice for local office personnel to appear before high school assemblies to encourage student participation in summertime farm activities.

Closely related to topics covering the determination of labor requirements, labor requests, and the utilization of local labor is the question as to what happens when the determination is made that the estimated labor supply (including labor from all sources) does not equal the demand? Part of this question is when and how is this determination made?

Explanation. This question was asked to find out whether an estimated shortage is met automatically by certification of the need for braceros or whether recruitment efforts are intensified on all

levels. Timing is extremely important, because a late season expected shortage might well require the use of Mexican nationals, because most domestic workers would already be assigned. If anticipated early season (pre-harvest) shortages are estimated in February and March or even in April, there might be sufficient time for additional recruitment efforts before a shortage is certified.

In most of the states responding to the committee's questionnaire, the number of foreign workers employed has decreased steadily in recent years. Wage scales and travel distance are among the reasons for this decrease, but so apparently is more intensified recruiting. The decline in the number of foreign workers employed in Eastern Seaboard states can be explained largely by the availability of Puerto Ricans (not only from the island but also locally as they continue to settle on the mainland in increasing numbers).

In Colorado the number of braceros employed at the peak period has remained fairly constant during the past four years, according to U. S. Bureau of Employment Security figures.¹⁷ They are being used to a greater extent in a number of crops, however.

Employment Department. Generally the department follows the practice of other states in not certifying the need for Mexican nationals until 15 days before the crop activity in which they are to be used is scheduled to begin. Labor needs are re-evaluated constantly throughout the growing season and efforts are made to find available domestic labor, but this is not usually successful.

Other States. When demand exceeds estimated supply, the Eastern Seaboard states (Delaware, Maryland, and Virginia) first step up recruitment of locals (although in Delaware this does not produce many additional workers). Secondly, contact is made among other seaboard states to locate workers; this is followed by bringing in Puerto Ricans. In Virginia, foreign workers (Bahamians) have been used only during the peak of the apple harvest.

Michigan differentiates between temporary shortages (one to three weeks' duration) and those likely to exist for a longer period. With respect to the former, local recruitment is stepped up and an effort is made to get workers to put in extra hours. The use of newspaper and radio appeals sometimes has an adverse effect because crews and solo workers may leave current employers to come to the shortage areas. It is difficult to find locals by this process who will remain until the end of the crop activity. Most interested and reliable locals have already made firm employment arrangements. If a shortage of more than three weeks is anticipated, other states are contacted to locate additional labor before foreign workers are recommended. This approach is also followed generally by Illinois, which also examines the employers' own efforts to recruit domestic labor before determining the need for foreign or offshore workers. Foreign workers in Michigan accounted for nine per cent of the total labor force requirement in 1961. However,

17. Legislative Council Committee on Migrant Labor, Minutes of Meeting of January 18, 1962.

these 15,000 workers were primarily concentrated in two crops: sugar beet blocking and thinning (25 per cent of total labor force) and cucumber harvest (70 per cent of total labor force). In Illinois there were 425 foreign workers employed in 1960, and only 95 in 1961. Pennsylvania has not used any foreign workers for years, but employs about 1,100 Puerto Ricans annually.

Minnesota steps up local labor recruitment activities and then explores additional states of supply before foreign workers are brought in. Ohio sends recruiters to areas where crop activities are being completed in an effort to get additional workers. In Ohio no foreign workers were used in 1961, and the department reports that they are seldom needed in that state. If it becomes apparent sometime before harvest that normal recruiting methods will not provide sufficient labor, certification will be requested 30 days before the need occurs. In 1961, only 55 Mexican nationals and 133 Bahamians were needed to supplement Minnesota's seasonal farm labor force.

If the demand for labor exceeds the supply in Oregon, recruitment activities for local, intrastate, and interstate workers are continued and intensified. Special newspaper, radio, and television publicity, proclamations by the governor or mayors of cities in demand areas, and sound car announcements are used to urge housewives, business people, other employed persons, and anyone else available to turn out during days or hours off to help save the crop. In a few cases whole towns have shut down or greatly reduced business for a day or half day so workers could help out temporarily with the harvest. If the demand is expected to continue and housing is available, this is made known throughout the state through the usual news media, and clearance orders are kept open with continued efforts to recruit. Both within the state and in adjacent states, attempt is made to locate migratory workers uncommitted for the period of need and to refer them to the area of need. When available housing is full or the demand is only for a short peak period, all that can be done is to intensify local and nearby recruitment efforts. In only one area in the state has it been necessary each year to certify a labor shortage and bring in Mexican nationals in recent years, in spite of increased efforts to recruit local workers and to bring in intrastate and interstate workers through the Annual Worker Plan. This area is relatively remote from heavier population centers and the demand comes at a time when employment in agriculture is still high in other parts of the states, with many migratory workers already returned to their homes to enter their children in school. Certification also appeared necessary for two other areas in recent years, but it was possible for the last several years to recruit enough help finally to avoid bringing in braceros for these two areas. The number of Mexican nationals employed in Oregon in 1961 was 327, and in 1960, 349. More Mexican nationals were used in 1956 than in any year since, the number in this year being 958.

Because Washington is located a great distance from the southern border of the United States, the department has been able to convince most Washington employers that the use of foreign or offshore workers is far too expensive except under long-term contracts. Further recruitment efforts to attract local and intrastate workers accomplished through the use of a clearance system of job offers and through increased efforts on the part of the department's network of mobile seasonal

agricultural offices. It is not unusual for employers to provide free one-way transportation for workers from distances up to 275 miles.

Utilization of Intrastate Workers

- 1) To what extent does the department recruit intrastate workers or encourage these workers to take employment in other parts of the state, other than ordinary job referrals?

Explanation. Intrastate workers are an important component of the seasonal farm labor force. The recruitment and allocation of intrastate workers usually is the next step in meeting labor needs after the number of available local workers is determined. Experience over the years provides the basis for forecasting how many of these workers are available, but such forecasting should be related to past methods and areas of recruitment.

It appears that some Colorado workers become employed in other areas of the state because of low wage rates or insufficient employment opportunities, at least in their view, in their home areas. A considerable number of intrastate workers were found in the Palisade area during peach harvest and also in the San Luis Valley during potato harvest (although most of these come to Rio Grande and Saguache counties from the southern part of the valley). Only a few intrastate workers were found during the field study in Northern Colorado.

Employment Department. The department makes every effort to refer to other parts of the state Colorado residents who are not employed or who do not wish to be employed in their home areas. These efforts are not always successful. Sometimes when intrastate workers are referred, they either do not go to the area to which referred or do not accept the employment for which referred.

Other States. Delaware and Virginia have difficulty getting local workers to take employment in other parts of the state. In Delaware they are not available, because of the limited number of local workers. Michigan contacts group leaders of intrastate workers during the winter and early spring months and work schedules are arranged in the same manner as for interstate migrants under the annual worker plan. Those contacted are also encouraged to provide the department with the names and addresses of other group leaders who think they may desire to work on seasonal farm jobs. These are then contacted for confirmation and tentative commitments.

Past efforts to recruit intrastate workers for sugar beet blocking and thinning in Oregon in years of relatively high unemployment have been almost completely unsuccessful. Intrastate workers in small numbers reported and tried, but very few lasted more than a few hours at the continuous stoop-labor job. Better success has been attained in recruiting workers within the state for pea harvest and also for pear and apple harvest. Because of limited housing facilities and because of the need to keep the influx of workers somewhat in proportion to the growth of demand, so that workers will not arrive too soon, become discouraged, and then leave before demand becomes serious, a state-office-controlled quota system has been used with some success. Clearance

orders, accompanied with suitable publicity, are transmitted somewhat ahead of the beginning of the season to be activated later, so that local offices can inform claimants, other suitable registered applicants, and walk-ins of the coming job opportunities and build up a pre-selected list of applicants who have expressed interest in the job.

As the season gets under way and demand exceeds supply, the clearance order is activated, but only for a limited number of workers, according to actual need, as reported daily to the administrative office. The total number ordered daily is broken up there into a quota for each local office that has reported having interested applicants available, and these offices are notified by telephone as to the number they are to refer with instructions to report in the next few days. This method has been of help in slowing down the rush of single male workers to the areas where these activities occur before they can be absorbed and has served to get them to work.

Through the use of intrastate clearance orders, and through the activity of local and mobile seasonal agricultural offices, intrastate workers are recruited for jobs in other parts of Washington. For example, many crews, groups, and families who normally are residents of eastern Washington communities are recruited for berry, cucumber, cauliflower, and broccoli harvests in western Washington. Prearranged schedules of these workers, however, are never interrupted by this agency even though the workers are scheduled for a job outside the state of Washington. Many of these crews, groups, and families who are residents also are part of the Annual Worker Plan and as such have been committed to jobs in Washington and other western states more than 90 days prior to the date of need.

Allocation and/or Reallocation of Workers in a Given Area

- 1) What role does the farm placement service play in the allocation or reallocation of workers within given areas? Does the placement service's function in this respect extend to workers brought in by processors or growers' organizations or to workers brought in by the placement service but assigned to growers' organizations or processors? How do the farm placement service and growers, growers' organizations, and processors cooperate in the reallocation of labor?
- 2) To what extent are interstate migrants encouraged to work in other areas of the state as well before leaving? How successful have these efforts been? (For example, have growers or processors been contacted re the provision of transportation from one area of the state to another for workers willing to work in another area?)

Explanation. A responsible coordinating agency is needed to embrace as much of the seasonal farm labor market as possible if a higher degree of organization is to be achieved. This agency should be the state department of employment, and, to make coordination successful,

cooperation is necessary among growers, associations, and processors. This cooperation should go much further than initial labor requests and recruitment and occasional job referrals. One example of what can be accomplished can be seen in the efforts of the department and the peach control board. It is not important that the department by itself or in combination with associations and processors recruit and assign all labor. It is important that the coordinating agency know where workers are and how they are employed, regardless of how they were obtained, and that a coordinated effort be made in the reallocation or scheduling of workers after the initial activity is completed. For example, to achieve desired results the department should not only participate in the reallocation program of Empire Field Crops, but provide leadership and direction.

A program aimed at recruiting interstate workers already in the state is very important in achieving maximum labor utilization. Fullest utilization of interstate labor is necessary for several reasons: First, the peak demands for labor which cannot be met locally make it necessary that full utilization be made of other available labor. Second, it is expensive and time consuming to recruit interstate labor, and many of these workers travel long distances to come to Colorado. It is inefficient to bring workers in for one activity and then lose them, so that the process has to be repeated over again. Third, full utilization of interstate labor is (or should be) important to the workers themselves. The wage data compiled from the migrant interviews showed that the earnings of these workers are reduced considerably because of long periods of non-work and travel.

The field study showed that in the Arkansas Valley, 48.5 per cent of the domestic migrants in the Rocky Ford-La Junta area leave by July 30, with a large number of these leaving between June 30 and July 10. Fifty per cent of the early season domestic migrants leave the Lamar area by July 30, and it is estimated that 28 per cent of these might be available for work in other areas. Approximately 250 early season workers in the Arkansas Valley might be available for work in other areas.

The migrant interviews in the San Luis Valley indicate that 18 per cent of the early season interstate workers in the San Luis Valley, exclusive of the Filipino lettuce pickers, leave by July 30, and an additional 10 per cent leave by August 30. In the Monte Vista area, 21 per cent of the early season workers (exclusive of Filipinos) leave by July 30, an additional three per cent leave by August 30.

It is estimated from the migrant questionnaire that possibly 21 per cent of the peach harvest workers might be available and interested in working elsewhere in Colorado following completion of the harvest. In arriving at this proportion, all workers who had even the slightest reason for not staying were excluded. The application of this proportion to the total interstate migrant force during peach harvest results in an estimate of 600 workers. Nine per cent of the interstate migrants interviewed planned to stay in the area until the completion of apple harvest. Another ten per cent indicated that they would work in other areas in the state before returning home. Some were going to the San Luis Valley for potato harvest, others (mostly Cherokee Indians) were going to Baca County for broomcorn harvest, and still others were going to pick apples in Hotchkiss.

In computing the 21 per cent availability estimate, no crews brought in by contractors were included. It is interesting to note, however, that a few crews from Louisiana planned to remain for apple harvest in both the Palisade and Hotchkiss areas. Possibly contractual arrangements covering apples were made at the same time as for peaches. If this is the case, it opens up new possibilities in the scheduling of workers. Perhaps more crews (especially since they travel long distances) might be willing to remain through apple harvest. Although a number of Cherokee Indians indicated that they would work during broomcorn harvest in Baca County, equally as many were going to return directly to Oklahoma or work in another state.

Most of the domestic workers in the Fort Morgan-Sterling area leave by the middle of July. The employment department attempts to recruit these workers for the Greeley and Fort Lupton areas, but has had limited success. The same is true with respect to early season workers around Loveland and Fort Collins. Those workers who leave Colorado, either return to Texas (most of them) or travel to midwestern states for further employment. The migrant interviews indicate that most of the early season workers in the Fort Lupton and Greeley area intended to remain throughout the season. Some Texas crews work in the San Luis Valley potato harvest after the potato harvest is completed in Weld County.

The employment department handles labor allocation in the Fort Lupton area, with excellent cooperation from growers and processors. This allocation program is centered around the Fort Lupton labor camp and applies chiefly to three crops, of which snap beans are the most important; the others are onions and potatoes. Growers and processors try to inform the department of labor needs as far in advance as possible and also provide information on the number of workers they have who are working, as well as those available for another assignment. An employment department staff member working with crew leaders, contractors, and processors' field men schedules the work to be performed and the assignment of workers.

Employment Department. The department does try to get interstate workers to accept other jobs in the area, or elsewhere in the state, but with varying degrees of success. Domestic workers have very definite work preferences and often won't accept other types of work. As an example, it is very difficult to get domestic workers to pick cucumbers, even though they may be unemployed in the particular crop activity which they prefer. At the time the workers are recruited, they are informed of job opportunities throughout the state and are encouraged to make commitments for some of these jobs, if they can be worked into their schedules. Many workers won't follow a plan once it has been set up, but seem to prefer to follow the whims of chance and trust to luck that they will find a job. It is only natural that the farmers and processors should try to avoid advancing transportation costs, even though it might encourage workers to go to another area of the state where they are needed. The supply of labor may diminish in the next few years, however, to the extent that growers and processors may have to advance much more in transportation costs for domestic workers than they do at present.

The labor allocation program in the Fort Lupton area has been quite successful. Much could possibly be accomplished along these lines in the Arkansas Valley. One of the complicating factors in the Arkansas Valley is the portion of the labor market controlled by contractors. The most important factor in the successful operation of labor allocation programs is gaining the confidence of growers and contractors.

Other States--Reallocation. Michigan reports its farm placement service makes every effort to reallocate workers within a given area. The growers' associations have used a scheduling process similar to the Annual Worker Plan for many years. It was developed to recruit and hold interstate labor within the state. If they are unable to fill in all gaps among their own members, the department is called in to provide additional work to maintain full employment. In these instances, the associations request that they be furnished with the names and locations of growers to whom this labor is supplied so that contact can be maintained to assure that these workers will be returned on schedule to the association. Growers' associations have cooperated with the department in making certain that foreign workers are not employed while domestic workers are idle.

Minnesota has been successful in allocating and reallocating workers within a large area and works with associations and processors in this respect.

The local offices in Oregon at all times, but especially when labor is in short supply, are alert to the possibility of utilizing fully the interstate workers in their areas. Growers are encouraged to exchange workers with neighbors, when not needed by the grower who has them, and to call the local office whenever workers will be available for work elsewhere for a day or more -- even a half day at times. Large and small groups of workers are shifted around the area, helping greatly to avoid crop loss or catching up on urgent work -- thus utilizing both workers and housing to better advantage. Many growers will permit workers to stay in their housing and work for others after completing or catching up on work where they are housed.

This shifting of workers according to need or opportunity is encouraged and aided regardless of whether the workers were brought in by the placement service for growers, or whether growers' or processors' organizations brought them. Excellent cooperation has been obtained in this by explaining to all concerned the mutual advantages of exchanging labor. If domestic workers are idle and foreign workers are still employed, it is recognized that Mexican nationals never fill an order for workers. The domestic workers are then referred and hired. This rarely occurs, as the need for foreign workers is carefully watched and they are seldom available in excess of actual need.

The farm placement service does refer workers brought in by a labor contractor, though frequently the contractor and employer work out arrangements without employment service assistance. Frequently contractors and their crews are referred or located in response to grower orders. Contractors or members of their crews would be referred to replace Mexican nationals.

The Washington State Employment Security Department has made it a practice to contact crews in the field and refer them to succeeding job openings. This practice is extended to all workers under the Annual Worker Plan whether they were recruited and scheduled by the department, processors, or individual growers. As an example, in a new area of irrigation within the Columbia Basin during 1961, 15 to 20 crews were referred from grower to grower by one of our field staff men. This feat was accomplished through close coordination of the Employment Security Department with each grower involved and with the aid of one or more field men employed by a Washington processor. The department has experienced only minor difficulty in transferring crews and groups of workers among growers and/or processors.

Other States--Referral to Other Areas. Because of the compactness of its agricultural area, it is possible in Delaware to transfer interstate workers to another crop activity on a day-haul basis. Maryland has been quite successful in encouraging interstate workers to take employment in other areas. Eight years ago about 9,000 workers were used as compared with 6,000 in 1961. This reduction was accomplished through the reassignment of workers to other parts of the state.

Michigan encourages interstate workers without prior commitments to take employment in other areas. This has proved successful for desirable crop activities, but for less desirable crop activities, often more than 50 per cent of the workers fail to report. Minnesota also contacts uncommitted interstate workers upon completion of a crop activity. Growers and processors provide transportation advances from one area of the state to another, if needed. Employers will also provide transportation expense in Ohio in many instances.

Interstate migrants are encouraged to work in other areas in Oregon, if they are needed and do not have commitments arranged previously in other states. This is accomplished through the Annual Worker Plan, as far as possible, by endeavoring to revise the schedule of available groups in response to orders from other growers in the area or clearance orders from other areas in the state. When orders are not available and the group is interested in an activity elsewhere in the state, a request for job development is forwarded to the area; a job is developed if possible; and an order is returned to the applicant holding office. If time does not allow for this, arrangements may be completed by telephone with confirmation thereafter by mail. Many other interstate workers are encouraged to work elsewhere in the state through guidance and job information given by farm placement personnel where time is insufficient or the wishes of the workers make scheduling impossible. Some growers do provide or advance cost of transportation for interstate workers from one part of the state to another.

Interstate migratory workers, once they have completed their initial scheduled work in Washington, are encouraged to accept other employment within the state, providing they have an open period on their prearranged work schedule. Workers available for other jobs are recruited and scheduled to secondary and tertiary employment through the efforts of Employment Security Department local offices. Local offices in areas of need provide regular clearance orders in areas of supply; workers may be referred to a specific employer, and the office can inform interested applicants of job conditions, transportation arrangements, wages, and housing before these applicants travel to the

job site. Employers will advance transportation expenses on a loan basis from one area to another. This type of recruitment has been eminently successful through the years in which the Annual Worker Plan has been in use in the state of Washington.

Census of Seasonal Farm Workers

- 1) What methodology is followed and what procedures are used in determining the number of workers and the composition of the seasonal farm labor force in a given crop in a given area at a given time? Are these procedures uniform throughout the state? Is the same nomenclature used throughout the state? Are these procedures satisfactory, if not, why not? How accurate are these estimates or tabulations of seasonal farm workers?

Explanation. The weekly census or estimate of the number of workers is very important as it provides information on workers employed, location, and crop activity. These reports take on added importance in Colorado, because they are used in determining labor needs for the following year.

The field study showed that there is no consistency from area to area in the way in which these estimates are made. In some areas, a field count is made of a selected sample of growers, and projections are made from these sample field counts. In other areas, growers' associations and processors are relied on for information on the number of workers. In some instances, a combination of both of these approaches is used. The problem of reliability is compounded further by the fact that crop activity categories vary from area to area, and even within areas, on the department's weekly reports.

The field study indicates the following possible inaccuracies in the weekly seasonal farm labor reports:

- 1) Arkansas Valley (1961) -- number of interstate workers low, number of intrastate high
- 2) San Luis Valley (1961) -- number of interstate workers low
- 3) San Juan Basin (1961) -- number of both intrastate and interstate highly inflated (appears to have been corrected in 1962)

Employment Department. The weekly farm labor report totals are only estimates but are quite accurate; the local area officials making out these reports are experienced in making these estimates, and, while there are bound to be errors, the proportion of error is small. The Colorado reports are as accurate as those in other states, regardless of the methodology used in other states.

Other States. Most of the seasonal farm workers employed in Delaware are in crews or contract groups. Local farm placement representatives keep a tally on these groups, covering the number of workers,

sex, place of origin and equipment (trucks, buses, etc.). A relatively large number of workers can be accounted for with little effort. As groups are transferred, records are changed. Their tabulations are rather accurate, with a possible 10 per cent error in periods of rapid change in employment.

Michigan reports that it is believed that the unit bench marks calculated from labor requirement surveys and their application to acreage or trees and yields by county is the most accurate way of computing preseason and inseason estimates for a given reporting area. Inseason estimates can be further checked for accuracy after the final statewide acreage and production reports are released by the U. S. Department of Agriculture.

In Oregon, the methodology and procedures used in determining the number of workers and the composition by source of the seasonal farm labor force in a given crop in a given area at a given time involve the application of a scientific sampling technique, using grower reports collected by mail, phone, or in person and computing the estimate for 100 per cent of the acreage as per its proportion to the percentage thereof in the sample, which is as representative as possible. A random selection is made from all average growers in an area to obtain the sample. The reports of this sample are blown up and the results added to reports from 100 per cent of very large or otherwise unusual growers, if any. These procedures are uniform throughout the state for all of the more significant crop activities. For those crop activities where few workers are involved, the reported figure is an informed estimate, based on grower, processor, and field representative opinion plus the observation of the local office farm placement representative who makes the estimate.

The Agricultural Employer Establishment Reporting Program in Washington is used in determining (estimating) the number of workers and the composition of the seasonal farm labor force in a given area at a given time. While this particular method of obtaining information direct from employers is not universal throughout the state (the farm placement section administrative office is in the process of installing this reporting program in additional local offices at the present time), a common nomenclature is used, since all of these reports are coordinated by the administrative office farm placement sections statistician. This type of information is believed to be basically sound and, along with the Bureau of Census farm report (published every five years) and information gathered from food processors, provides a comprehensive basis for determining, closer than ever before, the number of workers and composition of workers in a given area at a given time.

Formal Contract for Domestic Workers

- 1) Would the proposed federal legislation (S.1129) providing contractual arrangements between growers and domestic workers on a voluntary basis be of help in organizing the seasonal farm labor market in Colorado?

Explanation. This proposed legislation, which was not acted upon favorably during the 87th Congress, is expected to be introduced again. This legislation would establish a program for domestic workers similar to the ones covering foreign workers and Puerto Ricans. Agricultural employers would pay a recruiting fee not to exceed \$15 per worker. For this fee, the Secretary of Labor would furnish food, transportation, housing, and emergency medical care to domestic workers and their families while in transit. Another worker would be furnished free of charge for each worker who failed to fulfil his agreement. The workers under this program would be assured of: 1) prevailing wage rate; 2) housing and sanitation conditions conforming to labor department standards; and 3) guaranteed employment of 160 hours in each four-week period.

Bureau of Employment Security.¹⁸ Officials from the Denver Regional Office of the U. S. Bureau of Employment Security said that there was considerable objection to this legislation from the Farm Bureau and growers' associations. One major objection is that farmers who had been receiving employment department services free would now be required to pay a maximum fee of \$15 for each job filled. Further, there is no assurance that domestic workers would fulfil their part of the bargain, which would necessitate worker replacement, and such replacement might be difficult. Braceros come to this country as solo workers, while domestic workers would be recruited without regard to family status. Many growers would object to providing adequate housing for family groups because of the cost involved. The proposed act, however, would be voluntary rather than compulsory, so that growers would not be required to participate and could still obtain workers as they do at present.

One result from this legislation might be to increase the number of solo domestic migrants. This would be desirable for several reasons other than the availability of housing. For example, it might make it possible for migrant families to become permanent residents in an area, even though the head of the family is still working in a number of different places; however, many migratory workers would probably refuse to leave their families, and others need to have other family members working in order to assure enough money to cover the winter months.

Employment Department. The director of employment said he didn't know to what degree such a program would be implemented should it pass Congress but expressed his opinion that a pilot program should be tried first. There are many unknowns in implementing such a new program, and growers should not be forced into difficulty because of the zeal with which bureaucrats put a new program into effect.

There is only one substantial source of domestic seasonal farm labor which had not yet been tapped to any great extent -- the large number of unemployed farm workers in Louisiana. It is possible that these workers would prove to be satisfactory in Colorado, but the director cautioned against bringing them in in large numbers under S. 1129 until this could be determined. Instead, he recommended one or two crews of 25 or 50 be brought in the first year, with the program to be expanded further in following years if the experience proved successful.

18. Legislative Council Committee on Migratory Labor, Minutes of Meeting of January 18, 1962.

Activities of the Farm Placement Service

The employment department was asked several questions on the activities of the farm placement service covering: 1) working arrangements with growers' associations and processors; 2) recruitment activities in other states; and 3) budgetary expense for farm placement service operations.

Table 94 shows the growers' associations, large individual growers, and processors with whom the employment department worked in 1961. Also shown is the total labor need of each, number of workers requested, number of braceros used, and domestic labor supplied.

Cost of Farm Labor Activities. During fiscal year 1961, the employment department spent 74,302 hours on farm labor activity; 6,559 hours of this total were spent on out-of-state recruitment. The total number of hours devoted to farm labor was the equivalent to 43.6 full-time positions. The estimated total cost of the farm labor program in fiscal 1961 was \$218,000. The cost to the department for recruitment activities in Texas and New Mexico was \$28,983. Recruitment in Texas accounted for \$25,734 and recruitment in New Mexico, \$3,250.

The employment department recruited in New Mexico in 1961 for the following processors and growers' associations: American Crystal Sugar Company, Empire Field Crops, Holly Sugar Corporation, National Sugar Company, and Great Western Sugar Company. In the Texas Panhandle, the employment department recruited for three sugar companies: Holly, National, and Great Western.

The Bracero Program

The temporary relocation of Mexican nationals to assist in agricultural production in the United States was first arranged in 1942 by executive agreement between the two nations. In 1951, the U. S. Congress passed Public Law 78, which provided for the recruitment and employment of Mexican nationals as agricultural laborers in this country.

Under the terms of Public Law 78, employers who use Mexican nationals are required to enter into an agreement with the United States government covering the following: 1) to indemnify the United States against loss by reason of its guarantee of such employers' contracts; 2) to reimburse the United States for essential expenses, not including salaries or expenses of regular department or agency personnel, incurred for the transportation and subsistence of Mexican nationals, not to exceed \$15 per worker; and 3) to pay to the United States an amount determined to be equal to the cost of returning a Mexican national to the reception center in those instances in which such worker is not returned to the reception center in accordance with the contract.

TABLE 94

Growers' Associations and Processors Served
By the Colorado Department of Employment, 1961

<u>Name of Assn. or Processor</u>	<u>Location</u>	<u>No. of Members</u>	<u>Total Labor Need</u>	<u>No. of Workers Requested</u>	<u>No. of Braceros Used</u>	<u>No. of Domestic Workers Supplied</u>
Walsh Farm Group	Walsh	41	400	400	200	125
Empire Field Crops		335	3,000 ^b	1,200	859	341
San Luis Valley Growers Assn.	Alamosa	83	2,066	1,909	1,144	1,148
Peach Board of Control ^a	Palisade	550	5,454	4,000	None	1,908
Mizokami Brothers	Blanco		1,073	1,053 ^c	220	207
Zinno Produce Co.	Pueblo		200	200	99	71
Diven Packing Co.	Fowler		50	50	30	20
E. C. Ricketts	Crowley		75	75	45	30
Holly Sugar Corp.	Colorado Springs		697	697	360	337
Great Western Sugar Co.	Denver		10,000 ^d	6,017	4,917	1,100
Fort Lupton Canning Co.	Fort Lupton		670	670	13	657
Dreher Pickle Co.	Fort Collins		750	750	563	187
Kuner-Empson Co.	Brighton		1,177 ^e	1,177	387	790
Western Foods Co.	Fort Lupton		400	400	236	164
Henderson Pickle Co.	Henderson		150	150	30	120

- a. Peach Board of Control, Mesa County Peach Marketing Order; this organization is not a farm labor or grower association in the usual sense. The Board of Control represents, at this time, 550 peach producers.
- b. Empire Field Crops - Several of their members recruit on their own.
- c. Mizokami Brothers - Recruit part of their labor using their own bus.
- d. Great Western Company is able to supply a large number of workers through their own labor recruitment organization.
- e. The Kuner-Empson Company total labor need includes their Grand Junction operation. When crops are completed on the eastern slope workers are transferred to the western slope.

No workers are to be recruited under the provisions of Public Law 78, unless the U. S. Secretary of Labor has certified that: 1) there is not a sufficient supply of domestic workers in the area; 2) employment of such workers will not adversely affect the wages and working conditions of domestic workers similarly employed; and 3) reasonable efforts have been made to attract domestic workers for such employment at wages and hours of work comparable to those offered foreign workers.

Public Law 78 originally was scheduled to expire in 1953, but there have been several extensions, the last of which was enacted at the 1961 session of Congress and extended the termination date to December 31, 1963. The Public Laws which provided for these extensions also made some other changes in this legislation. These changes included the following: 1) Employers who provide transportation which is equivalent to that provided by the U. S. Department of Labor are not required to make monetary reimbursement. 2) The U. S. Department of Labor has the authority to secure the assistance of both agricultural employers and workers in determining the availability of domestic labor and the effect of the employment of Mexican nationals on prevailing wage rates and working conditions. 3) Mexican nationals may not be employed to operate power driven machinery or in certain processing industries, and they are prohibited from permanent, year-round work.

In carrying out the terms of the agreement signed with the Mexican government pursuant to Public Law 78 and subsequent legislation, the U. S. Department of Labor has promulgated rules and regulations covering the various aspects of Mexican national employment, such as housing, sanitation, working conditions, and prevailing wages. State employment departments assist the U. S. Department of Labor in determining prevailing wage rates, which the agreement requires must be paid to Mexican nationals.

1961 Legislation

There were several legislative proposals before Congress in 1961 with respect to extending the expiration date of Public Law 78. Two measures (H.R. 6032 and S. 1195) would have required that eligibility to employ Mexican nationals would be limited to employers who offer domestic workers wages at least equal to average farm wages in the state or nation, whichever is lower. Employers would not have been required to raise their wages more than \$.10 per hour in any one year to meet the average. Further, eligibility to employ braceros would have been restricted to employers making reasonable efforts to attract domestic workers by offering -- and actually providing -- terms and conditions of employment comparable to those offered foreign workers.

These bills would also have limited the employment of Mexican nationals to seasonal and temporary jobs not involving the operation of machinery. (This is the only provision which was adopted in the measure approved to extend the expiration date of Public Law 78.) The Secretary of Labor would have been authorized to limit the number of foreign workers who could be employed by any one farmer to the extent necessary to assure active competition for domestic farm labor.

The bill extending Public Law 78 which was adopted by the House contained no modifying provisions. The Senate amended this measure by adding the following: 1) restriction against permanent employment and employment involving machinery; and 2) requirement that employers of braceros pay at least 90 per cent of state or national average farm wages, whichever is lower. The first amendment was approved by the conference committee and the second amendment rejected.

Wage Determination

After the extension of Public Law 78 was approved without any change in the wage rate provisions, it appeared likely that the Secretary of Labor would exercise his authority under the original act to determine to what extent bracero wages have a depressing effect upon domestic wages.¹⁹

Department of Labor Hearings

During the first few months of 1962, the U. S. Department of Labor held hearings in major bracero-employing areas to study the effects of the program on the wages, conditions, and job opportunities of domestic workers. These were the first hearings held since the current program was established in 1951. In connection with these hearings, one of which was held in Denver, the Secretary of Labor announced new wage rates for the employment of Mexican nationals in several states. Growers' association and processor representatives appearing at the hearings (including the one in Denver) generally took the position that the Secretary of Labor lacked authority to set a wage rate for braceros and that his authority was limited to determining that the prevailing wage in the area was being paid Mexican nationals. In the only court test of this authority, the Secretary of Labor was upheld by the U. S. District Court in Washington, D. C. The court said in reaching its decision that Public Law 78 "...gives the Secretary broad powers and wide discretion..."²⁰

Table 95 shows the hourly rates for braceros in several states established by the Secretary of Labor in 1962. Also shown is the 1961 average hourly farm wages.

19. Information Letter #17, National Advisory Committee on Farm Labor, October 1961, p. 2.
20. Information Letter #19, National Advisory Committee on Farm Labor, April 1962, p. 2.

TABLE 95

Bracero Wage Rates Established in 1962
and Average Farm Wage in 1961 for Selected States^a

<u>State</u>	<u>Bracero Rate</u>	<u>Average Farm Wage</u>
Arizona	\$.95	\$.99
Arkansas	.60	.73
California	1.00	1.27
Colorado	.90	1.13
Michigan	1.00	1.09
New Mexico	.75	.87
Texas	.70	.80

a. Information Letter #19, National Advisory Committee
on Farm Labor, April, 1962, p. 2.

A number of Colorado growers and spokesmen for associations and growers complained at the Denver hearing that they were being unfairly discriminated against because the proposed rate for Colorado (then \$1.00 per hour, but subsequently lowered to \$.90 per hour) was higher than those proposed for New Mexico and Texas. The hourly rate established in 1962 preserves the differential between Colorado and its labor supply states of New Mexico and Texas. The gap was narrowed between Colorado and Texas and only slightly increased between Colorado and New Mexico as indicated in Table 95A.

TABLE 95A

Relationship of Bracero Wage Rates, 1961 and 1962
In Colorado, New Mexico, and Texas

<u>State</u>	<u>1961 Rate</u>	<u>1962 Rate</u>	<u>Pct. of Increase</u>	<u>Pct. of Colo. Rate 1961</u>	<u>Pct. of Colo. Rate 1962</u>
Colorado	\$.75 per hr.	\$.90 per hr.	20.0%	--	--
New Mexico	.65	.75	15.4	86.7%	83.3%
Texas	.50	.70	40.0	66.7	77.8

The bracero wage differential between Texas and Colorado is a major cause of concern for Colorado growers. Colorado growers, aside from wage differences, are handicapped in competing with the Rio Grande Valley, because of climatic conditions, length of growing season, and farm size. The wage differential adds to this handicap, especially since Texas has an abundant supply of resident domestic labor in addition to easy access to Mexican nationals. A number of Texas migrants who were interviewed reported that they had left their home state to find employment, because they were offered jobs in Texas at \$.25 to \$.40 an hour less than the \$.50 an hour minimum for braceros at that time.

Effect of Bracero Wage Rates on Domestic Rates. The effect of the wage rates established for braceros on the rates paid domestic workers was discussed in the chapter on the Arkansas Valley. It is appropriate, however, to summarize that discussion here.

The prevailing wage provision was placed in Public Law 78 for two reasons: 1) to protect domestic workers from having their wage levels depressed through the employment of braceros at a lower rate; and 2) to assure the Mexican government that its citizens would be paid a wage commensurate with that received by American workers.

Experience has indicated that this provision of Public Law 78 has not worked exactly as expected. In the Arkansas and San Luis valleys, the rate set for Mexican nationals by the Secretary of Labor during the past three years has tended also to be the rate paid domestic workers. It can be argued, as the Secretary of Labor has, that if the rate set for Mexican nationals in one area is lower than in other areas, and the rate for domestic workers is pegged at the same level, domestic workers will go elsewhere, thus creating a domestic labor shortage and assuring a need for braceros. Because of this apparent interrelationship between wage rates for domestic and Mexican national workers, the Secretary of Labor, in effect, is setting a minimum wage for an area when he establishes the wage rate for Mexican nationals. This is one reason why many growers in the Arkansas and San Luis valleys have objected strongly to the 1962 ruling pegging the wage rate for Mexican nationals at \$.90 an hour.

Employment of Mexican Nationals in Colorado

Approximately 10,000 different Mexican nationals have been employed in Colorado during the past two growing seasons.²¹ Almost all of these workers have been concentrated in three areas: The Arkansas and San Luis valleys and Northern Colorado. Peak employment of braceros from 1957 through 1961 was as follows:

1957 -	6,121
1958 -	6,373
1959 -	5,926
1960 -	6,573
1961 -	6,456

In 1960, Colorado ranked ninth among the 37 states using foreign labor in the peak number of foreign workers employed.²² It is interesting to note that Colorado was employing slightly more than 41 per cent of the Mexican nationals working in this country in sugar beets during June, 1960, while this state has only 15 per cent of the national sugar beet acreage.²³

21. The Seasonal Agricultural Market in Colorado, op. cit., p. 136.

22. Annual Report of Employment of Foreign Workers, U.S. Department of Labor, Bureau of Employment Security, February 14, 1961, p. 1.

23. Ibid., p. 9.

In 98 per cent (2,025) of the 2,060 farms on which braceros were employed in 1959, these workers were sponsored by either a growers' association or processor.²⁴

Only 35 individual farmers sponsored braceros, in addition to those brought in by growers' associations and food processors. Processors in Colorado sponsor braceros for a larger number of farms than processors in any other state using Mexican nationals. To a certain extent this comparison may merely be a reflection of the fact that Colorado farms on the average are smaller in size than those in other major bracero-contracting states (such as California and Texas); nevertheless, the pattern of bracero sponsorship in Colorado is significantly different from that in other states.

At the January 18, 1962 meeting of the Migrant Labor Committee, Bureau of Employment Security officials were asked if they could explain this difference in bracero sponsorship and whether they thought that the payment of transportation and recruitment fees by processors had a direct bearing on the scope of the Mexican national program in Colorado. It was their opinion that processors recoup recruitment and transportation costs through charges assessed to the growers using bracero labor, so that the pattern would not be much different if the costs were paid initially by individual growers. Some processors interviewed during the field study, however, stated that they did not recover bracero recruitment and travel costs, and a few growers interviewed stated that they would not use braceros if they had to pay these fees.

Reactions to the Bracero Program

Pro. By and large, growers have strongly supported the bracero program, although there have been some objections to the numerous rules and regulations with which they must comply in order to secure the employment of Mexican nationals. Not the least of these objections is the cost of meeting housing and sanitation standards, which some employers consider excessive, especially for the comparatively short time Mexican nationals are employed. It is argued that the program is needed because of a shortage of dependable domestic labor. In part, this shortage results from the inability of the farm sector of the economy to compete for high cost labor with the industrial sector. A corollary argument is that many domestic workers, even when available, will not do stoop crop work, such as sugar beet hoeing and thinning and tomato and cucumber harvest. A number of growers indicated during the field study interviews that the elimination of the Mexican national program would either force them out of business or force them to change to other crops.

Another argument in favor of the program is that it extends a helping hand to the Mexican economy by providing employment opportunities to workers with extremely depressed economic circumstances. These workers return home with most of their earnings, which stimulates the Mexican economy and improves Mexican agriculture. Further, the program has eliminated the "wetback" problem.

24. Ibid., p.12.

Con. Opponents of the Mexican national program take the position that employment of braceros has depressed the wage level for domestics (the position apparently taken by the Secretary of Labor in setting higher minimums). It is also pointed out that Mexican nationals have greater legal protections than do domestic workers. Housing and sanitation, standards, working conditions, and insurance protection are all superior for braceros as compared with domestics.

The argument is made that the availability of Mexican nationals has slowed up the trend toward mechanization in some crops and in some areas. As long as an assured labor supply is available, growers do not have as great an incentive to mechanize. Further, it is contended that domestic workers are available and would work in all crop activities if wages were higher and if they had some of the guarantees given Mexican nationals.

There has been some community reaction against the bracero program on the grounds that Mexican nationals spend very little while they are here as compared with domestic workers. In 1961, Mexican nationals earned \$3,829,926 in Colorado. Approximately 85 per cent of these earnings were taken back to Mexico or \$3,155,000 million.²⁵

Economic assistance to Mexico is desirable, but it is argued that this assistance should not be at the expense of American workers. It is also argued that the wetback problem has been overstated.

Future of the Bracero Program

The different positions on the future of the bracero program may be summarized as follows:

- 1) continuation of the program with removal of some of the present restrictive and regulatory features;
- 2) continuation of the program as is;
- 3) continuation of the program with more restrictive provisions; and
- 4) elimination of the program.

There is another point of view that the program should be eliminated as soon as possible, but only if there is an assured supply of domestic labor. Efforts should be made to establish a program for domestic workers providing the same guarantees as the bracero. As such a program and related recruitment efforts develop an assured and scheduled supply of domestic labor, the number of Mexican nationals should be gradually reduced and ultimately eliminated.

25. Colorado Legislative Council Committee on Migratory Labor, Minutes of Meeting of January 18, 1962.

OTHER PROBLEMS AND PROGRAMS

Health

Brief History of Migrant Health Programs and Services

In 1954, a special migrant project was begun by the Maternal and Child Health Section of the Colorado State Department of Public Health. Prior to the inauguration of this program, there was practically no health or medical service available to migratory workers and their families.¹ The 1954 program had two objectives: 1) to stimulate and assist the provision of health services which would be available to migrant workers in local areas; and 2) to stimulate and assist migrant workers to utilize such services. The department is aided financially through an annual grant from the U.S. Children's Bureau. This annual grant is now slightly more than \$40,000.

Since 1954, programs have been operated in four areas of the state: Arkansas Valley (Otero County), San Luis Valley, Western Slope (Mesa County), and Northern Colorado (Fort Lupton camp). The programs in all areas but one have been more or less continuous on an annual basis since 1955. There was a migrant health nurse employed in the San Luis Valley in 1956 during potato harvest, throughout the growing season in 1957, during part of 1958 and all of 1959.²

Health Problems

In areas where the migrant workers are employed, the organization of facilities for providing health services ranges from practically none to complete health units, but in most communities some interested groups can be found who for one reason or another are willing to concern themselves with improving conditions. The task is made more difficult by the results of changing agricultural practices and the inevitable variations in growing conditions, so that both the number and type of worker may vary from year to year.

Experience of local and state health personnel over the years has shown the general types of problems which will arise among temporary residents in agricultural communities during the summer. These include: 1) acute infections, particularly of the gastro-intestinal tract; 2) maternity and infant care; 3) major surgery; 4) long-term problems such as crippling orthopedic conditions; 5) epilepsy; 6) heart disease; and 7) dental problems. There is reason to believe that much malnutrition exists among the migrants, and without help their dietary practices will tend to deteriorate rather than improve as they use more and more ready prepared foods and abandon their traditional simpler diet.

1. Governor's Survey Committee on Migrant Labor, December, 1951, p. 8.
2. All of these programs are discussed in detail in the area chapters.

Local facilities for medical and dental care and preventive health services are practically never fully utilized by the migrants. Where they are used, the lack of continuity and follow-up reduce the value of temporary treatment. This experience points to the need for an on-going regional program in which some continuity can be developed in the health services the transients receive or are able to secure for themselves.

Obstacles to Health Care Utilization

A major obstacle to migrant utilization of health and medical services appears to be the high cost of hospital and medical care (especially in relation to migrant income) and the reluctance of some hospitals to assume the deficit which may result from providing migrant care. Variations in the stringency with which residence restrictions are applied in different areas also affect the availability of medical and hospital care for many migrants; most migrants do not stay long enough in any one place to establish residence. It is highly probable that the attitude of the migrants toward health and medical services and the determination with which they will seek to avail themselves of such services are affected not only by these economic and geographic factors but by cultural factors, which have been studied to some extent but about which not enough is yet known.

Occupational Health Problems

Not much is known about the magnitude and types of occupational health problems affecting seasonal farm labor in Colorado. The occupational health section of the state health department has been planning to establish a field study of these problems in connection with the area migrant health projects.

Studies of occupational health problems of agricultural workers have been made in a few other states, notably California. California studies have shown farm workers are subject to a number of occupational diseases, the most prevalent of which are systemic poisoning, respiratory infections, and dermatitis.³ Major causes of these diseases were found to be: halogenated hydrocarbon pesticides, organic phosphate pesticides, cyanamide and other weed killers, lead and arsenic compounds, and other pesticides and fertilizers.⁴

Dermatitis may also result from handling certain crops which have not been chemically treated, according to another occupational health study.⁵ This study also cited a number of fungus and bacterial infections which are potential occupational health hazards.

3. Reports of Occupational Disease Attributed to Pesticides and Agricultural Chemicals, State of California, Department of Public Health, 1957, p. 17.

4. Ibid., p. 18.

5. Industrial Medicine and Surgery, "Occupational Health on the Farm -- A Symposium," Volume 24, Number 3, March 1955, pp. 117 and 118.

California has also compiled data on agricultural work injuries; aside from occupational diseases, the most prominent of these are: 1) strains, sprains, dislocations, and hernias; 2) bruises and contusions; 3) cuts, lacerations, punctures, and abrasions; 4) fractures, and 5) eye injuries.⁶ The major causes of these work injuries are listed as: 1) motor vehicles and machinery; 2) strain and overexertion; 3) loss of footing; and 4) falling or flying objects.⁷

Health Department Request

The health department is preparing a request for a federal grant of \$75,000 to finance a special migrant health project. It is proposed that this project include sanitation, occupational health, nutrition, and tuberculosis control. This project, if approved, would be in addition to the present program. If the funds are approved, the health department hopes to hire a nutritionist, two full-time sanitarians, four summer sanitarians, a dental hygienist, and a migrant nurse for the San Luis Valley.

Housing and Sanitation

Studies and Legislation Since 1950

The Governor's Survey Committee on Migratory Labor in 1951 found that housing for migrants was "inadequate and unsatisfactory in some areas of the state." Forty-two per cent of the migrant families in 1950 lived in labor camps and nearly 50 per cent in houses provided by growers. Only 17 per cent of the households provided for migrants had rooms used solely for sleeping purposes. Many of the camps had poor sanitation facilities; families were crowded into one or two rooms; some had inadequate cooking facilities and water supplies.

The 1951 Governor's Committee on Migratory Labor recommended that: 1) legislation should be considered to give the state department of health power to enforce compliance with minimum standards in farm labor housing and sanitation if it is determined that it does not have such authority; and 2) the state department of health should formulate reasonable rules and regulations providing for minimum standards for farm labor housing and sanitation.

Legislation to implement the Governor's Committee's recommendations was introduced in the 1951, 1953, and 1955 sessions of the General Assembly. This legislation, had it been approved, would have established a migrant labor board whose powers and duties,

6. Work Injuries in California Agriculture, 1960, State of California, Department of Industrial Relations, Division of Labor Statistics and Research, June 1961, p. 15.

7. Ibid., pp. 7 and 8.

among others, would have included:

- 1) prescription of minimum standards for migrant labor camps' structural conditions;
- 2) inspection to encourage minimum standards of housing and sanitation in such camps;
- 3) consultation with employers of migrant labor as to the ways and means of improving living conditions for migrant workers;
- 4) cooperation with appropriate state agencies.

Legislation on migrant housing was introduced but not approved in the 1961 session of the General Assembly (House Bill No. 414). This bill prescribed standards for migrant camps and provided that these standards must be met before a license would be issued by the state health board. Camps found to be in violation of the act's provisions, could be closed as a public nuisance.

Present Housing and Sanitation Status

The state department of health and the state health board appear to have the statutory authority to promulgate housing and sanitation standards for migratory labor camps. Following is a summary of these statutory provisions:

66-1-8 (4) CRS 1953--authorizes the state board of health to issue orders, adopt rules and regulations, and establish standards which it deems necessary to administer and enforce the public health laws of the state.

66-1-7 (5) CRS 1953--authorizes the department to establish and enforce minimum general sanitary standards pertaining to the quality of water supplied to the public and to the quality of effluent of sewerage systems and trade wastes.

66-1-7 (13) CRS 1953--authorizes the department to establish and enforce sanitary standards for the operation of industrial and labor camps.

66-2-6 CRS 1953--authorizes county health departments to carry out state laws and regulations. Subsection (10) of this section authorizes county departments to make necessary sanitary and health investigations on its own initiative or in cooperation with the state department on matters affecting public health within the jurisdiction and control of the department.

While the department of health has the necessary statutory authority to make regulations and inspect facilities, these statutes do not contain penalty provisions, making enforcement difficult. Because of the Casey decision⁸ handed down by the Colorado Supreme Court, in which the court held that violation of a regulation could not be construed as a misdemeanor without proper statutory authority, the department is examining all its statutes, rules, and regulations with the aim of suggesting needed statutory revision to the General Assembly.

An opinion on the health department's authority with respect to migrant housing was requested from the attorney general by a member of the Migrant Labor Committee. In his reply, the attorney general stated ". . . under the statutes cited above, the State Department of Public Health has the authority to adopt regulations directed at the control of health and sanitary matters in migrant labor camps."⁹ The attorney general added that "there appears to be ample power and authority, therefore, for the enforcement of public health regulations by injunction and for the enforcement of the public health laws by both criminal prosecution and injunction."¹⁰

Committee Housing Examination¹¹

During the past two years, the committee and field staff have examined all types of housing for migrant workers (both in camps and on the farm). Some of this housing was either good, or at least adequate, but some of it could not be considered adequate, even by minimum standards. Of special concern was the lack in many places of even minimum proper sanitary conditions. Lack of proper sewage and garbage disposal and inadequately protected water supplies can have a detrimental effect on nearby communities, as well as on the people living in the migrant housing.

In examining migrant housing, cognizance was taken that migratory workers live in this housing for a relatively short period of time. Failure to recognize this fact could lead to recommendations for housing standards which would be more restrictive than necessary, creating a considerable burden for growers. Further, housing conditions for migrants must be considered in light of resident housing in the same area. In some places, a portion of the resident housing is equally as bad as that provided for migrants. Many migrants also have poor housing in their state of residence, but the migrant interviews indicate that if many of these workers had sufficient income to afford better housing at their home base, they would not join the migrant stream year after year. The field study results indicate that adequate housing is an asset in attracting and keeping workers and is often a consideration in the worker's decision as to whether to return to the same farm or area in following years.

8. Casey v. People, 336 Pacific 2nd 308.

9. Letter from Attorney General Duke W. Dunbar to Representative H. Ted Rubin, November 27, 1961.

10. Ibid.

11. This subject has been covered in detail in the preceding area chapters.

Proposed Legislation for the Regulation of Migrant Labor Camps

At the September 26, 1962, meeting of the Legislative Council Migrant Labor Committee, the state health department presented a proposed statute to regulate the licensing and inspection of migrant labor camps by the health department. The provisions of this legislation follow:

SECTION 1. DEFINITIONS

For the purposes of this act:

(a) AGRICULTURAL LABOR CAMP includes one or more buildings or structures, tents, trailers, or vehicles, together with the land appertaining thereto, established, operated, or used as living quarters for five or more seasonal or temporary workers engaged in agricultural activities, including related food processing.

(b) PERSON means an individual or group of individuals, association, partnership, or corporation.

(c) DEPARTMENT means the Colorado State Department of Public Health.

(d) ADMINISTRATIVE PRACTICE ACT means Chapter 3, Article 16, Colorado Revised Statutes 1953, as amended or any successor law.

SECTION 2. RESPONSIBILITY FOR COMPLIANCE

Every person operating or maintaining an agricultural labor camp shall comply with the requirements of this act and of any regulations issued hereunder.

SECTION 3. PERMIT REQUIRED FOR OPERATION OF CAMP

No person directly or indirectly shall operate an agricultural labor camp until he has obtained from the department a permit to operate said camp and unless such permit is in full force and effect and is posted and kept posted in the camp to which it applies at all times during maintenance and operation of the camp.

SECTION 4. APPLICATION FOR PERMIT: ISSUANCE OF PERMIT

Application to operate an agricultural labor camp shall be made to the department in writing on a form and under regulations prescribed by the department. The department shall issue such a permit for the operation of an agricultural labor camp, if it is satisfied, after investigation or inspection, that the camp meets the minimum standards of construction, sanitation, equipment, and operation required by regulations issued under Section 6 of this act. Such permit shall be valid for 1 year unless revoked. It shall not be transferable. If an applicant is refused a permit, the department shall upon request afford the applicant a fair hearing, in accordance with regulations prescribed by the department.

SECTION 5. PERMIT MAY BE REVOKED

The department may, after complying with the applicable provisions of the administrative practice act, revoke a permit authorizing the operation of an agricultural labor camp, if it finds that the holder of such permit has failed to comply with any provision of this act or of any regulation or order issued hereunder.

SECTION 6. AUTHORITY TO ISSUE REGULATIONS; PUBLIC HEARINGS REQUIRED; EFFECTIVE DATE; PUBLICATION

The department shall formulate and issue such rules and regulations, as it may find necessary to protect the health, safety, and welfare of persons living in agricultural labor camps, prescribing standards for living quarters at such camps, including provisions relating to construction of camps, sanitary conditions, light, air, safety protection from fire hazards, equipment, maintenance, and operation of the camp, and such other matters as may be appropriate for security of the life and health of occupants. Rules and regulations issued under this section shall be adopted and made effective in accordance with the applicable provisions of the administrative practice act.

SECTION 7. ENFORCEMENT; RIGHT OF ENTRY

The department shall administer and enforce the provisions of this act and regulations issued hereunder. The department and its authorized representatives may enter and inspect agricultural labor camps at reasonable hours and may question such persons, and investigate such facts, conditions, and practices or matters, as it may deem necessary or appropriate to determine whether any person has violated any provisions of this act or to aid in the enforcement of the provisions of this act or in the formulation of rules or regulations thereunder. It may, to the extent appropriate, utilize the services of any other state department or agency of the government for assistance in such inspections and investigations.

SECTION 8. COURT REVIEW

(a) Any person aggrieved by an order of the department denying or revoking a permit to operate an agricultural labor camp may, within 30 days after the permit is denied or revoked, petition the district court for a review of said action, praying that such order be modified or set aside.

(b) Any person aggrieved by any rule or regulation issued under section 6 of this act by the department, may within-----days after the rule or regulation becomes effective petition the district court to modify or set aside such rule or regulation in whole or in part, but only on the ground that it is unlawful or unreasonable.

(c) A copy of the petition filed under subsections (a) or (b) above, shall be served upon the department. The department shall keep and, upon notice of filing of the petition, shall certify and

file in the court, a full record in the proceeding before him upon which the action complained of is based. The review authorized in subsections (a) and (b) above shall be limited to questions of law. Findings of fact by the department, if supported by substantial evidence, shall be conclusive. The jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the district court.

SECTION 9. PENALTY

Any person failing to comply with any provision of this act, or with any rule, regulation, or order issued thereunder, or interfering with, impeding, or obstructing in any manner, the department or its authorized representatives in the performance of their official duties under this act, shall be guilty of a violation of this act, and upon conviction thereof shall be subject to a fine of not less than-----dollars nor more than-----dollars or to imprisonment for not less than-----nore more than-----, or both such fine and imprisonment, for each such offense.

SECTION 10. INJUNCTION

(a) Upon the determination by the department of any violation of the provisions of this act or any regulation issued under section 6, relating to agricultural labor camps, the department may serve the operator of such camp with an order requiring compliance with such provision or regulation within such time as the department determines is reasonable. It shall be sufficient service of such order, if it is posted in a conspicuous place upon the premises affected and a copy thereof mailed, on the same day it is posted, to the camp operator at the address filed by him in the department.

(b) If compliance with such provisions is not had within the period specified in the order of compliance, the department may institute proceedings to enjoin such violation in the district court of the judicial district within which any person charged with violating such provision of this act resides or is maintaining an agricultural labor camp, and such court shall have jurisdiction to issue temporary or permanent restraining orders or grant other appropriate equitable relief to assure compliance with the provisions of this act and any applicable rule or regulation issued thereunder.

(c) In order to adequately place and care for workers and their families housed in any such camp, the court to which application is made for such restraining order shall, prior to the granting thereof, require proof that notice of such application has been given to (a) the county agricultural agent, (b) the representative of the nearest office of the public employment service, whose duty it is to aid in placing such workers in suitable employment, and (c) the county welfare department.

SECTION 11. EFFECTIVE DATE

This act shall take effect-----.

Even if this bill were to become law, the health department does not have sufficient personnel or funds to carry out the inspection functions which would be required. Department officials estimated that \$30,000 to \$35,000 per year would be needed in order for the department to make periodic inspections of migrant labor camps.

Employment Department Housing Inspections

During the 1962 growing season, the state employment department inspected the migrant housing provided by growers who use labor supplied by the department or by processors and associations with whom the department works. Under a Bureau of Employment Security regulation, the department could refuse to supply interstate labor to any grower whose housing was found inadequate and who refused to correct the deficiencies reported by the department.

The employment department was concerned not only with obvious structural defects in housing units (broken windows, holes in floors and walls, leaking roofs), but also with the amount of floor space per worker, the availability and adequacy of cooking and heating equipment, the source and quality of the water supply, waste and garbage disposal, and many other items. The department reported that growers throughout the state seldom made any objection to the housing inspections, as long as department employees properly identified themselves before starting an inspection. When defects or deficiencies were found in housing, the farmer was notified of the defect and what type of action seemed necessary to correct it. The employment department reported good cooperation from growers in correcting the deficiencies noted during the housing inspections.

The department inspected 4,350 housing units in Colorado during 1962. For the most part, the inspections were made by regular area office personnel in addition to their regular duties. Of the 4,350 units inspected, 2,377 were found to be in good condition, 1,643 in fair condition, 224 in poor condition, and 106 units were not acceptable at the time of the inspection. Department staff members were refused admittance to inspect housing only 31 times throughout the state.

Regulatory Labor Legislation

Included in the category of regulatory labor legislation are the following: 1) minimum wages; 2) workmen's compensation; 3) unemployment insurance; and 4) child labor. Problems and considerations in applying these legislative enactments to seasonal agricultural labor are discussed by subject below.

Minimum Wage Legislation

Colorado statutes relating to minimum wage and hours of work for women and children, as indicated in the previous chapter, appear to be sufficiently broad to cover their employment as seasonal farm workers, but have never been so applied. Only two jurisdictions

(Hawaii and Puerto Rico) have specific minimum wage legislation applying to agricultural workers. Two other states (California and Wisconsin) have issued regulations applying to agricultural labor under their minimum wage legislation pertaining to women and children

There are some disadvantages connected with establishing a minimum wage rate for agricultural labor in one state. If such legislation set a minimum rate higher than the rates in surrounding and competing states, agricultural producers in Colorado would be at a competitive disadvantage. On the other hand, a low minimum rate (below the general average) set by legislation would accomplish little beyond a formal expression of public policy.

A national minimum wage for agricultural labor was proposed in the first session of the 87th Congress in 1961. This bill expired in the Senate Committee on Labor and Public Welfare. Even though, legislative efforts to establish a national minimum wage have been unsuccessful, the same effect may have been achieved through the minimum rates established for the employment of Mexican nationals. These minimums do not apply uniformly, even though these rates are set by federal ruling. The question may be raised as to whether a national minimum rate would be more equitable if applied uniformly as is the minimum for industrial workers or whether it would be more equitable to allow for variations which reflect different state by state wage patterns. If a minimum were applied uniformly, it would raise the wage level in the southern labor supply states. Growers in these states would argue that they were being discriminated against. Further, it might reduce the labor supply willing to travel to other states for employment. On the other hand, a differentiated minimum wage which gives recognition to state wage patterns would preserve the present competitive advantage of low income areas. Another question being given considerable study is the relationship between hourly rates and piece rates as they apply to minimum wage guarantees.

Workmen's Compensation

Workmen's compensation coverage for migratory labor on the same basis as industrial workers is provided in only 10 states. In another eight states, coverage is provided for agricultural workers in specific farm occupations, usually those involving the operation of machinery. The scope and extent of occupational diseases and work injuries in agriculture has already been mentioned; however, there is no available information on the effect of these diseases and injuries in Colorado.

There appears to be no way of covering migratory workers without extending coverage to all agricultural labor, nor would it be fair to residential farm workers to provide such coverage only for migrants. In most states, there has been considerable opposition to the extension of workmen's compensation coverage to all agricultural workers.

In Colorado, employers of agricultural labor may elect coverage under workmen's compensation and occupational disease legislation; few have done so, although a considerable number of growers have liability insurance coverage which applies to employees' injuries.

Unemployment Insurance Coverage

Only Hawaii has unemployment insurance coverage for agricultural workers, and this coverage is limited to employers of 20 or more workers for 20 or more weeks. In all other states, agricultural labor is excluded, but, except in three of these states, voluntary coverage of agricultural workers is possible. This option has been exercised to any extent only in North Dakota.

While a method could be found to cover resident agricultural workers, it seems unlikely that a state acting independently could provide unemployment insurance coverage for domestic interstate migrants. There are two major obstacles to providing such coverage: 1) Migrant laborers seldom work long enough in any state except their state of residence to establish a base period necessary to qualify for coverage. 2) The addition of unemployment insurance coverage in one state and not in others might put growers in that state at a competitive cost disadvantage with growers in the other states.

It may be that the only feasible way to provide unemployment insurance for migrant workers would be on the national level, but no legislation has been proposed. It would seem premature to embark on a national unemployment insurance program for migrant workers, given the present fragmented condition of the seasonal farm labor market. More significant in providing a hedge against unemployment may be the federal proposal for voluntary contractual arrangements between growers and domestic migrant workers.

Child Labor

Colorado's child labor law prohibits employment (except agricultural employment) of children under age 14 during any portion of any month when public schools are in session. Any child under age 14, however, who is engaging in agricultural employment for persons other than his own parents must secure a permit from the superintendent of schools.¹²

A minimum age for agricultural work during school hours is established by statute in 15 states. In seven states, the minimum age is 16; in the others it varies from 12 to 15.

Federal legislation prohibits the employment of youngsters under 16 during school hours, and the minimum age for employment as provided in the federal Sugar Act is 14 years.

¹². 80-8-1 Colorado Revised Statutes, 1953.

Only a few children under the age of 12 were found during the field study to be working. Sugar beet growers have been very careful to adhere to the minimum age provisions of the Sugar Act, and no youngsters under 14 were found to be working in sugar beet pre-harvest activities.

Almost all activities requiring seasonal farm workers in Colorado take place during those months when school is usually not in session. The major exception is the San Luis Valley potato harvest, and schools are closed especially for this purpose. In other areas, domestic migrant families usually leave by the time school begins in the fall. Effort is being made in many areas in Colorado to get those migrant children enrolled who are here during the latter part of the regular spring term and the early part of the fall term. This effort has been stimulated by the provision of state funds to reimburse local school districts for the additional expense of having migrant youngsters in attendance during regular school sessions.

In those areas with special migrant summer schools, a number of migrant children were found who were working during the time school was in session. In many of these instances, the family preferred to have their children working to add to the family income, rather than having them attend school. Some older children were also kept at home to take care of the younger children while their parents worked. Either child care facilities were not available (the usual case) or the parents preferred not to use them.

Regulation of Labor Contractors and Crew Leaders

Nine states and Puerto Rico have laws and regulations applying specifically to farm labor contractors. Six of these laws expressly cover labor contractors who recruit farm workers for a fee. A few require crew leader registration, and one besides Colorado requires payroll records be kept and wage statements given.

Previous Recommendations and Legislative Proposals

The 1950-1951 Governor's Study Committee recommended that legislation be passed requiring labor contractors to post bond and to be licensed by the state at a substantial fee. No specific legislation affecting labor contractors or crew leaders was proposed prior to 1957. During the 1957 session of the General Assembly an amendment was offered to House Bill 202, which provided for a revision of the Industrial Commission's regulation of wage payments and wage claims. This amendment would have included labor contractors and crew leaders under these regulations. House Bill 202 ultimately passed the House without the amendment and was not reported out of committee in the Senate.

In 1959, House Bill 103 was introduced, which required contractors and crew leaders to keep payroll records and give wage statements to migratory workers. This measure also passed the House, but was not reported out of committee in the Senate.

House Bill 62. The General Assembly passed House Bill 62 during the 1960 session. This measure was generally similar to House Bill 103 (1959) and requires labor contractors and crew leaders to keep payroll records for three years on each migratory laborer (as defined in the act). These payroll records are kept on forms prescribed and furnished by the Industrial Commission and include hours worked, amount earned, and all withholdings. These records are required to be mailed to the commission on July 1 and December 1 of each year, or at any time a labor contractor leaves the state or terminates his contract.

Contractors and crew leaders covered by this legislation are required to give itemized statements to each migratory laborer or to the immediate family head of a working family unit. These statements include the wage rate, number of hours worked, wages earned, and all wage withholdings. The Industrial Commission is charged with the responsibility of making periodic reports on these records to the Governor's Interagency Committee on Migratory Labor.

Experience with House Bill 62 (1960)

During the first year House Bill 62 (1960) was in effect, the Industrial Commission was handicapped by a lack of funds to administer the act, which delayed the printing of forms and explanatory material and also necessitated the borrowing of field staff from other commission divisions. As the first step in administering H.B. 62, the commission prepared and circulated copies of the act and an explanation of its provisions. Posters calling attention to the act's provisions and application to labor contractors and crew leaders were placed in ports of entry, on farms, and in business establishments. Effort was also made by field staff members to contact labor contractors and crew leaders. The forms, posters, and other materials used were printed in both English and Spanish to facilitate better understanding.

Even though House Bill 62 did not provide for the registration of labor contractors and crew leaders, it was the opinion of the Industrial Commission that such registration was necessary as a control in administering the act. Consequently, the commission issued a regulation requiring each labor contractor and crew leader as defined in H.B. 62 to register with the commission. (Because there is no statutory requirement for registration, no penalty could be invoked against any labor contractor or crew leader for failing to do so.)

During the 1960 growing season, only one labor contractor or crew leader as defined in House Bill 62 (1960) was found. At that time the commission reported that the majority of farmers in most of the areas using migratory labor appeared to be paying wages directly and were keeping their own payroll and employment records. The growers assumed this function for two reasons: 1) Payroll information is needed by growers for tax reports. 2) Past abuses and unpleasant experiences with the labor contractor and crew leader system resulted in many farmers taking over payroll functions. Consequently, crew leaders in Colorado appear to be employees, acting as field foremen or "pushers" for which they receive additional compensation.

Crew leaders, according to the Industrial Commission at that time were making every effort to be classified as employees rather than employers; many even had written agreements with the farmers stating that they are employees. This action on the part of crew leaders was not an attempt to avoid compliance with the provisions of House Bill 62, and in fact preceded the passage of the act. It appears that the amendment to the social security act providing coverage for agricultural workers who earn \$150 or work 20 days for one employer was the basic reason for this change. Under the provision of the amendatory legislation, crew leaders are considered to be employers unless they have written statements to the contrary from growers.¹³

1961-1962. The Industrial Commission reported that considerable progress was made in finding labor contractors who were within the definitions of House Bill 62. Twenty were registered and required to make reports as provided in the act. It was the opinion of the Industrial Commission field staff member responsible for administering House Bill 62 that the experience gained during the 1961 growing season would make better administration and enforcement of the act possible. There were still two major problems which made administration of the act difficult. First, the Industrial Commission still had insufficient funds and staff to carry out its responsibilities under House Bill 62 to the fullest extent. Second, the commission was continuing to require contractors and crew leaders to register without any statutory authority. Registration was considered necessary in order to enforce the wage statement and record keeping provisions of House Bill 62. It was suggested that the General Assembly consider an amendment to House Bill 62 which would make registration mandatory. Further, it was suggested that a penalty provision be added, so that steps could be taken against those contractors and crew leaders covered by the act who have ignored it completely.

Experience during the first part of the 1962 growing season was similar to that in 1961. Field work was largely curtailed after July, because the staff member handling the field work was assigned other duties on an emergency basis.

H.B. 396 (1961)

H.B. 396 (1961) introduced during the first session of the Forty-third General Assembly would have required the registration and licensing of labor contractors and crew leaders. Certain

13. The result of this procedure is to reduce the number of seasonal farm workers who meet the eligibility requirements for social security. Most seasonal farm workers change employment so frequently that they do not earn \$150 from or work 20 days for any one grower. If the crew leader is the employer, then all hours worked and dollars earned, regardless of the number of growers involved, could be counted.

prerequisites for licensing were established, the posting of bond required, violations of the act enumerated, and penalties set forth. This bill was lost on second reading. The bill was opposed to a large extent because it was thought to be too restrictive and to impose undue hardships on contractors and crew leaders from other states. There was concern that the application of the provisions of the bill to non-resident contractors and crew leaders might cause them to by-pass Colorado, and thus reduce the available labor supply.

Problems and Alternatives

It has been recommended that House Bill 62 (1960) be amended to require the mandatory registration of crew leaders and labor contractors as defined in the act. It also has been recommended that penalties be provided for failure to register and for failure to comply with the other provisions of the act. As presently written, House Bill 62 is aimed at covering only those labor contractors and crew leaders who actually pay wages to workers. The question arises as to whether it is desirable and necessary to license all contractors and crew leaders, regardless of whether they pay workers directly. If so, what provisions should be made applicable to crew leaders and contractors who are residents of other states? In other words, is it possible to regulate these contractors and crew leaders so that growers and workers are protected, while at the same time not making the regulations so restrictive that a number of crews may by-pass Colorado as a consequence? One approach which appears to have merit is a national licensing and registration program. Such a measure was proposed during the first session of the 87th Congress in 1961, but was not reported out of committee.

The alternatives with respect to House Bill 62 and the regulation of crew leaders and contractors appear to be these:

1) House Bill 62 could be continued without amendment, either with or without additional funds made available to the Industrial Commission for its administration and enforcement. Under these circumstances, the results in future years would probably be similar to those achieved in 1961 and 1962, especially if it is administered on a part-time basis.

2) House Bill 62 could be amended to require mandatory registration of labor contractors and crew leaders as defined in the act, and penalty clauses could be added. This approach would probably result in better administration and enforcement of the act, even if additional funds are not made available to the Industrial Commission. A further advantage would be that the Industrial Commission would have the legal authority which it now lacks to require registration, and the penalty provisions would provide an enforcement tool.

3) The definitions contained in House Bill 62 could be expanded to include all labor contractors and crew leaders as far as registration and/or licensing is concerned, with the wage record provisions applying only to those within the present definitions in the act. If this were done, registration requirements should be carefully reviewed to make sure that: a) adequate protection is provided for growers and workers, and b) requirements are not so restrictive as to be prohibitive.

Transportation

Two state agencies--the State Highway Patrol and the Port of Entry Division, Department of Revenue--carry out state enforcement of safety standards for transporting migratory workers. State activity in this area is in addition to the regulations established and enforced by the Interstate Commerce Commission. The patrol is specifically interested in: 1) driving qualifications of vehicle operators; 2) vehicle equipment and operation; and 3) comfort and safety of the migrants and other highway users.

The patrol's functions concerning the transportation of migrants were spelled out in a statement to the Governor's Interagency Committee on Migratory Labor in 1961 as follows:

"Patrol officers make a special effort to contact vehicles in which migrants ride, explain Colorado traffic laws to drivers, give requested information, inspect drivers' licenses, ownership papers, and thoroughly inspect equipment. Vehicles found unsafe are held for repairs before being allowed to proceed. Where overloading is found the surplus passengers are unloaded and either distributed to other vehicles in the group, if any, or put aboard buses to their destination. Traffic violations are treated the same as under any other circumstances."

I.C.C. Regulations. The patrol cooperates with the Interstate Commerce Commission in seeing that its regulations on the transportation of migrants are followed. These regulations include requirements for safe vehicles in good condition with proper safety equipment. The driver must have passed a physical examination, be licensed in his state of residence, and have a sufficient knowledge of English to understand road signs and instructions. No driver may drive more than 16 hours in any 24-hour period, exclusive of rest stops, unless he has had eight hours' rest immediately prior to taking the wheel. There are also restrictions on the number of miles which may be traveled within a given period. Rest stops are required at periodic intervals, and there are specifications on seat construction and the amount of space per passenger. These regulations apply to all vehicles used in the transportation of migrants, except common carriers, passenger cars and station wagons.

Effect of I.C.C. Regulations. According to Interstate Commerce Commission officials, the result of these regulations --at least in Colorado--has been a shift in the method of transporting migrants. Rather than bother with compliance, most migrants are now traveling into the state by passenger car and station wagon; some are coming in via private buses or common carrier. Chief Gilbert Carrel of the state patrol told the Migrant Labor Committee that he agreed with this observation of I.C.C. officials. He said that the patrol had contacted 52 trucks transporting migrant in 1958, only nine in 1959, and only three in 1960. He added that to his knowledge there had not been any serious accidents involving migrants traveling in passenger cars and station wagons.¹⁴

14. Legislative Council Committee on Migratory Labor, Minutes of Meeting of September 19, 1960.

Ports of Entry. For the past several years, the director of the POE division has traveled to the collection points for the transportation of migratory labor three to four weeks in advance of the first northward movement. His itinerary in 1960 included Socorro and Gallup, New Mexico, and El Paso, Texas. In these cities and in the county seats between Texas and Colorado, regulations and instructions for the transportation of migratory labor are distributed, in English and Spanish, through the sheriffs' offices. According to the POE division director, this procedure has enabled the ports to clear migratory vehicles in a minimum of time and has resulted in the provision of much safer transportation.

1961 Legislation

Legislation was introduced in the 1961 session of the General Assembly to regulate the transportation of migrant workers by truck in Colorado. Had this bill (Senate Bill No. 281) become law, it would have defined the requirements to be met for: 1) seating arrangements, 2) protection from the weather, and 3) means for ingress and egress from the passenger compartment. The bill also defined the maximum time that a truck transporting migrant workers could be driven without a rest stop and the time that had to be allowed for meal stops.

Method of Traveling to Colorado

During the field study conducted in the 1961 and 1962 growing seasons each interviewee was asked how he had traveled to Colorado. The methods of traveling to Colorado are shown in the following table. The number of interviewees arriving by truck was 421, only three less than the number arriving by auto.

Method of Travel to Colorado, Migrants Interviewed, 1961 and 1962

<u>Area</u>	<u>Method of Travel</u>			
	<u>Bus</u>	<u>Truck</u>	<u>Auto</u>	<u>Other</u>
Arkansas Valley	4	42	54	
San Luis Valley	4	107	137	5
Western Slope	53	159	85	15
San Juan Basin	4	24	13	
Northern Colorado	<u>1</u>	<u>89</u>	<u>135</u>	
State Total	66	421	424	20

The Western Slope and the San Juan Basin were the only areas of the state where more interviewees arrived by truck than by auto. On the Western Slope, one apparent reason for the large amount of truck transportation is the large number of workers who come to the peach harvest in contract crews. These crews are usually transported by trucks or buses. For the most part, the contract crews are made up of solo workers, and few family groups are involved. Family groups generally tend to travel by automobile.

In the San Juan Basin, the growers often go to the reservation and bring the workers back in their own trucks. In the San Luis Valley, the same situation existed. All of the Indians interviewed in the San Luis Valley during potato harvest had arrived by truck; in almost all cases the trucks were provided by growers who had gone to the reservation to transport the workers.

In all areas of the state, family groups tend to travel by auto, unless the family group is so large as to make a truck necessary.

Migrant Studies and Coordinating Committees

1950-1951 Migratory Labor Study

The last comprehensive official study in Colorado of the various aspects of the migratory labor situation was made in 1950-1951. Prior to his appointment to the federal bench, Governor Lee Knous established a Governor's Survey Committee on Migratory Labor. This committee consisted of professors, representatives of the various sugar companies, church and social welfare representatives, school representatives, union representatives, and several lay members. Technical assistance was provided by staff members of the following state agencies: welfare, employment, health, agriculture, education, vocational education, and the Industrial Commission.

This committee completed its study in December 1951, and its final report was presented in January 1952 to Governor Dan Thornton. A supplementary study was also made in 1950 by the Child Labor League at the request of Governor Walter Johnson. This supplementary study covered housing, income, and education of Colorado migratory workers. This report was also submitted to Governor Thornton.

Recommendations Contained in the 1950-1951 Study. As a result of its findings, the Governor's Committee made the following recommendations concerning a permanent migratory labor committee:

1. A permanent Governor's Committee on Migratory Labor should be established, composed of representatives of state agencies most concerned with this problem and citizens at large representing farmers, processors, organized labor, agricultural labor, and civic groups. This committee should be charged with the following responsibilities:
 - a. coordinating the efforts of the various state agencies;
 - b. reporting to the General Assembly and recommending necessary legislative action;

- c. developing interstate cooperation;
- d. developing cooperation with the federal government;
- e. continuing to study migratory labor problems and the state's agricultural needs;
- f. sponsoring an annual state conference on migratory labor.

Proposed Legislation 1951-1955

Many of the recommendations made by the 1950-1951 Governor's Study Committee concerning a permanent migratory labor committee were embodied in legislation introduced in 1951, 1953, and 1955. This legislation was introduced as House Bill 137 in 1951, as House Bill 401 in 1953, and as House Bill 114 in 1955. In brief, these bills proposed the following:

- 1) A migratory labor board would be created in the Department of Employment, to consist of the Director of Employment Security, Commissioner of Education, Director of the State Agricultural Extension Service, Director of the State Department of Health, Director of the State Department of Welfare, and the Chairman of the Industrial Commission.

In addition, three public members would be appointed by the Governor with the consent of the Senate to serve for five-year staggered terms. Also on the board and serving as chairman would be the newly appointed director of the migratory labor division.

- 2) The migratory labor board would have the following powers and duties:
 - a) approval of all rules, regulations, and procedures to carry out purposes of the act;
 - b) coordination of the activities of the various agencies concerned with migratory labor;
 - c) holding of public hearings on migratory labor and the work of the division and survey and study of the division's operations;
 - d) preparation of reports annually and at such other times as it may deem appropriate to the Governor and the General Assembly;
 - e) application for and acceptance, disbursement, or expenditure of federal grants as may further the purpose of this act.

Governor's Inter-Agency Committee on Migratory Labor

In 1958, Governor McNichols appointed an official committee on migratory labor, composed of representatives of several state agencies. This committee was not set up to make a comprehensive study; rather, the committee's functions were construed as follows:¹⁵

To consult with and advise the Governor and his staff regarding migrant labor problems; to act as liaison on behalf of the Governor of the State of Colorado with the President's Committee on Migratory Labor and with other state committees to plan suitable programs of action and assist in their execution.

This committee was first set up unofficially by the heads of the departments of health, education, and welfare in the fall of 1957. The governor gave official designation to the committee in April, 1958. The main purpose of the committee is to serve as a liaison among the state agencies concerned with migratory labor and to advise the governor concerning migrant labor problems.

Represented on the committee are the following agencies: Market Division, Department of Agriculture; Port of Entry Division, Department of Revenue; Colorado State Patrol; Farm Placement Division, State Department of Employment; Child Welfare Division, State Department of Welfare; State Department of Education; Child and Maternal Health Section, Department of Health; and the governor's office.

A representative of the Colorado Conference on Social Welfare was added to the committee in 1959. The Colorado Conference's Migratory Labor Committee had requested official designation as the state committee, but the governor preferred to have the committee composed of state officials.

In general, the committee's meetings have been devoted to an exploration of some of Colorado's migrant labor problems, the functions of the various state agencies, and cooperation among them. In addition, the committee has given some consideration to the possibilities of interstate cooperation.

Prior to the latter part of 1961, this committee met rather infrequently. During 1962, the committee has held monthly meetings and has been considering possible legislation pertaining to seasonal farm workers and their families. The health department's proposal for labor housing standards was reviewed by this committee and presented to the Legislative Council Committee on Migratory Labor at its September 26, 1962 meeting.

15. Letter, dated October 15, 1958, from Dr. Ruth Howard, Dept. of Health, to Miss Gwen Geach, Chief, Field Service Branch, Bureau of Labor Standards, U.S. Department of Labor.

Farm Labor Advisory Committee. The Governor's Farm Labor Advisory Committee is composed of growers, processors, and one representative of organized labor. This committee serves as a consultant to the state employment department on farm labor matters and is the only group besides the interagency committee to have official status.

Committees In Other States

Some 28 states have official migratory labor committees. These committees take different forms: some of them are interagency in character; other are combinations of government officials and laymen. Programs with which they are concerned cover all aspects of conditions which affect migratory workers and their families, such as housing, wages, transportation, schools, employment of children, child-care centers, health, and sanitation.

Education

Findings of the 1950-1951 Study. The Governor's Study Committee (1950-1951) reported that:

The public schools were unable to take care of a seasonal, non-resident school population even if physical facilities were available, because of a lack of staff and other resources to provide a meaningful educational program for migrant children. Problems included: non-attendance and irregular attendance by migratory children, inadequate compulsory attendance law, retardation and grade placement problems, lack of cooperation from many migrant parents, lack of cooperation from some employers, closing of schools during harvest season, and overcrowding and disruption in the schools.

Since the findings of the Governor's Study Committee, Colorado has achieved national prominence in providing school programs for migrant children.

Migrant Summer Schools

In 1955 the state board of education approved a request from school district No. 50 of Morgan County for \$1,500 to operate a summer school for migrant children at Wiggins. Thirty-one children were enrolled in this first six-weeks school, and everyone concerned felt the program was an eminent success.

The success of the Wiggins school prompted formation of one at Palisade in Mesa County in 1956. This school operated in the late summer, closing just before the regular schools opened for the fall term. Again, response and successful accomplishment were evident.

In 1957, two more schools were operated. One was at Fort Lupton in Northern Colorado and the other was at Rocky Ford in the Arkansas Valley; school terms were from five to seven weeks.

The schools at Wiggins, Palisade, Fort Lupton, and Rocky Ford were again operated in 1958, and, in 1959, a fifth school was started at Fort Garland in the San Luis Valley. In 1959, the average cost per day attended in all schools was \$3.09. Per pupil costs for the term varied from \$67.11 at Wiggins to \$132.40 at Ft. Lupton.

By 1960, the summer school operation had proved so successful that two new schools were opened in the San Luis Valley. The school at Ft. Garland was not operated in 1960, because of local conditions. At Monte Vista, a school limited to 18 children received pupils from a rural depressed area where agricultural workers made their permanent homes. The other new school in 1960 was at San Luis, also a home-base area for farm workers.

In 1961, special terms were again held at seven schools: Wiggins, Palisade, Ft. Lupton, Rocky Ford, Sierra Grande (Ft. Garland), San Luis, and Monte Vista. In 1962, however, the schools at Sierra Grande and Monte Vista did not operate, and the Ft. Lupton school was moved to Platteville.

U.S. Office of Education Grant

In 1958, the U.S. Office of Education gave the Colorado Department of Education a three-year grant of \$36,100 to explore and determine adequate organization and education content for migratory school programs. This grant expired on December 31, 1960. This program was under the direction of Dr. Alfred Potts, the only professional department of education official directly concerned with migratory labor education, except for Mrs. Howard Latting, who, as the department's elementary education consultant, still devotes a considerable portion of her time to migrant classroom problems.

The grant given Colorado, according to Dr. Potts, was the first of its kind in the country. The U.S. Office of Education selected Colorado for this grant, because it was felt that Colorado was in the best position to undertake such a project as evidenced by the interest shown in this state and the number of school programs underway prior to the grant. The studies conducted under the grant and the results are not limited in application to Colorado. In fact, the U.S. Office of Education believes that the results will be useful to almost all other states with migrant education problems.

In Dr. Potts' opinion, Colorado has achieved national status as a leader in migrant education. Consequently, other states have sent officials here to consult with him, and he has been invited to other states in the same capacity. Oregon, Illinois, and New York have all sent officials to Colorado. While the contract with the U.S. Office of Education applied primarily to research, the department of education construed the terms quite broadly, because of the relationship between the operation of the school district programs and the research projects. As a result, Dr. Potts spent about 60 per cent of his time on program administration and consultation and only 40 per cent on research.

Financing of Migrant Summer Schools

From the start of the special summer terms for migrant children in 1955, up to and including the 1960 summer terms, the money for operating these schools came from the contingency reserve fund of the state public school fund. These funds were allocated by the State Board of Education. The annual total costs for the special summer schools is shown below:

1955	\$ 1,426.10
1956	Not Available
1957	2,412.90
1958	12,080.84
1959	12,710.66
1960	8,508.27
1961	50,243.29
1962	41,035.27

In 1961, the General Assembly allocated funds from the contingency reserve fund for the education of migrant children. Ninety-nine thousand dollars was appropriated to be used for: 1) the special summer terms; 2) assisting school districts which enrolled migrant children during regular school terms; and 3) administration of the migrant school programs by the department of education. A total of \$58,000 was made available for the 1961 special summer terms, of which \$50,243.29 was expended. In 1962, the same amount of money was made available, and \$41,035.27 was spent for the special summer terms for migrant children.

Regular Term Schools. Under the terms of House Bill 410(1961), school districts which had migrant children enrolled during the regular school term could be reimbursed for the extra expenses involved in providing services for these children. In 1961, \$7,705.88 was spent in reimbursing two school districts for regular term expenses incurred during September and October. By the end of the 1961-62 school term, 11 school districts had reported special expenses for serving migrant children enrolled in the regular schools. The total \$25,000 appropriation was spent in reimbursing the school districts involved as follows:

<u>School District</u>	<u>Amount of Reimbursement</u>
Rocky Ford, Otero R 2	\$ 1,464.93
Hillrose, Morgan 10J	70.68
Granada, Prowers Re-1	49.80
Jaroso, Costilla 8	1,411.04
Ft. Lupton, Weld 8	7,656.08
Kersey, Weld Re-7	71.84
Eaton, Weld 37	4,927.97
Adams City, Adams 14	1,694.61
Ault, Weld 34	5,284.54
Greeley, Weld 6	236.64
Ovid, Sedgwick 35R	2,131.87
	<u>\$25,000.00</u>

Cooperative School Attendance Program

Colorado, Arizona, and New Mexico are cooperating in an interstate program to develop a standardized interstate school records system for migrant children. In addition to records standardization, the program is aimed at providing better communication among the participating states to provide notification on the movement of migrant families and to encourage rapid enrollment of these youngsters when their families reach a new place of employment. Dr. Potts served as chairman for the program, which had its beginnings at a three-state conference held in Santa Fe in April, 1959. Texas indicated in 1961 that it would participate in the program.

Continuing Needs

While there have been significant gains in the education of migrant children in Colorado in the past few years, programs are as yet insufficient to meet the needs. Dr. Potts has estimated that at least 15 summer schools are needed. While a more adequate summer school program will assure school attendance for at least six weeks by a much larger number of migratory children, it offers no solution to the problem of regular school attendance. To a considerable degree, regular school attendance for migrant children is a problem which should be solved in the migrants' home base states where they spend the greatest portion of the year at any one time. A majority of migrant families do not come to Colorado at a time when regular schools are in operation.

In considering the problem of regular school attendance it should be remembered that mere attendance is no guarantee of educational benefits. Most of the migrant youngsters in Colorado come from Spanish cultural backgrounds and are bilingual, which usually results in an added handicap -- equal inability in both languages. These youngsters, unless adequately prepared and motivated, usually cannot profit from the normal classroom experience. Such preparation and motivation can be developed through smaller classes taught by teachers with special training. In addition to special training, these teachers should have sympathy with these migrant youngsters, have a great deal of patience, and be able to understand and work with them.

Colorado has taken a major step through the passage of legislation to provide funds for both migrant summer schools and migrant attendance during regular sessions. It is up to local districts where there are large concentrations of migrants to take advantage of these funds.

Considerable emphasis is placed on educational opportunities for migrants, because it is through education that migrant children and young adults have the best opportunity of leaving the migrant stream for permanent semi-skilled and skilled employment. That there has been national recognition of the importance of migrant education is shown by legislation introduced in the last session of Congress to provide federal aid for this purpose. Under the proposed legislation, which passed the Senate but not the House, federal aid would have been provided to state departments

of education for three purposes:

- 1) to expand present summer school programs in states where they exist and to encourage other states to establish such programs;
- 2) to help offset the additional expense resulting from the attendance of migrant children during regular school terms; and
- 3) to foster adult education programs.

Welfare

Hospitalization and medical expenses and lack of employment are the major reasons why migrant workers and their families seek emergency welfare assistance. Lack of county welfare funds and the lack of migrant resident status are the major reasons why migrant requests for such assistance are often rejected.

Questionnaires

The State Department of Welfare, in 1960, in cooperation with the Council staff, submitted a questionnaire to the 29 counties thought to have the greatest influx of migrant agricultural labor during the growing and harvest seasons. The 29 county departments of welfare were asked: 1) the amount of financial assistance given migrants for the years 1958, 1959, and 1960 (through September 30); 2) the types of financial assistance given; 3) the number of migrant families and individual migrants for whom such assistance was provided; 4) the reasons why assistance was requested; 5) the reasons for rejecting such assistance; 6) other services for migrants provided by the welfare department; and 7) evaluation of present programs and the need for expanded services.

Replies were received from 27 counties, nine of which indicated that either no financial assistance had been provided migrants during the three years or specified that the amount spent was so small that no separate records had been kept. These nine counties included: Conejos, Costilla, El Paso, Fremont, Moffat, Montezuma, Montrose, Otero, and Routt. Montrose County reported that it had requests only from migrants en route to or from the peach harvest in Mesa County, with travel assistance sometimes provided. The Otero County Welfare Department acknowledged the need for welfare assistance but indicated that none had been provided because of lack of welfare funds and the feeling that welfare aid for migrants was a state and national responsibility rather than a local concern.

During the growing seasons of 1961 and 1962, all county welfare departments in the state were asked to record and report to the Legislative Council the number of single and family migrant units who were helped and the type and amount of assistance provided.

Extent of Financial Assistance. Slightly more than \$12,500 was spent for aid to migrants by 18 counties in 1958; in 1959, the total was \$9,710, and slightly more than \$10,300 was expended during the first nine months of 1960. Delta, Huerfano, Mesa, and Weld counties had the largest expenditures for this purpose during the period. In 1958, assistance was provided for 163 families and 48 single migrants; 87 families and 79 single migrants received assistance in 1959, as did 80 families and 109 single migrants during the first nine months of 1960. In 1961, almost \$3,700 was reported spent to provide assistance to 27 migrant families and five single migrants.

Medical care (including hospitalization) and food orders comprised the major types of assistance provided migrants during these years. Other types of financial assistance included: transportation, fuel, burial, and rent. In 1961 and 1962, surplus commodities were made available for distribution to migrants, but not all counties took advantage of the program.

Reasons Why Assistance Requested. Fifteen counties reported that medical assistance was a primary reason why welfare aid was requested, and 13 listed unemployment. Some indicated that unemployment resulted because migrants appeared before they were needed, and others stated that at the close of the harvest season some migrants were without employment and had no funds for subsistence or travel. Three counties replied that death of a migrant or some member of his family was a major reason for assistance requests -- usually for burial expenses, food, and rent if the deceased was the major breadwinner. Several counties indicated that many migrants in transit either have a vehicle breakdown or find themselves without funds and so request help.

Reasons Why Assistance is Rejected. Three counties (Baca, Gunnison, Mesa) reported that they very rarely rejected migrant requests for emergency assistance, especially if small children were involved. Five counties indicated that assistance is rejected if employment is available and the migrant is able to work. Assistance is not given in two counties because of residence requirements, and a few counties stated that assistance is not provided if investigation indicates that the family has sufficient financial resources.

Other Services Provided Migrants by County Welfare Department. Assistance in finding employment, referrals to private welfare and service agencies, and referrals to other public agencies comprise the bulk of services other than financial assistance provided for migrants by county welfare departments. Eight counties indicated that they referred migrants to employment agencies or other employment sources, and the same number reported referrals to church groups, Salvation Army, Red Cross, American Legion, and similar organizations.

Organized Approach in Assisting Migrants. Only the Mesa County Welfare Department reported an adequate community-organized approach to assist migrants. The Mesa County Migrant Council coordinates the efforts of public agencies such as welfare and health, private groups, interested citizens, and growers. Several other counties indicated a need for this type of organization.

Evaluation of Assistance Programs. Three counties (Arapahoe, Logan, and Morgan) were of the opinion that the present level of assistance was adequate to meet short-term emergencies. Five counties (Bent, Gunnison, Kiowa, Prowers, and Weld) stressed the value to both migrant families and the community of services and assistance provided. Mesa and Boulder counties commented that present residence requirements restrict proper planning and assistance for migrant families, and several counties stated they were hampered because of lack of funds.

Need for Expanded Services. If state and/or federal funds were provided to assure adequate assistance to migrants under existing programs, there would be no need for expanded services, in the opinion of many of the county departments of welfare answering the questionnaire. Several counties specified a need for services other than welfare. In the San Luis Valley, Alamosa County cited schools and recreation programs, and Rio Grande County recommended the employment of a full-time public health nurse. Two counties (Baca and Kiowa) stated that there was need for greater coordination and exchange of information between the welfare department and state and private employment agencies. Weld and Larimer counties were of the opinion that welfare assistance for medical care and hospitalization should be increased.

THE GROWER: TRENDS, TECHNOLOGY, AND PRODUCTION

There have been some major changes in Colorado's agricultural economy in the past 10 years. Most of these changes are extensions of developments prior to World War II, and all of them have had their impact on growers who raise crops requiring a large supply of seasonal farm labor. The most significant of these include: 1) the decrease in number of farms throughout the state and the increase in the average size of farms in most areas of the state; 2) an increase in the acreage in some crops requiring large amounts of seasonal farm labor; 3) a shift in emphasis among some crops requiring large amounts of seasonal farm labor; 4) the elimination or reduction in the fresh markets for some vegetable crops; 5) mechanization and technical innovation; 6) growth in competing areas in other parts of the country; and 7) patterns of labor utilization.

Number of Farms and Farm Size

The number of farms in the five areas of the state using seasonal farm labor decreased by 21.4 per cent from 1950 to 1960. At the same time, the median size farm in these areas increased by 21.1 per cent. The largest increase in farm size was in the San Juan Basin, where the median size farm was 501 acres in 1950 and 784 acres in 1960. The median farm size decreased in only one area, Northern Colorado. Table 96 lists the five areas of the state using the greatest number of seasonal farm workers, the number of farms in 1950 and 1960 and per cent of change, and the median size farm and per cent of change between 1950 and 1960.

TABLE 96

Number of Farms, Median Size of Farms, and Per Cent
Change 1950 to 1960, Selected Areas of Colorado

<u>Area</u>	<u>No. of Farms</u>		<u>Per Cent of Change</u>	<u>Median Size (Acres)</u>		<u>Per Cent of Change</u>
	<u>1950</u>	<u>1960</u>		<u>1950</u>	<u>1960</u>	
Arkansas Valley	4,283	3,088	-28.0	338	489	+44.7
San Luis Valley	2,718	1,909	-29.8	239	329	+37.6
Western Slope	5,584	4,271	-23.5	52.7	68.1	+29.2
San Juan Basin	1,224	928	-25.2	501	784	+56.5
Northern Colorado	<u>12,385</u>	<u>10,394</u>	<u>-16.1</u>	<u>153</u>	<u>145</u>	<u>- 5.2</u>
State Total	26,194	20,590	-21.4	187.0	226.5	+21.1

Acreage of Major Crops

Sugar Beets. Sugar beet acreage in all of Colorado increased by more than 15 per cent between 1950 and 1961. The biggest increase proportionally was on the Western Slope, but the greatest increase in acres was in Northern Colorado. Table 97 shows the number of acres of sugar beets harvested in 1950 and 1961 for the five areas included in this study and for the state as a whole.

TABLE 97

Sugar Beet Acreage in Colorado, 1950 and 1961

<u>Area</u>	<u>Acres</u>		<u>Per Cent of Change</u>
	<u>1950</u>	<u>1961</u>	
Arkansas Valley	16,771	15,943	- 4.9
San Luis Valley	459	136	-70.4
Western Slope	4,619	5,660	+22.5
San Juan Basin	0	0	0
Northern Colorado	<u>117,790</u>	<u>139,313</u>	<u>+18.5</u>
State Total	139,639	161,052	+15.3

Potatoes. Potato acreage for the state as a whole increased by 5.6 per cent between 1950 and 1960, but decreased in all areas of the state, except the San Luis Valley, where acreage increased by 20.6 per cent. Table 98 shows the potato acreage in Colorado by area for 1950 and 1960 and the per cent of change during the 10-year period.

TABLE 98

Potato Acreage in Colorado, 1950 and 1960

<u>Area</u>	<u>Acres</u>		<u>Per Cent of Change</u>
	<u>1950</u>	<u>1960</u>	
Arkansas Valley	470	460	- .02
San Luis Valley	32,230	38,900	+20.6
Western Slope	2,020	720	-64.3
San Juan Basin	420	160	-61.9
Northern Colorado	<u>16,720</u>	<u>14,510</u>	<u>-13.2</u>
State Total	51,860	54,750	+ 5.6

Peaches. Peach production in Colorado is confined almost exclusively to the Western Slope. The number of farms reporting peach production decreased by more than 46 per cent from 1950 to 1960 in Mesa County, while the number of bearing peach trees in that county decreased by 22 per cent during the same period. However, total production was only 3.2 per cent less in 1960, which indicates that production per tree has increased considerably.

Onions. Onion acreage in Colorado declined from 1950 to 1960 by 18.4 per cent. The only area that reported an increase in the number of acres planted in onions was Northern Colorado, where the increase was 3.9 per cent. Table 99 shows the onion acreage for three areas of Colorado in 1950 and 1960 and the per cent of change in acreage between these two years.

TABLE 99

Onion Acreage in Colorado, Selected Areas, 1950 and 1960

<u>Areas</u>	<u>Acres</u>		<u>Per Cent of Change</u>
	<u>1950</u>	<u>1960</u>	
Arkansas Valley	5,000	3,830	-23.4
Western Slope	1,400	660	-52.8
Northern Colorado	<u>3,270</u>	<u>3,400</u>	+ 3.9
State Total	9,670	7,890	-18.4

Pinto Beans. The use of seasonal farm labor for harvesting pinto beans is confined to the San Juan Basin. Pinto bean acreage in the counties of Dolores and Montezuma increased by 5.9 per cent from 84,550 acres to 89,550 acres from 1950 to 1960.

Broomcorn. Broomcorn is another crop requiring seasonal farm labor which is confined almost entirely to a small area of the state, extreme southeastern Colorado. Broomcorn acreage in Baca and Prowers counties in 1950 amounted to 74,101 acres, while in 1960 the acreage was only 47,020 acres (a decrease of more than 36 per cent).

Lettuce. Lettuce acreage in Colorado shifted considerably between 1950 and 1960. Table 100 shows the lettuce acreage in various counties in the state. Lettuce acreage in four Northern Colorado counties decreased from 1,100 acres in 1950 to only 150 acres in 1960. Acreage in four central Colorado or Arkansas Valley counties decreased from 470 acres to 60 acres. Lettuce acreage in the northwestern counties of Routt and Grand decreased from 1,100 acres in 1950 to 120 acres in 1960. The only area of the state showing an increase in lettuce acreage between 1950 and 1960 was the San Luis Valley, from 4,500 acres to 5,600 acres. The total state acreage for the counties shown in Table 100 decreased from 7,170 acres to 5,930 acres between 1950 and 1960, or 17.3 per cent.

TABLE 100

Lettuce Acreage in Colorado, Selected Counties, 1950 and 1960

<u>County</u>	<u>Acres</u>		<u>Per Cent of Change</u>
	<u>1950</u>	<u>1960</u>	
Adams	700	80	- 88.5
Arapahoe	50	10	- 80.0
Jefferson	100	20	- 80.0
Weld	250	40	- 84.0
Chaffee	100	0	-100.0

TABLE 100
(continued)

<u>County</u>	<u>1950</u>	<u>1960</u>	<u>Per Cent of Change</u>
Fremont	100	10	- 90.0
Prowers	150	0	-100.0
Pueblo	120	50	- 58.3
Alamosa	1,300	800	- 38.4
Conejos	1,000	800	- 20.0
Costilla	500	2,400	+380.0
Mineral	200	0	-100.0
Rio Grande	1,500	700	- 53.3
Saguache	0	900	+100.0
Grand	550	120	- 78.1
Routt	550	0	-100.0
State Total	7,170	5,930	- 17.3

Other Vegetables and Cantaloupes. Acreage planted in cantaloupes and vegetables for fresh market decreased 27.8 per cent between 1950 and 1960. The Arkansas Valley had the largest gain in acreage planted in vegetables and cantaloupes, from 1,820 acres in 1950 to 2,160 acres in 1960. Baca, Bent, and Otero counties each had increases in acreage, while Crowley and Prowers counties reported decreases. Vegetable acreage in the San Luis Valley decreased by almost 50 per cent between 1950 and 1960. The two crops that decreased most sharply were cauliflower and green peas, while spinach showed a marked increase. The Western Slope counties of Delta, Mesa, and Montrose had very little change in fresh market vegetables and cantaloupe acreage between 1950 and 1960.

Montezuma County in the San Juan Basin reported 90 acres of commercial vegetables and cantaloupes in 1960 as compared with no acreage in 1950. The Northern Colorado area, as a whole, showed a 20.8 per cent decrease in acreage for fresh market vegetables and cantaloupes between 1950 and 1960. Adams and Weld counties reported the largest acreage decrease, while Boulder and Larimer counties each reported slight increases. Cabbage for the fresh market was the crop with the largest loss in acreage, but green peas, tomatoes, and celery each had considerable acreage decreases. Table 101 shows the acreage harvested in fresh market vegetables and cantaloupes for the five areas of Colorado in 1950 and 1960.

TABLE 101

Other Vegetables and Cantaloupes Acreage in Colorado
(Fresh Market), 1950 and 1960

<u>Area</u>	<u>Acres</u>		<u>Per Cent of Change</u>
	<u>1950</u>	<u>1960</u>	
Arkansas Valley	1,820	2,160	+ 18.7
San Luis Valley	7,500	3,820	- 49.0
Western Slope	500	510	+ 2.0
San Juan Basin	0	90	+100.0
Northern Colorado	<u>7,330</u>	<u>5,800</u>	<u>- 20.8</u>
State Total	17,150	12,380	- 27.8

In addition to the vegetables grown for fresh market (snap beans, cabbage, carrots, cauliflower, celery, sweet corn, green peas, spinach and tomatoes), some are also grown for processing. Those grown for processing include snap beans, cabbage, cucumbers, green peas, and tomatoes. The state-wide totals (county or area totals not available) show a decrease in acreage planted in the vegetables for processing between 1950 and 1960. The following table shows the crops grown for processing for which acreage information was available.

<u>Crop</u>	<u>Acres</u>		<u>Per Cent of Change</u>
	<u>1950</u>	<u>1960</u>	
Snap Beans	1,300	1,700	+308.7
Cucumbers	2,270	1,200	- 47.2
Tomatoes	3,000	2,400	- 20.0

Other Fruits. Other fruits which have played an important part in the demand for seasonal farm labor include primarily apples, pears, and cherries. These fruits are grown primarily in Delta and Mesa counties on the Western Slope, Larimer County in Northern Colorado, in Garfield and Fremont counties, and Montezuma County in the San Juan Basin. The yearly production in 1950 and 1960 for cherries, apples, and pears is shown in Table 102. There was a greatly reduced number of bearing trees in all of these fruits between 1950 and 1960. Apple and cherry production declined slightly, but pear production increased from 1950 to 1960.

TABLE 102

Production of Apples, Cherries, and Pears, and
Number of Bearing Trees by County, 1950 and 1960

<u>County</u>	<u>Apples (bushels)</u>		<u>No. of Bearing Trees</u>	
	<u>1950</u>	<u>1960</u>	<u>1950</u>	<u>1960</u>
Delta	983,635	533,004	215,534	177,527
Mesa	24,552	50,926	13,885	19,414
Montezuma	62,634	77,512	50,753	34,537
Montrose	49,599	45,853	22,414	16,267
Garfield	47,449	21,812	17,548	10,801
Fremont	140,447	11,543	51,989	14,119
Larimer	25,562	10,874	20,444	4,274
State Total ^a	<u>1,397,747</u>	<u>764,803</u>	<u>450,744</u>	<u>288,237</u>

	<u>Cherries (pounds)</u>			
	<u>1950</u>	<u>1960</u>		
Larimer	27,248,500	1,274,717	154,679	48,805
Delta	10,974,900	718,025	16,291	29,267
Garfield	1,729,800	131,823	4,515	2,118
Mesa	5,796,100	481,451	14,996	10,952
Fremont	3,415,900	22,760	20,429	3,564
State Total ^a	<u>53,362,700</u>	<u>2,840,491</u>	<u>248,827</u>	<u>100,718</u>

	<u>Pears (bushels)</u>			
	<u>1950</u>	<u>1960</u>		
Delta	16,781	52,769	10,636	19,104
Mesa	143,335	138,536	59,654	41,394
State Total ^a	<u>165,795</u>	<u>195,437</u>	<u>74,550</u>	<u>62,937</u>

a. State total exceeds sum of individual counties shown because of production in other parts of the state not shown.

Production

Sugar Beets. Sugar beet yield per acre on a state-wide basis has increased considerably over the past 15 years. In 1946, the state-wide average yield per acre was 12.5 tons. By 1961, the state-wide average was 14.7 tons per acre, and the five-year (1956-1960) average yield per acre on a state-wide basis was 17.0 tons. Table 103 shows the yield per acre by area for 1946 and 1961 and the 1956-60 five-year average.

TABLE 103

Sugar Beet Yield Per Acre For Selected Years in Colorado

<u>Area</u>	<u>Tons Per Acre</u>		
	<u>1946</u>	<u>1961</u>	<u>5-Year Average (1956-60)</u>
Arkansas Valley	11.2	12.3	15.2
San Luis Valley	5.9	9.1	7.7
Western Slope	11.5	20.5	17.6
Northern Colorado	<u>13.9</u>	<u>14.9</u>	<u>17.3</u>
State Total	12.5	14.7	17.0

Total state sugar beet production in 1946 was 1,920,000 tons and the 1961 total state production was 2,456,000, an increase of 27.9 per cent.

Potatoes. Potato yields per acre varied considerably from year to year between 1946 and 1961, as did the number of acres planted. Table 104 shows the number of acres of potatoes harvested, the yield per acre in hundred weights, and total state production from 1946 to 1961. Average yield per acre from 1946 to 1961 in Colorado was 192 hundred weight.

TABLE 104

Colorado Potato Acreage, Yield Per Acre, and
Total Production, 1946-61

<u>Year</u>	<u>Acres Harvested</u>	<u>Yield Per Acre (Cwt)</u>	<u>Total State Production (1000 Cwt)</u>	<u>Per Cent of Total U.S. Production</u>
1946	83,000	141	11,703	4.00
1947	66,000	160	10,494	4.49
1948	72,000	174	12,528	4.64
1949	59,000	194	11,434	4.74
1950	56,000	195	10,920	5.81
1951	45,000	153	6,885	4.85
1952	50,000	231	11,530	5.46
1953	57,000	201	11,481	4.95
1954	54,000	197	10,620	4.83
1955	52,000	175	9,120	4.00
1956	53,000	192	10,197	4.15
1957	56,000	194	10,857	4.47
1958	59,000	229	13,505	5.06
1959	57,000	206	11,760	4.78
1960	56,000	213	11,922	4.63
1961	60,000	218	13,097	4.50

Onions. Yields per acre for onions varied from 175 hundred weight to 290 hundred weight between 1946 and 1961. Acreage harvested varied from a low of 5,500 acres in 1952 to a high of 13,500 acres in 1946. The average yield per acre between 1946 and 1961 was 250 hundred weight. Table 105 shows the number of acres of onions harvested, the state-wide yield per acre, and total state production from 1946 to 1961.

TABLE 105

Colorado Onion Acreage, Yield Per Acre, and Total Production, 1946-61

<u>Year</u>	<u>Acres Harvested</u>	<u>Yield Per Acre (Cwt)</u>	<u>Total State Production (1000 Cwt)</u>
1946	13,500	245	3,650
1947	11,000	220	2,420
1948	11,000	225	2,750
1949	11,300	225	2,830
1950	11,000	205	2,260
1951	8,800	175	1,540
1952	5,500	262	1,441
1953	5,900	250	1,475
1954	5,900	250	1,475
1955	6,000	270	1,620
1956	6,700	280	1,876
1957	7,300	280	2,044
1958	7,800	280	2,184
1959	8,200	280	2,296
1960	8,700	290	2,523
1961	8,600	270	2,322

Technological Changes and Mechanization

Technological changes and mechanization have altered substantially the demand for seasonal farm labor in Colorado. The biggest, single change in the demand for seasonal labor has occurred in sugar beet production.

Sugar Beets. Sugar beet harvest has become 100 per cent mechanized during the past 20 years. Prior to World War II, a large number of seasonal farm workers were needed to perform the topping, piling, and loading operations connected with harvesting sugar beets. The great number of workers available throughout the nation prior to World War II tended to retard mechanization of harvest activities.

The labor shortages resulting from World War II provided the impetus for new attempts at developing satisfactory machinery to perform the relatively difficult tasks of beet topping and loading. Farm

machinery manufacturers produced several machines and from these early models have evolved the fast, efficient, and economical harvesting machines which now have replaced all hand labor in the sugar beet harvest process.

The mechanization achieved so successfully in sugar beet harvest has not spread to any great extent to sugar beet pre-harvest in Colorado. Very few farmers have mechanized pre-harvest work to the point where no labor is needed. There have been some changes, however, which have greatly reduced the need for seasonal farm labor in these activities.

The development of monogerm seed has probably been the most important cause of reduced labor needs in sugar beets pre-harvest. Monogerm seed has permitted the introduction and use of blocking and thinning machines, which have been utilized with varying degrees of success in some areas of the state. The introduction of monogerm seed also allowed the use of long handled hoes in blocking, thinning, and weeding operations to a far greater extent than was possible when segmented beet seed was planted.

The Northern Colorado area is not only the major sugar beet producing area of the state, but also has more of its acreage planted in monogerm seed than any other area. In 1962, from 80 to 100 per cent of the sugar beet acreage in Northern Colorado was planted with monogerm seed. In some areas of Northern Colorado, 80 per cent of the acreage had some blocking and thinning done by machines. The mechanization of pre-harvest activities in Northern Colorado is proceeding much more rapidly than did the mechanization of harvest activities in the same area, according to some reports from sugar company officials.

In contrast to Northern Colorado, Arkansas Valley farmers planted only about 50 per cent of their acreage with monogerm seed in 1961. Few farmers in the Arkansas Valley have taken advantage of the blocking and thinning machines now available, even for use on the acres planted with the monogerm seed. The most common method of blocking and thinning sugar beets in the Arkansas Valley is still the use of short handled hoes. The continued use of segmented seed and the continued use of short handled hoes has not led to an appreciable reduction in the demand for seasonal farm labor for sugar beet pre-harvest.

Monogerm seed is not planted on the Western Slope because it is not as disease resistant as segmented seed. Little, if any, mechanical blocking and thinning is performed. This activity is usually still performed with short handled hoes. Hand labor requirements have remained relatively stable on the Western Slope for the pre-harvest activities in sugar beets for several years.

Another process which has led to a decrease in the demand for labor in sugar beet pre-harvest activities is the application of chemical sprays, dusts, and coatings. These chemical applications have had varying degrees of success, depending on soil and climatic condition and on plant size and growth at the time applied. No chemical application has proved entirely effective under all conditions, but research is continuing in the development of a substance which will prove generally effective for weed control. Development and use of such a substance could effectively decrease the need for seasonal farm labor in sugar beet pre-harvest work.

Potatoes. Mechanization in potato harvest is not as far advanced in Colorado as in other large potato producing states such as Idaho and North Dakota, although some farmers have had their harvest processes mechanized for several years. Machines developed on an experimental basis during the past two years indicate that mechanical harvesting may be possible under the most difficult conditions found in Colorado.

Northern Colorado growers reported that approximately 25 per cent of the 1962 potato crop was mechanically harvested. Growers in the San Luis Valley, the largest potato growing area in the state, reported that only 15 to 20 per cent of the potato crop was harvested mechanically in 1961. Complete mechanical harvesting consists of machine digging, picking, loading, and unloading of the potatoes. The activities involved in sorting, grading, cleaning, and packing for shipment are not considered as part of the harvest activity proper.

Fruits. Some mechanization of fruit pre-harvest and harvest activities has occurred within the last few years in Colorado. The main mechanization has taken place in cherry harvest on the Western Slope. A canning company spokesman in 1961 reported that the use of two mechanical pickers had reduced the need for cherry pickers by one half. This company plans to mechanize its cherry picking process completely within the next two years.

Mechanization of pre-harvest activities in fruit can be effected in two ways: 1) by the use of chemical sprays while the trees are in bloom; or 2) by the use of mechanical shakers to reduce the number of blossoms on a tree. Both methods result in less fruit per tree and are employed to produce a larger, more select fruit at harvest time. Hand labor must now be used to thin the fruit, if mechanical processes are not used or are not successful.

The use of machine picking in fruit has been confined almost solely to cherries, although machines for picking peaches and apples have been developed and used successfully in other states.

California fruit growers began to mechanize their fruit harvest even before the labor unionization attempt in 1960, and they have intensified their efforts since to perfect a picker that works equally well on all fruits. Several different machines have been developed in California that are used in picking peaches, although all pickers consist of two basic parts. One part is the shaking unit, which shakes the branches or trunk of the tree and causes the ripe fruit to fall on the catching platform, the second part of the mechanical pickers. The catching platform is a canvas or rubber covered frame which catches the falling fruit and channels it into boxes or bins, either by gravity flow or through an arrangement of belts and conveyors.

Initial reports in California revealed much less tree damage than had been expected from using the mechanical pickers in peaches. In addition to reducing over-all picking costs substantially, growers also reported a tremendous decrease in the need for labor. Some growers reported that one machine with a crew of five to seven men replaced a hand picking crew of 60-80 workers.

Vegetables. Mechanical harvesting of vegetables in Colorado has progressed rapidly in some cases and hardly at all in others. The harvest for processing of beets, sweet corn, and green peas has been successfully mechanized. Similar operations for other vegetables have not been completely mechanized. Root crops such as onions and carrots continue to be hand harvested, although there is evidence that some growers in Northern Colorado have been able to mechanize their onion harvest with great savings in labor costs.

The mechanical harvesting of snap beans, especially for processing, has increased greatly in the past two years in Northern Colorado. Some growers who previously used a combination of mechanical picking (first time over) and hand picking (second time over) have changed to complete mechanical picking with the development of more efficient machines.

Mechanical harvesting of tomatoes and cucumbers is still only in the planning stage, so far as Colorado growers are concerned. One of the big drawbacks to the mechanization of these two crops in Colorado is the absence of suitable varieties of the crops to plant. Little research is being done in Colorado to develop strains of these plants which can be adapted to machine harvesting, although considerable progress has been achieved along these lines in other states, notably California and Michigan. The prime requirement for machine harvesting of tomatoes and cucumbers is the development of a strain which ripens uniformly. Machines to pick tomatoes and cucumbers are not a problem, as they have been produced and are being used successfully in other states.

Lettuce, cabbage, cauliflower, spinach, and celery harvest activities are still performed by hand labor in Colorado, so far as can be determined. The use of machines to cut lettuce and cabbage is well advanced in some other states. The relatively small amount of these vegetables grown in Colorado may be a main reason for the seeming failure to attempt mechanical harvesting; another important factor is the lack of research. Colorado growers do not have the same advantages as growers in other areas (such as California, Arizona, and the Rio Grande Valley) in this respect. In those states with large acreages and long growing seasons, much research is performed free of charge by manufacturers of chemicals and farm machinery.

Grower Attitudes Toward Mechanization and Other Matters

Many of the growers of crops using seasonal farm labor, especially those for whose crops there are no predetermined contract prices or marketing orders, feel that they have little or no control over market conditions or the prices they receive for their products, while at the same time they have no control over increased costs. Under such circumstances, there is a reluctance to increase seasonal farm labor wages or to increase costs through improvements in or additions to fringe benefits, such as, housing, medical programs, etc. This attitude also extends in some instances to mechanization. Initial investment is costly, and long run benefits may be considered dubious.

Some growers interviewed indicated that even if mechanization might be advantageous in the long run, it was not necessary, as long as a sufficient supply of labor is assured. These attitudes, as well as tradition and the availability of efficient machinery and appropriate crop strains, have a bearing on the rate of mechanization and technological innovation.

Other growers stated that mechanization was probably one solution to their problems and that eventually it would take place. In other words, they felt it might be a choice of mechanizing or going out of business. In a number of cases, it was the grower who indicated he would not stay in business if the bracero program was terminated who also gave a number of reasons why mechanization of his particular crop activities was not practical.

Attitudes Toward Seasonal Farm Labor. There were two distinct points of view expressed by the growers interviewed as to the adequacy of local and domestic workers. Some growers complained that local and domestic workers had proved to be undependable when available and that the supply was decreasing. For this reason, Mexican nationals are necessary. A number of the growers expressing this point of view said that they would prefer to employ local and domestic workers and did so whenever possible.

Other growers had few, if any, complaints about local and domestic labor. Usually these growers did not use braceros, and if they did, it was only in late season crops when the domestics had returned to their home states.

A few growers expressed the opinion that it might be desirable to place domestic workers under a formal arrangement with guarantees to both growers and workers. Other growers thought such a plan would be impractical and that it would be infringing on the rights of domestic workers to change their employment as they saw fit. Some growers expressed a reluctance to become involved in a contractual arrangement with domestic workers which involved families rather than solo work crews.

These attitudes varied according to area and type of crop and also among growers in the same area with similar crop activities. Naturally, the assurance of a dependable labor supply is a prime consideration of growers. Many of them, however, have been concerned with the well-being and social conditions of migrant families and have assisted migrants, either on an individual basis or by participating in organized programs. A considerable number of the growers interviewed expressed a desire to improve the economic and social conditions of domestic migrants but were limited by their financial ability.

Cultural Differences. A major barrier to better relationships between growers and workers is caused by cultural differences. Language is cited usually as the major reason why there is misunderstanding between growers and workers. While it is a formidable barrier in many respects to proper understanding, it is not the only one. Both Spanish-American and Navajo workers come from cultures which are very different from that of the Anglo. Things that are important in these cultures may not be important to the Anglo culture, and vice versa.

It is only natural that the grower's cultural background shapes his view of the Spanish American and the Navajo and that he judges them by his own standards. The inability or reluctance of many Spanish Americans and Navajo to speak English adds to the difficulty. Consequently, the growers may decide that these workers are undependable and that they and their families have no appreciation of good treatment, including such things as adequate housing. It is easy in such

circumstances to extend the transgressions of individuals to include an entire ethnic group.

Spanish-American and Navajo seasonal farm workers have been slow to assimilate Anglo culture, although such assimilation appears on the increase as evidenced by the educational attainments most of the workers interviewed indicated that they wanted for their children. It is not likely that there will ever be a very high level of cultural assimilation by non-Anglo seasonal farm workers, because those who are able to adapt more successfully to Anglo society, despite a number of formidable barriers, either never enter the migrant stream or do not remain in it for long. Consequently, the misunderstandings and frictions caused by cultural differences may be expected to continue. In some instances, they may be minimized by continued relationships between growers and workers; in others, there may be no improvement.

LEGISLATION IN OTHER STATES RELATING TO MIGRANTS

Legislation relating to seasonal agricultural workers has been adopted in a number of states. This legislation includes the following subjects: minimum wages, wage payment and collection, workmen's compensation, unemployment compensation, regulation of labor contractors and crew leaders, employment of children, housing and labor camps, migrant education, and migrant commissions. This legislation is summarized in this chapter with emphasis given to those subjects which may be of the most interest to Colorado.

Minimum Wage Legislation¹

Only the minimum wage laws of Hawaii and Puerto Rico apply specifically to agricultural workers. In these two jurisdictions, specific wage rates are set for farm workers and these apply to men, women, and minors. The Hawaii statute sets the minimum wage for agricultural workers at \$1.00 an hour and covers agricultural work in any work week in which an employer has 20 or more employees. In Puerto Rico, the statutory rates vary from \$.25 per hour to \$5.50 per day for different kinds of agricultural work.

Eight other laws are broad enough to cover agriculture: those of California, the District of Columbia, Kansas, Oregon, Utah, Washington,² and Wisconsin. These laws apply to women and minors only. They do not set minimum-wage rates in the law, but provide for setting such rates by administrative order. Of these eight, two have issued orders applying specifically to agriculture. A 1960 Wisconsin order established a minimum of \$.75 per hour for employment of women and minors 16 years of age and over employed in agriculture; minors under 16 may not be paid less than \$.65 an hour. This order also established different specified rates if board and lodging are furnished. Two 1961 California wage orders established a minimum wage of \$1.00 an hour for women and minors in packing sheds or farms and for women and minors 16 and over in other agricultural occupations.

Wage Payment and Wage Collection³

In California and Massachusetts, wage payment laws expressly apply to farm workers, while a provision in the Minnesota law applies to certain migratory workers. The Pennsylvania law has been interpreted as applying to all farm workers.

1. Status of Agricultural Workers Under State and Federal Labor Laws, U. S. Department of Labor, Washington 25, D.C., February, 1962, p.3.
2. A second minimum-wage law in Washington, passed in 1959, applying to men, women, and minors, and setting a minimum-wage rate of \$1.00 an hour, excludes agriculture from coverage.
3. Status of Agricultural Workers Under State and Federal Labor Laws, op.cit., p.4.

The California law requires the payment of wages to be at least semi-monthly, except that agricultural employees who are boarded and lodged by employers may be paid monthly. In Massachusetts agricultural workers must be paid at least monthly.

The Minnesota wage payment law requires regular paydays -- at intervals of not more than 15 days -- for "transient" workers. This has been interpreted by the attorney general to apply to migratory workers who are employed on any project of a transitory nature.

Amendments to the New York law concerning labor contractors require migratory field labor contractors, crew leaders, and other persons bringing in five or more migratory workers to keep records of wages and hours of the workers and to give each worker a statement of wages and withholdings at the time of payment. In some of the other states the general wage payment laws are sufficiently broad to apply to farm employees.

As to wage collection, the laws of 16 jurisdictions (Alaska, Arkansas, California, Connecticut, Hawaii, Illinois, Indiana, Michigan, Nevada, New Jersey, New York, Oregon, Puerto Rico, Rhode Island, Washington, and Wisconsin), authorizing the labor department to use legal procedures to collect back wages for workers, are broad enough to cover the claims of farm workers.

Workmen's Compensation⁴

Seventeen states and Puerto Rico have some specific coverage of agricultural workers. Only 10 of these (Alaska, California, Connecticut, Hawaii, Massachusetts, Ohio, Vermont, Wisconsin, and Puerto Rico) cover farm workers in the same manner as other workers. Eight of these laws are compulsory, while the Vermont law is elective, under which workers are covered unless the employer elects not to come under the act. The Wisconsin law was amended in 1961 to provide compulsory coverage for farmers who employ six or more workers for 20 days during a calendar year in one or more locations; these provisions become applicable 10 days after the 20th such day.

The New Jersey workmen's compensation law, which is elective, is sufficiently broad to apply to farm workers, but it expressly provides that farmers are not required to carry insurance.

In the other eight states (Arizona, Kentucky, Louisiana, Minnesota; New York, Oklahoma, South Dakota, and Wyoming) agricultural workers engaged in specific farm occupations, usually those involved in the operation of machinery, are covered. Of these, the laws of Arizona, Minnesota, New York, and Oklahoma are compulsory; and those of Kentucky, Louisiana, South Dakota, and Wyoming are elective. In Kentucky and Wyoming the employer must elect by filing a written notice; in Louisiana and South Dakota, the law applies unless the employer specifically rejects it. The Louisiana law excludes from coverage agricultural employees while they are being transported to or from work regardless of the means of conveyance, and members of crews in airplanes in dusting or spraying operations.

4. Ibid., p.2.

All but four of the laws that do not specify either compulsory or elective coverage permit farmers, if they wish, to insure voluntarily. Such voluntary coverage is distinguished from elective coverage in that the employer does not lose his common law defenses if he does not choose the voluntary coverage. The laws of Alabama and the District of Columbia expressly prohibit voluntary coverage of farm workers, while the Tennessee and Texas laws are silent on this subject. Delaware formerly prohibited such coverage, but a 1960 law specifically authorized employers of farm labor to accept the act by carrying insurance to cover any necessary benefits. Iowa, which formerly permitted voluntary coverage of agricultural workers only in certain cases, provided in 1959 for such coverage of all farm workers.

Unemployment Insurance⁵

Only the unemployment insurance law of Hawaii provides coverage for agricultural labor--if performed for an employer who has 20 or more employees for 20 weeks in the current or preceding calendar years. Puerto Rico also has a program which covers agricultural workers in the sugar industry; this coverage is separate from the program for nonagricultural employment. All the other laws exclude agricultural labor except that of the District of Columbia, which is primarily an urban community. The laws of all but three states (Alabama, Massachusetts, and New York) permit voluntary coverage of excluded occupations, subject to approval by the state agency, but this option has had extensive use only in North Dakota. A significant number of North Dakota farmers have elected coverage even though the law contains a provision requiring a much higher contribution rate for services covered by election.

Crew Leaders and Contractors⁶

Nine states and Puerto Rico have laws or regulations applying specifically to farm labor contractors.

Six of these laws--those of California, Nevada, Oregon, Puerto Rico, Texas, and Washington--expressly cover labor contractors who recruit farm workers for a fee. Under these laws the contractors are required to obtain licenses, to comply with certain requirements as to records, to refrain from engaging in certain undesirable practices, and, usually, to file a bond.

New York does not require farm labor contractors to obtain licenses, but does require them, as well as crew leaders and all persons bringing five or more migrant workers into the state, to register with the Industrial Commission. Employers are prohibited from using the services of labor contractors or crew leaders who are not registered. The commissioner may revoke, suspend, or refuse to renew the registration for various reasons, including violation of the labor or penal laws or giving false information to workers as to terms, conditions, or existence

5. Ibid., p.7.

6. Ibid., p.5.

of employment. The law also requires all those registering to keep records and to submit data on wages, housing, and working conditions. This data must also be given to the workers.

A 1961 New Jersey law requires annual registration of day-haul crew leaders. This state also has a regulation requiring farm labor contractors and crew leaders to get annual certificates of registration. Pennsylvania regulations require registration of, and place certain duties and responsibilities upon, crew leaders who "directly or indirectly" recruit migratory workers.

Child Labor in Agriculture⁷

Only nine states, Puerto Rico, and the District of Columbia expressly provide a minimum age for employment of children in agriculture outside of school hours. This age is 14 in Connecticut (applicable to an employer in any week in which he has an average of more than 15 employees), Alaska, Hawaii, Missouri, the District of Columbia, and Puerto Rico. In New York, the minimum age is 14, except that children of 12 may assist in the hand harvest of berries, fruits, and vegetables under certain conditions when school is not in session. In New Jersey, the minimum age is 12, and in California, it is 12 during vacations and 14 outside of school hours on school days. In Utah, the minimum age is 10. In Wisconsin, an Industrial Commission order effective June 1, 1960, established a minimum age of 12 for work in cherry orchards and other specified agricultural employment.

A minimum age for agricultural work during school hours is established by statute in 15 states, Puerto Rico, and the District of Columbia. This age is 16 in Florida, Illinois, Maryland, New Jersey, New York, Ohio, Virginia, and Puerto Rico. Under certain conditions, the 16-year minimum age may be waived in Florida and Puerto Rico. In Hawaii, the minimum age is 16 when a child is "required" to attend school, otherwise 14. In California and Pennsylvania, the minimum is 15, except 14 under certain conditions. In Connecticut, Massachusetts, Missouri, Utah, and the District of Columbia, the minimum is 14, and, in Wisconsin, it is 12.

Compulsory school-attendance laws supplement the standards set under the child-labor laws by requiring boys and girls to attend school to a certain age, usually to 16. In many states, however, these laws permit children under 16, or even under 14, to be excused from school to work in agriculture.

7. Ibid., p.1.

Farm Labor Camps

The following 25 states have mandatory laws or regulations that apply to all labor camps or specifically to camps for migrant agricultural workers:

Arizona	Iowa	New Mexico
California	Maryland	New York
Connecticut	Massachusetts	Ohio
Delaware	Minnesota	Oregon
Florida	Montana	Pennsylvania
Hawaii	Nevada	Washington
Idaho	New Hampshire	West Virginia
Illinois	New Jersey	Wisconsin
		Wyoming

These provisions range from very limited regulation in a few states to comprehensive regulation in others. They usually include requirements as to sanitation, housing, location, and construction of the camp. In addition, Michigan has a mandatory regulation for those growers obtaining workers through the Michigan Employment Security Commission, and, in North Carolina, mandatory standards have been adopted by five counties. Advisory camp regulations are in effect in four other states: Indiana, North Dakota, Utah, and Virginia.⁸

Camps Covered⁹

Almost half of the mandatory codes (those of Connecticut, Delaware, Hawaii, Iowa, Maryland, Minnesota, Montana, New Jersey, Oregon, Pennsylvania, and Wyoming) cover all camps, regardless of the number of occupants. Most of the others exempt camps housing less than three, five, or six workers; in a few states, however, these smaller camps are required to conform to some, but not all, of the specific standards set in the code.

Florida exempts camps housing less than 15 persons, including children, while in Washington the code is applicable to camps housing, or capable of housing, 10 or more workers. The Nevada code specifically exempts "facilities or premises assigned to an employee for his exclusive use or convenience." Thus, in that state, there are no standards applicable to housing assigned to an individual migrant agricultural family.

License Requirements¹⁰

Eight states (Delaware, Florida, Maryland, New York, Ohio, Pennsylvania, Washington, and Wisconsin) require a license to operate a camp. All of these states provide for annual licensing prior to camp operation, and with the exception of Delaware, specify that the

8. Ibid., p.6.

9. Housing for Migrant Agricultural Workers, Bulletin 235, U.S. Department of Labor, Bureau of Labor Standards, November, 1961, p.4.

10. Ibid.

license is revocable. In general, these states, either specifically or by implication, require the administrative agency to inspect the camp prior to issuing the license. Delaware and Maryland specify that the license is not transferrable, and Ohio requires that it be posted.

California, Massachusetts, and New Jersey, although not requiring a license to operate a camp, do provide for camp registration. In New Jersey, the camp operator or manager must register each camp before its opening or reopening and must maintain a register of all camp occupants. The code requires the administrative agency to issue a "Certificate of Compliance" to approved camps. In Massachusetts, local boards of health are "requested" to maintain a register of camp operators and to distribute the camp standards to each operator in their area. California, which is one of the first states to regulate labor camps, enacted a law effective September 15, 1961 requiring the annual registration of all labor camps.

In Nevada, the code requires the issuance of a permit indicating compliance with camp standards, while in Montana and New Hampshire, the administrative agency must receive prior notification of camp operation.

Ten of the states (Arizona, Connecticut, Hawaii, Iowa, Idaho, Minnesota, New Mexico, Oregon, West Virginia, and Wyoming) do not have any licensing, registration, or special notification provision in their codes.

Compliance and Penalty¹¹

In approximately two-thirds of the states, the codes provide that the owner, operator, or some other person in charge of camp operations is responsible for compliance with the camp standards. Most of the states also specifically make the camp owner or operator responsible for one or more of the following: sanitary conditions of the camp, inspection of the grounds, or maintaining sanitary and other facilities in good repair. In Pennsylvania, crew leaders are held jointly responsible with camp owners for the maintenance of camp sanitation and cleanliness.¹²

Every state provides penalties for violation, in the form of fines and/or imprisonment. These vary considerably. The lowest is a \$10 fine. Some states establish a fine of up to \$200 and/or imprisonment up to 60 days. Others provide for a fine of up to \$1,000 and/or imprisonment up to one year. A few states specify that each violation is a separate offense.

In general, the penalty applies to the owner or operator of the camp. However, in a number of states it applies to "any person" violating the law or regulation. Thus in these states it would be

11. Ibid., p.5.

12. Under the "Special Requirements for Crew Leaders," issued as a supplement to the migratory farm labor camp regulations.

possible to penalize camp occupants, as well as camp owners or operators, although only Oregon specifically provides that the wilful misuse, damage, or destruction of any facility by any person housed in the camp is a misdemeanor.

In addition to prescribing fines or imprisonment for violation of the codes, nine states--California, Florida, Massachusetts, Nevada, New Jersey, New York, Oregon, Pennsylvania, and Wisconsin--make some provision for the removal of anything injurious to the health of the occupants which has been designated a "nuisance" by the administrative agency, or for the closing down of part or all of the camp, or for both. The New York code requires specific steps to be taken "in order to adequately place and care for workers and their families" housed in camps which are to be closed down.

Administrative Agency¹³

The migrant labor camp codes are administered by either the health or labor department or both. In 18 states (Arizona, Delaware, Florida, Hawaii, Idaho, Iowa, Maryland, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New Mexico, Ohio, Washington, West Virginia, Wisconsin, and Wyoming), administration of the camp codes is almost exclusively a responsibility of the state health department. In some of these states, while the regulations are statewide in application, enforcement is a responsibility of the local health agencies. In two states, Ohio and Wisconsin, camp buildings must meet requirements established by the labor department.

In three additional states (Connecticut, New York, and Oregon), although camp codes are administered by the health department, some of the responsibility is shared by another governmental agency. In Connecticut, the department of agriculture is authorized to establish standards for living quarters furnished migratory farm laborers. In New York, the labor department has specific authority to enter and inspect all labor camps; while in Oregon, the bureau of labor and the state employment service are authorized, subject to final review by the health authorities, to close a camp facility that violates the health code.

The state labor department administers the camp code in California, New Jersey, and Pennsylvania. In Pennsylvania, the code requires the Department of Labor and Industry to have a satisfactory report of a preliminary sanitary inspection of the camp by the health department before it issues a license for the operation of a camp.

13. Housing for Migrant Agricultural Workers, op.cit., p.6.

Education

At least eight states have taken steps to provide special educational opportunities for migrant children. These states are California, Michigan, New Jersey, New York, Ohio, Oregon, and Pennsylvania. Little information is available concerning these special programs.

New York had nine summer schools for migrants during 1961. These schools were all sponsored by local school districts, which were reimbursed by the state for their expenses, with a total of \$40,000 being spent for this purpose.

Ohio operated seven schools for migrant children in the summer of 1960. These schools were sponsored by the local school districts, which were reimbursed from state funds. No information is available as to total costs of the Ohio program.

Migratory Labor Committees

Some 28 states have state migratory labor committees. The committees take different forms: some of them are interagency in character; others are combinations of government officials and laymen. Programs with which they are concerned cover all aspects of conditions affecting migratory workers and their families--housing, wages, transportation, schools, employment of children, child-care centers, health and sanitation, rest stops, and other measures which contribute to standards of living of permanent residents. The basic philosophy of the committees is that they can be more effective through a coordinate and united approach and that the combined strength of the group is more than the individual parts. The committees act administratively within the framework of the agencies represented as well as make recommendations for legislative action.

The states with migratory labor committees are: Alabama, Arizona, Delaware, Florida, Idaho, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin.

Seven of the committees were formed before 1954, 14 between 1954 and 1958, and the remaining seven since 1958.

Composition of Committees. So far as is known, eight committees consist of state agency representatives only: Florida (plus one member of House of Representatives), Idaho, Michigan, New York, Oregon, South Carolina, Texas, and Washington. The most common state agencies with representatives serving as chairmen of migratory labor committees were employment departments (7), labor departments (7), and agriculture departments (3). Only Arizona and New Jersey provide that the chairman shall be from a growers' organization.

At least 10 committees have representatives from state agencies plus representatives from workers, growers, and lay groups: Arizona, Delaware, Illinois, Minnesota, New Jersey, North Carolina,

North Dakota, Ohio, Pennsylvania, and Wisconsin. Organized labor is represented in five committees: Delaware, New Jersey, Ohio, Pennsylvania, and Minnesota.

Functions of Committees

Arizona. The Governor's Advisory Committee on Seasonal Farm Labor was established in 1956 and is appointed by the governor. It has no separate budget. Its primary function is to advise and assist the governor on migratory labor problems in the development of a long-range program to enhance the contribution of the migrant workers to the state and to help the migrant worker help himself further his own well-being.

Delaware. The Governor's Committee on Migratory Labor was created in 1957 and is appointed by the governor. It has no separate budget. It was established to study the problems of the migrants and to make reports and recommendations to the governor from time to time.

Florida. The Committee on Migrant Agricultural Labor was established in 1957 and is appointed by the governor. The member state agencies share in the cost of supporting the committee. The committee is charged with the responsibility of studying the migrant problems of the state, improving the services of the state to migrants under present laws, effecting a better liaison between the state agencies in working to improve services to migrants, and recommending legislative action.

Idaho. The Migratory Labor Committee was established in 1956 and is appointed by the governor. The various committee members assume whatever costs are involved. The purpose of the committee is to: 1) improve the health, education, housing and transportation of migrants; and 2) encourage civic and municipal agencies and the public to welcome the migrants and make them feel that they are a part of the community, thereby encouraging them to assume their responsibilities.

Illinois. The Committee on Agricultural Migrant Workers of the Illinois Commission on Children was established in 1955 and is a subcommittee of that commission. Financing is provided through the commission's budget. The purpose of the committee is stated to be fact finding, public education, and stimulation of existing organizations to action.

Michigan. The Michigan Inter-Agency Committee on Migratory Labor was set up in 1952 and is appointed by the governor. The member agencies support committee activities. The functions of the committee are to: 1) make a contribution to the solution of migrant problems; 2) study the problems of migratory labor and recommend to the governor such corrective measures as are needed including legislation; 3) serve as a major source of information; and 4) give assistance to the Study Commission on Migratory Labor appointed by the governor.

Minnesota. The Minnesota Farm and Migratory Labor Advisory Committee was created in 1956, and all members are appointed by the governor. The committee is financed from funds available to the Farm Placement Service in the Department of Employment Security. The

purpose of the committee is to advise the Department of Employment Security on Farm Placement program matters relating to the needs of employers and farm workers. The subject about which most discussion and advice centers is the welfare of the migrant worker and his children.

New Jersey. The New Jersey Migrant Labor Bureau is a state agency within the Department of Labor and was established by an act of the legislature in 1945. The Bureau receives a general fund appropriation for its activities. The bureau's functions are outlined by statute as follows:¹⁴

(a) Enforce the provisions of article two of this act either directly or through interdepartmental agreements;

(b) Enforce all other applicable labor laws, including, but not limited to, those relating to private employment agencies, child labor, wage payments and wage claims, with respect to migrant labor camps;

(c) Provide inspectional services to encourage minimum standards of housing and sanitation in migrant labor camps;

(d) Advise and consult with employers of migrant labor as to the ways and means of improving living conditions of migrant workers;

(e) In co-operation with the Department of Health, prescribe minimum standards of sanitation, and preventive and curative health services, not inconsistent with this act, for migrant workers;

(f) In co-operation with the Department of Education, provide, so far as possible, educational facilities for the children of migrant workers;

(g) In co-operation with the Department of State Police, provide for a minimum standard of protection for migrant workers;

(h) In co-operation with the Department of Economic Development, plan, locate and construct (as soon as conditions permit) experimental State camps for migrant workers; provided, however, that no such camp shall be located or constructed in any municipality where there is not located an industry or farm employing migrant labor without the consent of the governing body of said municipality;

(i) In co-operation with the Department of Agriculture, conduct an educational program for employees of migrant labor pertaining to the standards, methods and objectives of the Bureau of Migrant Labor;

14. Migrant Labor Act, Chapter 71, Public Law, 1945.

(j) In co-operation with the Department of Institutions and Agencies, help devise ways and means for resolving the welfare problems that require attention.

New York. The New York State Interdepartmental Committee on Farm and Food Processing Labor was created in 1943, and members are appointed by the governor. The committee's operating expenses are provided in the Agriculture and Markets Department budget. The responsibility of the committee is chiefly to improve the effectiveness of the work of each of the state agencies through joint planning and mutual evaluation of each program and problem. Each member agency has specific responsibilities - information, education, regulation, service - that are in the public interest.

North Carolina. The North Carolina Committee on Migratory Labor was created in 1954, and all appointments are made by the governor. The committee has no separate budget, but the member state agencies share in the expenses. The purpose of the committee is to make available to the agricultural migrants passing through the state the services provided by the various state and local agencies and to develop standards which will result in better living conditions for the migrants, thereby improving the level of living of the total population.

North Dakota. The Governor's Migratory Farm Labor Committee was created in 1958 and is appointed by the governor. The member state agencies share the expenses of the committee. The stated function of the committee is to work with the Potato Growers' and Beet Growers' Associations in studies relating to housing, health, law enforcement, welfare, education, labor supply, and integration into community life.

Ohio. The Governor's Committee on Migratory Labor was established in 1956 and is appointed by the governor. The committee's executive secretary is always to be the director of the Department of Industrial Relations, so that agency can assist in clerical work, mailing, and other administrative matters. The purpose of the committee, as stated by the governor, is to direct attention to the ascertaining of problems which are not adequately being dealt with by existing governmental agencies and to find out to what extent present public services can be harnessed on the state level, local level, and the federal level to deal with these problems.

Oregon. The Governor's Inter-Agency Committee on Agricultural Labor was set up in 1957, and all appointments are made by the governor. The member agencies support their own activities. The committee is to co-operate in developing a coordinated program to assist in the administration of the various agency functions in order to render maximum service to both agricultural employers and workers.

Pennsylvania. The Governor's Committee on Migratory Labor was created in 1952, and appointments are made by the governor. The committee has no separate budget, but staff services are provided mainly by the Department of Labor and Industry. The purpose of the Governor's Committee on Migratory Labor is to assure that migrant farm labor is brought to, maintained, and works in Pennsylvania under conditions meeting satisfactory standards of housing, sanitation, health, and welfare. As this is the responsibility of many state departments, the committee is devoted to organizing the participation and coordination of member departments at the state and community level.

South Carolina. The Committee for Development and Improvement of Migratory Workers was organized as an interagency committee in 1954. It has no separate budget, and the agency members support their own activities. The stated purpose of the committee is to improve living conditions of migrants, including water supply, garbage disposal, and screening of migrant labor camps.

Texas. The Council on Migrant Labor was created by the Texas legislature in 1957 and is financed from state appropriations. The purpose of the council is to: 1) promote the formulation of rules by the various agencies represented for the betterment of the migrants' travel and living conditions; 2) facilitate interdepartmental agreements; 3) study the problems related to migrant labor in Texas; 4) analyze state and federal rules affecting migrant labor to determine their effect on laborers and employers; and 5) advise and consult with interested groups.

Washington. The Subcommittee on Migratory Farm Labor was formed as a subcommittee of the Governor's Committee on Health, Education, and Welfare in 1958. The agency members share the cost of financing the subcommittee's activities. The stated purpose of the subcommittee is to improve the effectiveness of work of each of the affected state agencies through joint planning, mutual assistance, and improved understanding and to study and evaluate problems concerning migratory farm labor.

Wisconsin. The State Migrant Committee was organized as a committee of the Wisconsin Welfare Council, a voluntary nonprofit state-wide social planning organization in 1950. The purpose of the committee is to coordinate the activities of state agencies and voluntary organizations which have interest in and/or programs for migrant workers and to provide "central services," i.e., produce motion pictures, act as a clearinghouse, secure new programs.

FEDERAL LEGISLATION: PROPOSED AND ENACTED

Legislative Proposals

Eleven bills relating to migrant labor were introduced in the United States Senate in 1961. These bills were developed and recommended by the Senate Subcommittee on Migratory Labor of the Senate Committee on Labor and Welfare. This subcommittee, chaired by Senator Harrison A. Williams, Jr. (New Jersey), began its nation-wide study of migrant labor problems in 1959.

Five of these bills pertained to the farm labor market and its organization. The specific subjects covered by these five bills included: 1) minimum wage for agricultural workers; 2) registration of labor contractors; 3) agricultural child labor; 4) stabilization of the agricultural work force; and 5) agricultural labor relations. Two bills related to education: one providing for the education of migrant children and the other providing for the education of migrant adults. The other bills included the following subjects: 1) housing aids for growers; 2) improved health services for migrant families; 3) improved welfare services for migrant children; and 4) establishment of a citizens' council on migratory labor.

Explanation of Proposed Legislation

Minimum Wage (S. 1122). This bill would establish an agricultural minimum wage which would increase annually until it equals the industrial minimum wage level. The minimum would be \$.75 per hour the first year, \$.85 the second year, \$1 the third year, and the industrial minimum the fourth year. The wage paid to an agricultural employee is defined as including the reasonable costs, as determined by the Secretary of Labor, of board, lodging, or other facilities customarily furnished the employee. The piece rate system would be preserved by a provision authorizing any piece rate that yields, for at least 90 per cent of the employees working at such piece rate, actual wages equal to the minimum hourly wage.

Coverage under the bill would extend to all employees performing hired farm labor for an employer who used more than 560 man days of hired farm labor in any one of the four preceding calendar quarters. The effect of the 560 man-day test would be to apply minimum wage requirements to farm enterprises using approximately seven or eight full-time employees during a calendar quarter. It was estimated by the subcommittee that the test would apply to about 50,000 farms, thus providing minimum wage coverage for approximately one million farm employees.

Exempted from the minimum wage requirements would be members of employers' immediate families and sharecroppers or members of sharecroppers' immediate families working on or in connection with the sharecroppers' tracts of land.

With respect to this legislation, Senator Williams made the following comment:¹

Today, agriculture is expressly excluded from minimum wage coverage under the Fair Labor Standards Act. The average migratory farm worker with a month or more of farm work in 1959 obtained only 119 days of farm work for which he received \$710 in cash wages. Supplementing this with a few days of nonfarm work, his total average annual wage was only \$911. Only six of the 23 largest migrant-user states have agricultural minimum wage laws. All of these are elective and apply only to women and children.

Labor Contractor Regulation (S. 1126). This bill would establish a system of federal registration of agricultural labor contractors. Certificates of registration would be issued by the Secretary of Labor to agricultural labor contractors: 1) who submit information concerning their conduct and method of operation as a migratory agricultural labor contractor, their financial responsibility, and information on transportation, wage arrangements, housing, and other working conditions to be afforded migratory workers; and 2) who submit proof of existence of public liability insurance for damage to persons or property arising from the operation of vehicles in connection with activities as an agricultural labor contractor. A labor contractor's certificate of registration, after notice and hearing, could be suspended or revoked by the Secretary of Labor upon making certain specified findings of malfeasance in such labor contractor's activities. Such findings, among other things, would include: 1) giving false or misleading information to migratory workers concerning the terms, conditions, or existence of agricultural employment; 2) failure to perform agreements entered into with farm operators; 3) failure to comply with working arrangements made with migratory workers; and 4) engaging in illegal activities on or near the vicinity of premises being used to house migratory workers.

Child Labor (S. 1123). This measure would amend the Fair Labor Standards Act to prohibit agricultural child labor outside of school hours for children below the age of 15. For children 14-15, nonharmful agricultural employment could be authorized by Department of Labor regulations; however, particularly hazardous employment would be completely barred for all children up to 18. Children could be employed by a parent or someone standing in place of a parent for work on the home farm in any occupation other than manufacturing or mining or an occupation found to be particularly hazardous or detrimental to their health or well-being. (Agricultural labor contractors could not be regarded as standing in place of a parent.)

Senator Williams made the following comment on this proposal:²

1. Fact Sheet on Eleven Point Legislative Program Relating to Migratory Farm Worker Problems Introduced by Senator Harrison A. Williams, Jr. February 28, 1961, p.2.
2. Ibid., p. 3.

Present Federal child labor laws expressly exempt agricultural employment outside of school hours, and as a result a great many children are employed in work detrimental to their health or well-being. In 1959, only the extractive and construction industries exceeded agriculture in the rate of deaths from accidents. A special report on Work Injuries in California Agriculture, based on workmen's compensation reports, shows that in 1959 more than 550 paid workers under 18 years of age were injured seriously while employed on farms in that state alone. One-fifth of these injuries were to children under 16.

Labor Force Stabilization (S. 1129). This bill is designed to stabilize and insure an adequate, well-trained domestic farm labor force through: 1) improved programs of recruitment, transportation, and distribution of domestic agricultural workers; and 2) assurances and guarantees respecting the rights and obligations of agricultural employers and employees using the recruitment program. Participation in the recruitment program by either farmer or worker would be on a strictly voluntary basis; during participation, both would continue to have free choice as to whether to enter into work agreements with each other.

To achieve these two objectives, the bill adds a new section to the Wagner-Peyser Act (referred to as "Title II") which makes applicable to the recruitment and employment of domestic farm workers various recruitment aids and procedures similar in nature to those now used to recruit foreign and Puerto Rican workers for agricultural work in the United States. For example, the Secretary of Labor would be authorized to furnish: 1) transportation, food and housing to domestic farm workers and their families while in transit to or from employment areas; 2) emergency medical care while in transit; and 3) subsistence and medical care at reception centers. For this service agricultural employers would reimburse the United States in an amount not to exceed \$15 for each job filled; however, employers would be supplied replacement workers without additional reimbursement, if workers failed to fulfill their work agreements. Assurances to the worker, to be contained in an agreement between employers and workers, would provide among other things that wages shall be at least equal to the prevailing wages paid local workers for similar work; that not less than 160 hours of employment in each four-week period is guaranteed by the employer to any out-of-area worker; and that housing and sanitary facilities furnished by the employer would conform to minimum standards prescribed by the Secretary of Labor.

To prevent infringement upon job opportunities of local workers, Title II would also provide that farm workers would not be moved into a local work area unless the Secretary of Labor determines and certifies that: 1) the area has an insufficient supply of local workers; 2) employment of out-of-area workers will not adversely affect wages and working conditions of local farm workers; and 3) reasonable efforts have been made by employers to attract and retain local workers for such employment at wages, hours, and working conditions comparable to those offered out-of-area workers.

Another significant feature of the bill authorizes the Secretary of Labor to expend \$200,000 annually to undertake special studies and projects leading to fuller utilization of under-employed rural Americans and to meeting the labor requirements of employers. Such projects and studies may include, but would not be limited to, special job training, counseling, resettlement, and overnight rest stops.

With respect to this legislation, Senator Williams made the following comments:³

The present federal-state farm placement system is too limited to serve the number of growers and workers who could benefit from it. Presently, only about 120,000 out of approximately one million agricultural workers receive some service under this plan. Workers travelling without information may, upon arrival, have to wait for work to begin, may not arrive until after they are needed, or may not even know of areas of greater productivity or new cultivation. Insecurity and instability in present agricultural employment makes this important work unattractive to many potential agricultural workers. Furthermore, increased mechanization has replaced many former farm worker jobs, shifted others and created an ever-growing need for increased skills at the working level. In Wisconsin, in 1960, for example, mechanical harvesting accounted for 90 per cent of the sweet corn, 95 per cent of the snap bean and 72 per cent of the dry onion crops. During the same period 4000 of the State's workers were displaced by mechanization. In New Jersey, in the same year, 2500 workers were similarly displaced.

Agricultural Labor Relations (S. 1128). The purpose of this bill is to apply collective bargaining rights to agriculture. To achieve this purpose, the bill would amend the National Labor Relations Act by removing the exemption for agricultural employees and by including agriculture in the special provisions in section 8(f) covering the construction and building industries. Section 8(f) would allow agreements between agricultural employers and unions primarily engaged in organizing agricultural employees: 1) without prior establishment of union majority status, but the majority principal of the act would be preserved by allowing unions showing sufficient interest to petition for election; 2) requiring union membership on the seventh day of employment; 3) giving the union first option on new employment opportunities and referrals; and 4) specifying certain objective criteria for referral of employees for employment.

Presently, the National Labor Relations Act expressly exempts agricultural employees from its benefits. As a result, bargaining positions are unequal, and attempts to organize or strike bring undue economic and social disruption to agriculture to the detriment of the worker, the employer, and the public generally.

3. Ibid., p. 8.

Education of Migrant Children (S. 1124). The purpose of this bill is to provide more adequate educational opportunities for the children of migratory farm workers. The bill would establish a three-part, five-year program of federal assistance to state and local communities seriously affected by the impact of migratory children at harvest time. Federal assistance would be in the form of: 1) payments to state educational agencies for part of the average cost of educating migratory children, 75 per cent for the first two years and 50 per cent for the next three years; 2) grants of \$300,000 annually for each of five years to state educational agencies, local educational agencies or institutions of higher learning for summer schools for migratory children; and 3) grants of \$250,000 annually for each of five years for state and interstate planning and coordination of programs concerning educational problems of migratory children. The grant moneys would be allotted among states on the basis of relative population of migratory agricultural workers. Schools in home-base states enrolling migratory children would be eligible to receive aid under the bill.

Education of Migrant Adults (S. 1125). This bill would provide a program of fundamental, practical education for adult migratory workers. Federal grants totaling \$250,000 a year for each of five years would be available to state educational agencies, local educational agencies or institutions of higher education to defray operating costs for such programs. Grant moneys would be allotted on the basis of states' relative population of migratory agricultural employees.

Senator Williams' comment on this proposal follows:⁴

The lack of fundamental knowledge by adult migratory workers reduces their effectiveness on the job and also prevents them from becoming self-sufficient. Moreover, this educational handicap has been found in many instances to be one of the primary causes of the substandard living conditions of migratory workers. For example, their inability to understand and use simple sanitary facilities frequently produces unnecessary damage to property.

Housing (S. 1127). The purpose of this bill is to make federal housing aids more effectively applicable in the acceleration of new construction and the rehabilitation and improvement of housing for migratory farm workers. The aids would be administered by the Secretary of Agriculture and would be in the form of insured commercial loans, low cost direct loans, and, in certain hardship cases, modest grants to farmers and domestic farm workers. The insured loans could be made to any person, including persons desiring to erect rental-type housing, for the purpose of providing housing and related facilities for domestic farm workers. The amount of loans that could be insured in any fiscal year would not exceed 35 million dollars. An interest ceiling of 6 per cent per annum would apply, and no loan could exceed more than 90 per cent of the estimated value of the property covered

4. Ibid., p.4.

by the loan. The direct loans, which are limited to nonprofit housing, would be made from a 25 million dollar revolving fund to a farm owner, an association of farmers, a state or political subdivision thereof, or a public or private nonprofit organization. The amount of direct loan funds available for related facilities would be limited to three million dollars outstanding at any one time.

The home ownership aids for the domestic farm worker and his family would be of three types. One would give the worker the opportunity to participate in and acquire a home through a housing project sponsored by a public or private nonprofit organization. The housing project would be financed by a direct loan from the \$25 million revolving fund, with the workers themselves contributing labor wherever feasible; subsidiary home ownership loans would be made by the nonprofit organization to the worker. The second aid would provide a direct loan to a farm worker who is in need of decent, safe, and sanitary dwelling but is without financial resources to obtain such dwelling and who meets specified criteria as to ability to repay the loan. A farm worker not able to meet the repayment criteria would have recourse to a third aid which would provide a grant, not exceeding \$500, a long-term, low interest loan not exceeding \$1,000, or a combination loan-grant not exceeding \$1,000.

The need for this bill was explained by Senator Williams as follows:⁵

The economic usefulness of migratory worker housing is generally limited to the short duration of the harvest season. Because of the extremely high investment risk arising from this fact, mortgage money has not been readily available in this area. The practical consequence is that the farmer must finance his farm worker housing from profits, or mortgage his entire farm land, equipment and machinery to finance a relatively minor part of his operation, neither of which can be regarded as a sound transaction from a business viewpoint. The emergence of new and more rigid state housing sanitation codes will produce greater needs for mortgage money, which means, of course, that the already difficult problems in this area can be expected to grow worse in future years. The farm worker himself and his home ownership aspirations are a significant part of these problems. He sometimes succeeds in acquiring title to a plot of land in fringe areas near cities. Generally, however, the financial resources of farm workers are exhausted in the first step of acquisition of the land and because of this their dwellings are frequently found to be ramshackle, patchwork shacks. These conditions, coupled with the present lack of Federal housing aids, constitute one of the major factors for the existence today of large amounts of substandard housing for migratory farm workers.

5. Ibid., p.6.

Health Services (S. 1130). This bill would authorize federal grants up to \$3 million annually to states and local communities to stimulate and support programs designed to improve health services for and health conditions of domestic migratory farm workers and their families. The grants would be made by the surgeon general of the United States Public Health Service to public or nonprofit agencies, institutions, and organizations for paying part of the cost of special health projects in areas seriously affected by the seasonal impact of migratory farm workers. Grant moneys could also be used to conduct studies and demonstrations, to train federal or other personnel in methods of providing migratory health services, and to encourage intrastate or interstate programs to improve the health conditions of migratory workers and their families. The surgeon general is authorized to appoint an expert advisory committee to advise him relative to the administration of the grant program, including the development of program policies and the review of grant applications. The program would operate through local, state, and federal public health agencies in accordance with the well-established, highly successful pattern of relationships among such agencies.

Child Welfare Services (S. 1131). The purpose of this bill is to amend the Social Security Act to authorize up to \$750,000 matching grants to states for the establishment and operation of day-care centers for migratory farm children. The amount of federal grants would be determined by the matching formula in the child welfare services section of the Social Security Act. Under such formula, the federal grant would vary according to the state's per capita income, but in no case would the grant be less than one-third or more than two-thirds. State residence requirements would not bar otherwise eligible children from benefits under the bill. Welfare services and benefits, for which migratory farm children are currently eligible under section 521 of the Social Security Act, would continue to be available after enactment of this bill. The cost of section 521 benefits would not be considered as part of the grants authorized by this bill.

National Citizens' Council (S. 1132). This bill has as its purpose the establishment of a "National Citizens' Council on Migratory Labor." The council would be composed of 13 members appointed by the President as follows: two to represent growers; two to represent migrant workers; three with interest in and general knowledge of migratory worker problems; two with experience in migratory worker health problems; two with experience in the welfare problems of migratory children; and two experienced state officials with knowledge of migratory worker problems.

The duties of the council would be to advise the President and the Congress concerning: 1) the operation of federal laws, regulations, programs and policies relating to any and all aspects of migratory agricultural labor; and 2) any and all other matters relating to migratory agricultural labor. The council would also have the duty to consider, analyze, and evaluate problems relating to migratory agricultural labor with a view to devising plans and making recommendations for the establishment of policies and programs to meet such problems. The council would inform the general public on these matters and, in addition, would hold both national and regional conferences on the problems in this area.

Action on Proposed Legislation

Bills Passed. Only one of the 11 legislative proposals passed both houses of Congress. S. 1130 authorizing grants for health services was adopted, but no appropriation was made to implement the provisions of this act.

Adopted by One House. Four other measures passed in the Senate. These included: S. 1123, child labor; S. 1124, education of migrant children; S. 1126, registration of labor contractors; and S. 1132, advisory citizens' council. The measure on child labor reached the floor of the House, was drastically amended, and never came to a vote. The other three bills reached the House Rules Committee, where no action was taken on the education and advisory citizens' council bills and the one on contractor registration was tabled.

No Action. The other six proposed bills were not reported out by the Senate Committee on Labor and Public Welfare. These included: S. 1122, minimum wage; S. 1125, education of migrant adults; S. 1127, housing assistance; S. 1128, agricultural labor relations; S. 1129, labor force stabilization; and S. 1136, child welfare services.

Other Legislation Affecting Migrants

Several other measures passed by the Eighty-seventh Congress could benefit migrant workers and their families. These bills include:

- 1) The manpower development and training act;
- 2) the area redevelopment act; and
- 3) the rural housing programs administered by the Farmers Home Administration.

Application to Migrants

Manpower and Area Redevelopment Acts. Training for new job opportunity is now available for underemployed farm workers and low income farm families. Under the Manpower Development and Training Act, underemployed farm workers and farm families (with less than \$1,200 annual income) are eligible for training, either for skilled agricultural jobs or for non-farm work. The Manpower Act applies to all sections of the United States. Under the Area Redevelopment Act, areas which are designated as distressed include training programs in their over-all economic development plans. Farm or urban workers are eligible for training in these designated areas. To receive training under the provisions of these acts, farm workers not only must meet eligibility requirements, but, also, there must be reasonable expectation of employment in the occupation for which the worker is to be trained.

Rural Housing Programs. Low interest loans are available through the Farmers Home Administration for improving on-the-farm labor housing or establishing community farm labor housing. Also of importance for farm labor families are several new low interest rural housing programs which will help a "settling migrant" or a migrant at his home base to acquire a home of his own. A small grants program is available which will help a farm worker make his home safe and sanitary. There is also a new rural housing program for the aging.

Day Care for Migrant Children. The Children's Bureau budget as authorized by the Senate and the House includes \$5,650,000 for grants for maternal and child welfare, \$5 million of which was earmarked for day care services. Children's Bureau funds will also provide \$650,000 for training child welfare personnel. Because this large inclusive bill for day care services was under consideration, Congress did not look favorably on the idea of providing designated funds for day care of migratory farm workers' children. The assumption was that migrant children should have their fair share of the \$5 million general day care fund and not the designated amount proposed in S. 1130. The day care appropriation was included in the supplemental appropriation bill upon which Congress took no action prior to adjournment. This bill will be reintroduced in the upcoming session.