

STATEMENT OF

J. MICHAEL MELHORN
MAINJOY UNLIMITED, INC.
(717) 492-0123

BEFORE THE

SENATE AGRICULTURAL & RURAL AFFAIRS COMMITTEE
AND THE
LABOR & INDUSTRY COMMITTEE

ON

AN EMPLOYER SPONSORSHIP PROGRAM FOR ESSENTIAL WORKERS

TUESDAY, OCTOBER 23, 2007
PENNSYLVANIA STATE CAPITAL (ROOM 461)
10:00AM – 12:00 NOON

I would like to thank Senator Brubaker, Senator Gordner, the Senate Agricultural & Rural Affairs Committee and the Labor & Industry Committee for hosting this important hearing on the essential worker issue.

MainJoy Unlimited, Inc. is a poultry handling company. Our basic job is to load and unload live poultry on individual farms. These farms supply eggs to U.S. markets as well as International markets. The farms also produce birds for meat consumption which is enjoyed domestically and also shipped globally. The hiring of essential workers to provide labor with the necessary skills to perform these tasks is vital to our food supply chain.

The dependence on the essential worker in our nation has developed over time. In the past the agricultural industry has relied on the essential worker to harvest mushrooms, apples, strawberries, tomatoes and other crops. The harvesting of these crops has typically been seasonal in nature. In the past the United States work force could not supply the labor necessary to perform these jobs.

When I began my employment in the poultry industry in 1974, poultry was primarily loaded in the evening by school students. This labor force consisted of approximately 20 to 30 young people between the ages of 13 – 17 years old. This poultry crew was hired to carry thousands of chickens for various destinations each evening. By 1979 the industry had doubled in size, placing Pennsylvania on the poultry map. At that time there were 17-18 million layers and millions of broilers within minutes of any location in the state. Pennsylvania is currently ranked 3rd in the nation for poultry production. Due to necessity, the industry developed full-time crews to load poultry during the day. One reason this crew was formed was to eliminate poultry from spending a large amount of time on transportation vehicles. Another reason was because the farmers could not supply enough labor to fill or remove poultry from his/her poultry house. Over time, loading has gone from 3 or 4 hours each afternoon to having a crew of 40 or 50 people housing or removing poultry each day.

Please remember that when I am speaking of MainJoy Unlimited, Inc. this is only one supplier of labor for the poultry industry in Lancaster as well as surrounding counties in PA. There are many other companies hiring essential workers to supply a labor force for the production of our food supply, which includes the dairy, pork and produce industries.

Most food production companies have made huge advancements in harvesting their products, yet it often still requires manual labor in undesirable working conditions. A typical work week for us begins late Sunday evening and continues through Friday with most work days starting between 1AM-4AM. Our workers are exposed to temperature extremes, humidity, dust and animal waste. Due to these conditions the ability to fill these positions with traditional workers is virtually impossible at any reasonable salary. I believe we could offer \$18 dollars an hour and still would not be able to find reliable traditional workers to fill these positions.

Today in America with 95% of our population working, the most desirable positions are filled first. With only 5% of the population unemployed, this leaves very few reliable and productive employees available for hire. In 2001 MainJoy Unlimited recruited 14 & 15 year old students to load poultry. Unfortunately, the U.S. Department of Labor deemed this occupation as hazardous and discouraged the employment of these individuals. This further limits our ability to develop a more traditional workforce for meeting our job needs.

(A) It has been suggested that hiring of inmates may be the solution to our current employment situation. The responsibilities and risks associated with this workforce are too numerous to mention. (Reliability, scheduling, trustworthiness) I am speaking from experience because I have worked with inmates in the past. I am not suggesting that all inmates are unreliable, but it raises the legitimate issues of community safety and supervision with which I as an employer would be ill equipped to address.

My experience has been that the essential workers and the companies that employ them both benefit. Public perception is that immigrant labor is cheap labor but that has not been my experience. Their productivity as well as their dependability has enhanced their earning potential in agriculture. What they supply to the agricultural industry is reliability and the necessary skills to harvest a time sensitive product. While working in this country many essential workers support the economy by purchasing American goods and products. Our current essential workers are special in nature. They sacrifice time away from their families in order to promote American agriculture. Our responsibility is to help those who have helped us. Working in the poultry industry has given me a direct understanding of this issue.

We are at a defining moment in agriculture. The current labor problem exists because of the lack of a legitimate essential worker program. If our nation's view is not to produce food products which feed our country and the world, the need for essential workers would diminish. (B) At a recent immigration forum hosted by the League of Women Voters a member of the legislature was quoted to say, "To get rid of the jobs would get rid of the problem". With only 2% of our nation's population producing food, can we afford to reduce this number? Anyone attending this discussion would have to agree that without essential worker reform, both the economic and social impact on Pennsylvania as well as the nation would be devastating. (C) Food prices would rise substantially, many products would literally "die on the vine", and food shortages would not be out of the realm of possibilities.

The agricultural industry employs thousands of traditional workers who are supported by the essential worker. The traditional workforce is also in jeopardy if we do nothing to correct this situation. MainJoy Unlimited, Inc. currently employs 29 essential workers who support an additional 260-300 traditional workers.

Agriculture is as important as any other line of defense for our country. Reform to our current guest worker program is necessary to eliminate the so called "undocumented

worker". Documentation is vital in order to provide border security, decrease crime and prevent essential worker exploitation.

In order to address these issues, I propose that Pennsylvania seeks federal approval to pilot an Employer Sponsorship Program. Placing the responsibility for essential workers on the employer would insure more accountability in the workforce. When problems occur the employer would be notified in order to take corrective action. This program will not meet the needs of everyone here without the proper documentation. It would allow a starting point where current laws could be enforced without destroying the agricultural fabric of our country. Pennsylvania needs agricultural contracts with those in the workforce that are not U.S. citizens. This will stop the use of incorrect social security numbers (D) and counterfeit documentation.

As envisioned, all potential essential workers will register in PA with the PDA, Farm Bureau, Social Security or some other certified site. The employee's country of origin will be provided and then a criminal background check performed. The final step of fingerprinting will be done in order to acquire a Photo Employment ID. The employer is then responsible for notification of employment and termination. They will also be required to provide housing. By having an employer sponsorship program there will be more accountability for issues that may arise in the community.

The opportunity is here to do something pro-active. This past June my family enjoyed a wonderful cruise. (E) While on the ship I spoke with members of the crew who were from many other countries. The cruise industry knows the necessity of the essential worker. Crew members are working under contract for a specific length of time. I believe this concept for essential workers could be used by the agricultural industry as well. If such contracts were drafted it would benefit the government as well as the essential worker. When the contract expires the worker would either renew their contract or return to their country of origin. Many seasonal essential workers do not leave the United States due to the concern of re-entry. The Employer Sponsorship Program would give them the security of knowing they could re-enter the United States legitimately. By no means does this program support or promote amnesty or citizenship. In fact many of our essential workers do not desire to become U.S. citizens. They are here temporarily to earn money and look forward to returning home to their families.

For the past 8 – 10 years this issue has not been addressed. I believe this is an opportunity for PA to lead the nation in establishing a viable essential worker program. My hope is that the agriculture community will work with the Commonwealth and the federal government to find the appropriate resolution to this problem.

Thank you again for the opportunity to provide this testimony to the Committee. I commend you for taking up this difficult issue and look forward to working with you on a solution that recognizes the needs of Pennsylvania agriculture.

ESSENTIAL WORKER: A certified worker who has met the qualifications of the Employer Sponsorship Program, a legal alien or documented guest worker performing job duties that are fundamental to support the productivity and prosperity of our nation.