

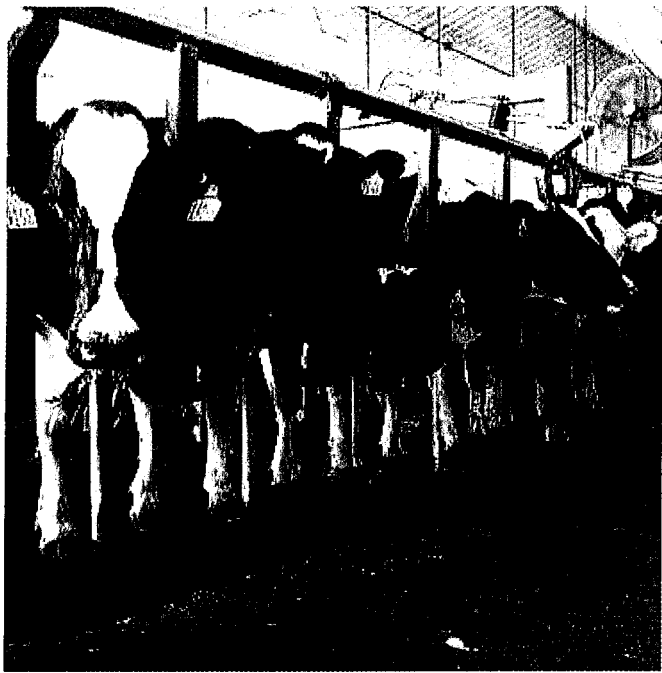
WHAT?

F.A.R.M. WORKFORCE DEVELOPMENT RESOURCES

nationaldairyfarm.com/producer-resources/worker-safety-human-resources/

This packet contains:

- 1. SAFELY REFERENCE MANUAL** Table of Contents
- 2. HUMAN RESOURCES REFERENCE MANUAL** Table of Contents
- 3. SAMPLE EMPLOYEE HANDBOOK** Overview and Table of Contents
- 4. HUMAN RESOURCES TEMPLATES** Description of 8 Templates



FARM Workforce
Development

Safety

Reference Manual 2019

Table of Contents

FARM Safety Self-Assessment	1
Chapter 1: Introduction	9
• 1.1 Sustainable Dairy Farming, Social Responsibility and Worker Safety: The Big Picture	10
• 1.2 Current Safety Situation in U.S. Dairy Industry	11
Chapter 2: Regulatory Background	15
• 2.1 Context	16
• 2.2 Workers' Rights and Employer Responsibilities	16
• 2.3 OSHA Required Poster	19
• 2.4 Whistleblower Protection	20
• 2.5 Recordkeeping and Reporting	21
Chapter 3: Safety Management Principles	25
• 3.1 Components of a Safety Management Program	26
• 3.2 Causes of Workplace Injuries and Fatalities	28
• 3.3 Hierarchy of Controls	31
• 3.4 Safety Inspections, Audits and Investigations	33
• 3.5 Worker Safety Training	35
• 3.6 Leading and Lagging Indicators	38
Chapter 4: Safety Topics	43
• 4.1 Worker Safety During Animal Handling	44
• 4.2 Confined Spaces on Dairy Farms	48
• 4.3 Slips, Trips and Falls and General Housekeeping	59
• 4.4 Hazard Communication and Chemical Safety	62
• 4.5 Control of Hazardous Energy and Lockout Tag Out (LOTO)	66
• 4.6 Machine Guarding	70
• 4.7 Silage Safety	74
References	78



FARM Workforce
Development

Human Resources

Reference Manual 2019

Table of Contents

Introduction	1
FARM HR Self-Assessment	5
Chapter 1: Establishing Farm Identity and Culture	15
Chapter 2: Recruitment and Hiring	21
Chapter 3: Employee Communications	33
Chapter 4: Management of Employee Performance	41
Chapter 5: Compensation and Benefits	53
Chapter 6: Working Conditions	65
Chapter 7: Discrimination, Harassment and Other Legal Considerations	71
Chapter 8: HR Recordkeeping	81
Chapter 9: Special Considerations	87
Chapter 10: Health and Safety	93
Chapter 11: Managing Employee Housing	99



Sample Employee Handbook

Introduction

The Sample Employee Handbook is a resource that dairy farms can tailored for use on their operation. The Sample Employee Handbook is provided for educational purposes only. Farms are responsible for determining whether the Sample Employee Handbook meets compliance requirements of their applicable local, state or federal laws and regulations. National Milk Producers Federation and the National Dairy FARM Program are not responsible for the content of the Sample Employee Handbook. Once downloaded by an organization or an individual, the Sample Employee Handbook become the sole property and responsibility of the organization or individual, and under no circumstances shall we have any liability to you for any loss or damage of any kind as a result of the use of the templates or reliance on any information provided in the templates.

Most of the content of this template was drawn from materials developed by Michigan State University Extension (MSU Extension). The original content was modified. The MSU Extension template, in its original form, was reviewed by Varnum LLP for information purposes only. Neither the original template nor this document are intended as legal advice. Agricultural employers should seek their own legal counsel if they choose to utilize an employee handbook for their farm operation. By using this template, you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the factsheet. This template should not be used as a substitute for competent legal advice from a licensed attorney.

Laws vary widely from state to state in some areas of employee relations. Thus, it is very important to make sure that what you have in your employee handbook and what you have employees sign not only truly meets your needs, but also complies with state and federal laws, as well as the laws of any other states in which your company operates.

While this book attempts to help employers as much as possible with this difficult but essential area of workforce management, it cannot serve as a substitute for individual legal advice from a competent and experienced employment law attorney licensed in your state(s) of operation. These sample policies are not meant to be taken "as is" and incorporated directly into an employee handbook. Rather, they are meant to help employers visualize what is meant by certain policies and legal issues and to help them prepare to work more efficiently with their own employment law attorneys.

Using this Template

This Employee Handbook was designed as a sample document to be used by farms at their discretion. Once you as the user, insert your name and make changes, it becomes your farm document and you are solely responsible for the contents and any legal obligations that you create as a result of adopting this Employee Handbook. You must ensure that your farm is meeting all state and federal employment laws. The Farmers Assuring Responsible Management (FARM) program has developed state and federal legal fact sheets that dairies

can consult as a starting point. These are available online: <https://nationaldairyfarm.com/dairy-farm-standards/farm-workforce-development/>

Employers of migrant or seasonal agricultural workers, have additional duties and responsibilities under the Migrant and Seasonal Agricultural Worker Protection Act, which requires specific written disclosures of the terms and conditions of employment to migrant workers at the time of recruitment, and to seasonal workers on demand in the workers' language of familiarity.

1. Save a copy of this document.
2. Perform a "Find and Replace" function in Word, finding [Farm Name], and replacing it with your farm name.
3. The next step is to review the contents of the document starting with the Welcome. All sections are editable and attempt to cover the most used chapters by farm employers. The list is not exhaustive. **All text is intended as an example that should be edited and modified so that it is tailored to your farm.**
4. As you go, items in brackets [] should be filled in with the appropriate content. For example, [Title] should be filled in with the title of the appropriate person.
5. Italicized sections are notes or instructions to you, the farm owner, which may or may not apply to your situation. To make them easy to find, they are also highlighted in yellow. It is your responsibility as the farm owner/manager to ensure that the content of your Employee Handbook meets all federal and state legal requirements. If you will not follow through on an obligation that you make in this employee handbook, you should not put it into the handbook.
6. This handbook template includes language about "at will" employment. This means a worker can quit for any reason or the employer can let the worker go for any reason as long as it's not discriminatory. State laws vary in regard to "at will" employment. An employee handbook that sets out conditions or promises of employment may affect "at will" employment status. Such a document may be considered a contract, and workers can ask courts to enforce a contract's terms. Therefore, be careful what you place into an employee handbook and what that obligates you to. Some states have restrictions or specific laws around "at will" employment. A licensed attorney can provide more information.
7. The Final Step is to update the Table of Contents. You can do this by clicking the upper left hand corner of the Table of Contents and then selecting "Update Table". A box will appear. Select "Update Entire Table", and then "OK". The table titles and page numbers will be updated to reflect the changes that you made.
8. For information on how to adapt this to your own farm, please seek legal counsel.

Preparing an Employee Handbook

The following are practical steps farms can take in developing an employee handbook, whether or not they choose to use this template:

1. Decide what your company is all about and what kind of culture your company is trying to have within the workplace. Communicate those goals and culture in your policies.
2. Assemble all previous policies and procedures, whether written or unwritten. You will need to determine what will be continued or changed in the new policies.

3. Talk with employees and managers about their concerns in the area of employee policies.
4. Draft a preliminary document.
5. Have key company personnel review the draft, incorporate any needed changes, and have the final version reviewed by an employment law attorney.
6. Give every employee a copy of the policy handbook and have each employee sign and date a form acknowledging receipt. The acknowledgment of receipt form should have each employee affirm that they have received a copy, have had an opportunity to ask questions about the handbook, and that they agree to comply with the company's policies. Have a company representative witness the employee's signature and sign and date the same form.
7. After giving all employees copies, train all supervisory personnel in how to use the handbook.

Practical Issues with Policies

1. Although employers have the right to change policies at will, it may not be advisable to do so without at least attempting to give advance notice. If a policy change alters an employee's work relationship so much and so adversely that a reasonable employee would quit under the circumstances, the employer could face a loss in an unemployment claim.
2. Employers should attempt to anticipate potential problems and think of alternatives when considering policy changes. Aside from unemployment claims, employers could also face a loss in employee morale and productivity with ill- advised or ill-timed policy changes.
3. Whatever the policies are, it is usually best to have them in writing and give copies to all employees. The best policies in the world will do no good at all if the employees are unaware of them. Employers sometimes lose unemployment claims if they are unable to show that the claimant had been informed of the policies he or she violated.
4. Above all, employers should try to follow their own policies, especially with respect to disciplinary matters. One of the easiest ways to lose an unemployment claim is to have to admit that the disciplinary process that was announced in the policy was for some non-compelling reason not followed in the claimant's case. Remember, one thing that must be shown in every discharge case is how the claimant either knew or should have known he could lose his job for the reason given. If the policy talks about two verbal warnings, a written warning, a suspension, and then discharge, and the claimant is fired after only two verbal warnings, the employer will lose the case, unless it can somehow show a compelling reason for why the policy was ignored in the claimant's case. Proper and reliable enforcement of policies will also help the employer defend itself in discrimination claims and lawsuits.
5. Similarly, employers must be vigilant and careful to enforce the policies even-handedly and consistently. If the claimant was fired for an offense for which others were only warned, and there was no compelling reason for treating the claimant differently, the employer will lose an unemployment claim. Even-handed enforcement of policies will also help employers defend against claims of discrimination and wrongful discharge.

This resource is not a legal document and is intended for educational purposes only. Dairy farmers are individually responsible for determining and complying with all requirements of local, state and federal laws and regulations.

[Farm Name] Employee Handbook

Updated: [XX/XX/XXXX]

Contents

1. Introduction	6
1.1 Welcome	6
1.2 History	6
1.3 Mission Statement	6
1.4 Organizational Structure	6
1.5 Orientation	6
2. Human Resource Policies	7
2.1 General Policy Statement	7
2.2 Employment-At-Will	7
2.3 Equal Opportunity Employment	7
2.4 Personnel Records	8
2.5 Open Door Policy	8
3. Business Ethics Policies and Codes of Conduct	9
3.1 Attitude and Team Cooperation	9
3.2 Harassment and Discrimination in the Workplace	9
3.3 Alcohol and Substance Abuse	10
3.4 Smoking	11
3.5 Personal Phone Calls and Texting	11
3.6 Getting to Work	11
3.7 Company Tools and Equipment	12
3.8 Company Vehicle Use	12
3.9 Handling Visitors and Customers	13
3.10 Non-Disclosure – Information Security	13
3.11 Social Security Number Privacy	13
3.12 Discipline, Dismissal and Conflicts	13
4. Health & Safety	14
4.1 Safety Guidelines	14
5. Animal Care	15
6. Employee Work Policies	16

6.1	Definitions of Employee Groups	16
6.2	Job Descriptions.....	16
6.3	Hours of Work	16
6.4	Break Policy	16
6.5	Overtime	16
6.6	Attendance and Tardiness.....	16
6.7	Outside Employment.....	17
6.8	Working in Poor Weather	17
6.9	Holidays	17
6.10	Paid Time Off	18
6.11	Unpaid Leave of Absence	18
6.12	Parental Leave	21
7.	Employee Pay Information.....	21
7.1	Recording Your Hours and Reporting Pay Concerns.....	21
7.2	Pay Day	22
7.3	Cash Advances	22
7.4	Incentives	22
8.	Employee Job Performance	22
8.1	Performance Review	22
8.2	Bonuses	23
8.3	Raises and Promotions	23
8.4	Training and Career Development.....	23
9.	Employee Benefits	24
9.1	Health Benefits.....	24
9.2	Workers Compensation Insurance	24
9.3	Retirement Benefits.....	24
9.4	Termination Benefits	24
9.5	Housing Benefits	24
10.	Conclusion.....	25



Human Resources Templates

Introduction

This packet includes human resources (HR) templates that dairy farms can tailor for use on their operation. The templates are provided for informational purposes only. Farms are responsible for determining whether the templates meet compliance requirements of their applicable local, state or federal laws and regulations. National Milk Producers Federation and the National Dairy FARM Program are not responsible for the content of these templates, and under no circumstances shall we have any liability to you for any loss or damage of any kind as a result of the use of the templates or reliance on any information provided in the templates. Once downloaded by an organization or an individual, these templates and their content become the sole property and responsibility of the organization or individual.

Instructions

The following templates should be tailored by the individual farms to best suit the operation's needs. Some fields in the templates can be filled in directly through the PDF document.

Additional instructions and notes are provided for the following templates.

Job Application – Long

It is important to note that employers cannot discriminate against an individual for a temporary work authorization that does not require employer sponsorship. However, in general, employers are permitted to ask about whether an individual currently or will need employer-sponsored work authorization. See the following resource:

<https://www.laboremploymentperspectives.com/2012/08/30/employment-authorization-ask-but-ask-carefully-part-2/>

Additionally, many of the top dairy-producing states are 'ban the box' states where you cannot ask an applicant a yes/no question about criminal history on a job application. Farms should check with a licensed attorney in their state before adding such a question to their job application form.

If conducting a background check, a background check authorization form must be included as a separate signed document. State laws vary in the type of disclosures that you must give individuals when conducting a background check. Consult with a licensed attorney and/or ask the company that you use for background checks to give you a form and disclosure documents specific to your state(s).

Interview Questionnaire Form

The form can be used to take notes during an interview and rate an applicant based on their responses. Questions should be selected ahead of time and should be the same for each interviewee.

Employee Training Log

Employees and supervisors can track all of the training an employee has received using a training log. The training log can be combined with the FARM Animal Care Dairy Cattle Care

Training Log or kept separately. The top portion should be signed once all new hire trainings are complete.

Compensation Change Form

State law may have specific requirements on what information must be given to an employee when there is a change in pay and when they must be informed of the change. Check state law before using the form as a notice to an employee

Employee Safety Incident Reporting Form

This form can be to track injuries, even minor ones, as well as near misses. This form DOES NOT replace First Report of Injury forms required by workers' compensation, or any other legally required injury or illness reporting or recordkeeping. Documenting injuries and near misses helps identify trends; however, the documents may be discoverable during litigation. Work with a licensed attorney or safety consultant to understand how best to approach documentation for your operation.

Emergency Contacts

All workers should know exactly what to do and who to call in case of an emergency. Consider displaying a poster, like the example provided, to remind everyone what to do. Posting the names and telephone numbers of emergency contacts in a prominent place in farm-provided housing in employees' native languages speeds up communications in an emergency.

Repair Journal System

The following can be printed or placed in a binder accessible to all workers. Workers can fill out the first three columns to request housing repairs or information. A manager who checks the binder will fill out the last three columns.

This resource is not a legal document and is intended for educational purposes only. Dairy farmers are individually responsible for determining and complying with all requirements of local, state and federal laws and regulations.