

Agricultural Law Update

June 2012

DATES TO REMEMBER:

June 27, 2012

MSU Weed Tour, East Lansing, MI www.msuweeds.com

June 28, 2012

Increasing Michigan's Exports and Imports, Detroit/Wayne County Port Authority, Detroit, MI www.agleadersmi.com/events

July 17, 2012

Michigan Livestock Expo Saleabration, MSU Pavilion, East Lansing, MI www.milivestock.com

July 17-19, 2012

Michigan Ag Expo, MSU Campus, East Lansing, MI www.agexpo.msu.edu

July 19, 2012

Farmers Market at the Capitol, Lansing, MI tinyurl.com/7s2a6w9

July 24, 2012

Midwest Buyers Mission, Grand Rapids, MI tinyurl.com/7mresws

August 1-2, 2012

Farm Drainage and Nutrient Management Field Day, Pleasant View Dairy, Jonesville, MI tinyurl.com/6waqaph

August 28-30, 2012

The Farm Progress Show Boone, Iowa tinyurl.com/79rrqr3

Michigan Legislation To Assist Farmers And Processors With Crop Losses Moves Forward

- Liza C. Moore

On June 6, 2012, the Michigan House Standing Committee on Agriculture approved HB 5717. Committee minutes show that representatives of Michigan Farm Bureau, the Michigan Department of Agriculture and Rural Development, and many other producers, processors, and trade organizations spoke in favor of the bill. On June 6, 2012, HB 5717 was passed by the House. On June 14, 2012, the Michigan Senate Agriculture Committee met and discussed HB 5717. Committee minutes show that testimony was heard in support of the bill from representatives of Michigan Farm Bureau, the MDARD, and GreenStone Farm Credit Services, among other supporters. The Committee and the Senate passed HB 5717 on June 14, 2012. HB 5717, known as the Agricultural Disaster Loan Origination Program Act of 2012, will make producers and processors that suffered losses eligible for low interest loans.

Separately, Governor Snyder has requested federal disaster assistance from the USDA. In a press release, the Governor noted that "Our farming community members are looking at large crop losses - currently estimated at \$223.5 million. Michigan's food and agriculture producers have a substantial impact on the economy and it is

important those farmers have access to additional resources, such as low-interest loans." "We will be working closely with our state and federal partners to provide assistance to Michigan's farmers, food processors, and fresh market producers to keep their businesses moving forward during this difficult time," said the Governor.

To view the legislation, please visit: tinyurl.com/7ccsyoq

To view the House Committee minutes, please visit: tinyurl.com/7493hoe

To view the Senate Committee minutes, please visit:

tinyurl.com/6r9omyl

To view the Governor's press release, please visit: tinyurl.com/7qd6lql



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CONSIDER AN EMPLOYEE HANDBOOK

- Melissa J. Jackson

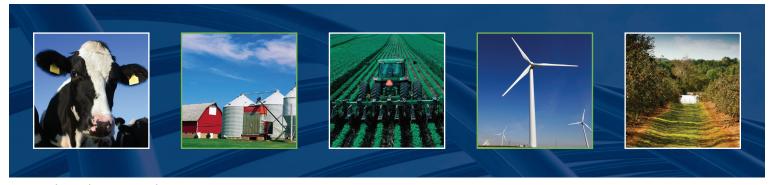
No two employers are exactly the same; neither are two employee handbooks. Every employer should understand and appreciate the value of having a handbook that is tailored to their business, as well as policies that reflect their current circumstances, as well as current law.

An employee handbook is a compilation of policies that clearly states the expectations of both the employer and employee. The handbook provides: (1) written documentation of the employer's rules;

(2) notices and policies that reflect applicable laws and legal defenses; (3) a designated person to contact with any questions about the employer's policies or rules; (4) employer obligations to the employee; and (5) an acknowledgement by the employee that he/she has read the handbook.

Through the process of working with your employment attorney in drafting an employee handbook, you will learn how to better protect your organization against potential employment

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claims and how to satisfy legal obligations. Those legal obligations can vary, depending on the size and character of the employer. For example, Michigan's Elliott-Larsen Civil Rights Act applies to employers with only one (1) employee while the federal Title VII of the Civil Rights Act of 1964 applies to employers with just fifteen (15) employees. All employers should be aware of which employment laws apply because that dictates legal obligations.

Many employment claims can be prevented by having an employment handbook that clearly and accurately specifies expectations of the employee as well as the consequences of not meeting those expectations. Other employment claims can be quickly and easily defended by including certain provisions and disclaimers. An employee handbook that is current and that reflects your specific organization can help you avoid costly legal expenses. In today's employment climate, an employee handbook is essential.



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IMMIGRATION REMINDERS:

I-9 COMPLIANCE:

Proper I-9 compliance requires due care and proactive planning. I-9 enforcement is a high activity area for the U.S. government, and a high risk area for employers. Every employer should have a formal internal I-9 Compliance Policy detailing the employer's exact policies and procedures for properly completing, verifying and retaining I-9 and employment authorization documentation. The U.S. government is very exacting in requiring technical procedural conformity, and seemingly innocent or inadvertent errors, or lackadaisical completion of I-9 documents can lead to outsized negative repercussions to the employer.

H-2A VISAS:

Under the H-2A program, agricultural employers who anticipate a shortage of domestic workers can petition the U.S. Citizenship and Immigration Service (USCIS) to bring foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. Employers are required to pay H-2A workers the government approved prevailing wage and to provide certain employment benefits. Unlike the H-2B Temporary Non-Agricultural Workers Visa, the H-2A is not subject to a numerical cap on the number of participants each year.

SENATE PASSES FARM BILL

On June 21, 2012, the U.S. Senate voted 64-35 to pass the Farm Bill, as amended. Earlier in the week, on June 18, 2012, the U.S. Senate had reached a unanimous-consent-time agreement providing that certain amendments would be considered beginning on June 19, 2012. The bill passed through the Senate quickly, as the Senate did not vote to proceed to consideration of the Farm Bill until June 7, 2012. The House Committee on Agriculture has not yet marked up its version of the bill.

To view the Senate Daily Digest for the June 18 agreement, please visit: tinyurl.com/btpcp7y

To view the Senate Daily Digest for the June 21 passage, please visit: tinyurl.com/82hxoya

To view a list of the amendments considered, please visit: tinyurl.com/7zs8n64

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