



# Agricultural Law Update

June 2012

## DATES TO REMEMBER:

### June 27, 2012

MSU Weed Tour,  
East Lansing, MI  
[www.msuweeds.com](http://www.msuweeds.com)

### June 28, 2012

Increasing Michigan's Exports and Imports, Detroit/Wayne County Port Authority, Detroit, MI  
[www.agleadersmi.com/events](http://www.agleadersmi.com/events)

### July 17, 2012

Michigan Livestock Expo Sale-abration, MSU Pavilion, East Lansing, MI  
[www.milivestock.com](http://www.milivestock.com)

### July 17-19, 2012

Michigan Ag Expo, MSU Campus, East Lansing, MI  
[www.agexpo.msu.edu](http://www.agexpo.msu.edu)

### July 19, 2012

Farmers Market at the Capitol, Lansing, MI  
[tinyurl.com/7s2a6w9](http://tinyurl.com/7s2a6w9)

### July 24, 2012

Midwest Buyers Mission, Grand Rapids, MI  
[tinyurl.com/7mresws](http://tinyurl.com/7mresws)

### August 1-2, 2012

Farm Drainage and Nutrient Management Field Day, Pleasant View Dairy, Jonesville, MI  
[tinyurl.com/6waqaph](http://tinyurl.com/6waqaph)

### August 28-30, 2012

The Farm Progress Show, Boone, Iowa  
[tinyurl.com/79rrqr3](http://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](http://tinyurl.com/7ccsyoq)

To view the House Committee minutes, please visit:  
[tinyurl.com/7493hoe](http://tinyurl.com/7493hoe)

To view the Senate Committee minutes, please visit:  
[tinyurl.com/6r9omyl](http://tinyurl.com/6r9omyl)

To view the Governor's press release, please visit:  
[tinyurl.com/7gd6lql](http://tinyurl.com/7gd6lql)



**Liza C. Moore**  
Attorney

P: 571.371.8281  
E: [lmoore@fosterswift.com](mailto:lmoore@fosterswift.com)

## 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 ■►

continue on back | **Employee Handbook**



## Agricultural Law Update

June 2012

### Employee Handbook | continued from front

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. ■■

## 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.



**Melissa J. Jackson**  
Attorney

P: 571.371.8106  
E: mjackson@fosterswift.com

## 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/btcp7y](http://tinyurl.com/btcp7y)

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

To view a list of the amendments considered, please visit: [tinyurl.com/7zs8n64](http://tinyurl.com/7zs8n64)

### AGRICULTURAL ATTORNEYS:

#### GROUP LEADER

**Liza C. Moore**  
517.371.8281  
lmoore@fosterswift.com

**Charles E. Barbieri** | 517.371.8155  
**James B. Doezema** | 616.726.2205  
**Julie I. Fershtman** | 248.785.4731  
**Brian G. Goodenough** | 517.371.8147  
**Todd W. Hoppe** | 616.726.2246  
**Charles A. Janssen** | 517.371.8262  
**Ryan E. Lamb** | 616.796.2503  
**David M. Lick** | 517.371.8294

**Steve L. Owen** | 517.371.8282  
**Jean G. Schtokal** | 517.371.8276  
**Patricia J. Scott** | 517.371.8132  
**Scott A. Storey** | 517.371.8159  
**Deanna Swisher** | 517.371.8136  
**Lynwood P. VandenBosch** | 616.726.2201  
**David VanderHaagen** | 517.371.8102

LANSING

FARMINGTON HILLS

GRAND RAPIDS

DETROIT

MARQUETTE

HOLLAND

Foster Swift Collins & Smith, PC **Agricultural Law Update** is intended for our clients and friends. This newsletter highlights specific areas of law. This communication is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation.

**IRS Circular 230 Notice:** To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication is not intended to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed in this communication.

Copyright © 2012 Foster Swift Collins & Smith, PC

Proud supporter  
of Michigan FFA

