

Landmark decision rules against Labor

BY SHEILA MILLER
CAMP HILL — A recent court decision has set a precedent which means "U.S. Labor Department no longer can harass farmers because their crew leaders don't have every piece of paperwork that government interpretation thinks necessary," according to Jan Carson, Pa. Farmers' Association agricultural employer department.

She was referring to a ruling made in Pennsylvania by Federal District Court Judge, R. Dixon Herman on the Farm Labor Contractor's Registration Act.

Under FLCRA, a farmer cannot hire a migrant labor crew leader unless the crew leader has a federal certificate. This certification authorizes the leader to speak for the group of laborers, and shows the farmer that he will be conducting business within the law.

In 1977, the U.S. Department of Labor went one step further with the act through interpretation in a case against Gerald Edwards of Mountain Brook Orchards, Franklin County.

Edwards was fined \$500 by the federal government for hiring a crew leader who did not have in his possession the housing authorization paperwork, even though he explained to the Department of Labor inspector that the application had been made.

The Labor Department said the crew leader was not registered because he lacked the housing papers, even though Edwards housing facilities had passed the tests of Pa. Department of Environmental Resources and Occupational Safety and Health Administration.

Therefore, Labor said Edwards was in violation of FLCRA.

Both Edwards and PFA felt that the Labor Depart-

ment's interpretation was in excess of what Congress had intended when they passed the Act in 1963. After checking with an attorney, Edwards decided to appeal contending that the Act only made him responsible for the crew leader providing proof of certification.

The appeal was slow in coming. But a year and half after the request was made, an administrative law attorney, who happened to be an employee of the Labor Department, ruled against Edwards and up held the department's decision.

Carson pointed out that other issues were presented to the administrative judge, but he didn't look at anything. She said he just said they were wrong and ruled in favor of Labor.

The case was then appealed to Federal Court, where Judge Herman upset the Labor Department's apple cart and said their interpretation of the act was wrong. The decision was reversed in favor of Edwards.

"If Congress would have intended the 1963 Act to be interpreted the way the Department of Labor was reading it, the Act would have been changed under the 1974 amendment to include all authorization requirements," Carson stated.

Judge Herman's decision already has been heralded nationwide for its common sense. The impact it will have on other similar cases for migrant labor employers remains to be seen.



Aaron Stauffer, left, will continue as chairman of the District board with Amos Funk serving as vice-chairman and the county's representative to the

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Lanc. District

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been extremely faithful in attending all the District functions. He was Lancaster County's first Commissioner who served as chairman."

James Huber, County Commissioner Elect who will be replacing Raymond Herr on the District board said, "I feel like I'm following God... his are big shoes to fill."

The District directors appointed two new associate directors during the meeting. Sam Wenger, from

Manheim Central, was selected because of his work with water quality, and Dr. Robert Herr was chosen for his work with ground water studies. SM

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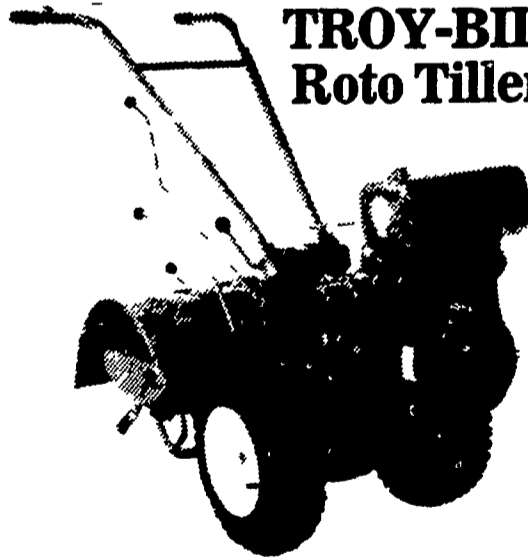
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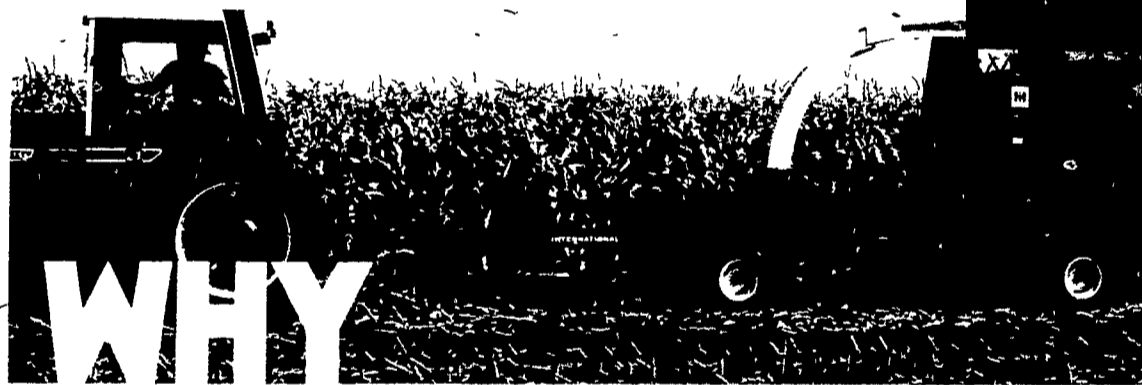
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