



FARM COMMONS

Sample Employee Manual for a Farm

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DISCLAIMER: This guide does not provide legal advice or establish an attorney client relationship between the reader and author. Always consult an attorney regarding your specific situation.

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How to Use This Resource

Setting clear expectations can do wonders to create a smooth work experience for both farmer and employee. An employee manual is an excellent way to help set expectations. By creating a written record, the farmer, supervisors, and employees are better able to fulfill the expectations set for them. A manual also provides a neutral route for resolving issues. However, a farm employee manual is only useful if it is thorough and accurate. Farmers wishing to use a manual should take the time to think through the many issues and to create procedures that the farm can commit to following in all circumstances. An employee manual that isn't followed consistently can be worse, legally speaking, than no manual at all.

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Inconsistent use of the manual can create the opportunity for legal complaints such as discrimination or hostile work environments. Employee manuals are a useful tool when the provisions are clearly and consistently applied.

This resource is divided into two columns: the column on the left contains sample employee manual language. The column on the right helps the farmer adapt the sample language to her or his farm. A checklist identifies the key points in the sample paragraph.

This resource is not exhaustive of the issues that may be important for a specific farm's operation. Farmers should consult Farm Commons' other farm employment resources at www.farmcommons.org and should talk with an attorney about their situation.

Sample Employee Manual for a Farm

1. Welcome and Purpose

Thank you for choosing to work at the Farm. We are pleased to have you join us, and we want you to be comfortable here. This manual was written to help you understand how the Farm operates. Please read this manual and discuss any questions you have with us. We look forward to a long and positive working relationship for everyone. However, please note that this manual is not an employment contract and does not guarantee employment for any amount of time or on any specific terms. You are employed “at will.” We are proud to have you join us.

2. History of Farm

By joining the Farm, you are joining a farming operation with a proud tradition of contributing to a strong community and healthy environment. We began farming ten years ago, with just a small 25-person Community Supported Agriculture operation. Since that time, we have expanded to serve many more members. We are especially proud of our high retention rate, and we believe customers return because they feel that our farm is also their farm.

Specify whether a separate contract exists, or whether no contract exists and the individual is an at will employee. An employee is “at will” when no employment contract exists. An employment contract limits the right of the employer to dismiss the employee. Of course, if you sign an employment contract with your worker, you will need to change this section. (Note that this can be complicated. If you have a wage agreement, especially if you provide in-kind wages, you need to know if the wage agreement is also an employment contract. Contact an attorney or Farm Commons for more information.)

Note any additional instructions you have for the employee

Set tone for relationship

This and the following sections are simply chances for you to help your employees understand your farm. Make them as short or as long as you feel is necessary.

3. Philosophy of the Farm

The Farm is founded on the philosophy that strong communities have a direct relationship with the land and with the source of their food. We provide our fellow community members with that connection through our farm. To fulfill this philosophy, we follow organic farming practices that respect the natural ecosystem. We are transparent with customers and with employees about all aspects of our operation, and we foster an active dialogue about the role of agriculture in building strong communities. We invite you to join in this mission with us.

with us. We look forward to a long and positive working relationship for everyone. However, please note that this manual is not an employment contract and does not guarantee employment for any amount of time. You are employed, “at will.” We are proud to have you join us.

4. Inclement Weather

Excess rain, high winds, extreme temperatures and other inclement weather patterns only increase farm duties, as crops and livestock require extra monitoring at these times. As such, inclement weather is not, by itself, a reason to stop work. However, the safety of workers is the priority. If lightning is active, employees will be assigned to work inside a structure. If a tornado warning is in place, employees will retreat to the cellar until the warning has expired. Extreme high temperatures are defined as those in excess of 95 degrees. If an extreme high temperature is predicted, we will alter our work schedule to eliminate field

- ☐ If you have a farm mission statement, include it here
- ☐ If you have production methods or marketing outlets that you wish to advertise here, please detail them. This is a place to help your employees understand your larger mission and their role in helping you achieve it.

- ☐ Include the types of inclement weather your operation may encounter
- ☐ Detail when the weather is considered inclement, and what employees should do about it
- ☐ Specify who has the authority to determine when the inclemency threshold has been met
- ☐ May wish to include specific time frames such as remaining inside for 15 minutes after a lightning bolt or returning to fields after temperatures drop below 95 degrees
- ☐ May wish to require certain safety

work between the hours of noon and 3pm. Extreme low temperatures are defined as those below 10 degrees Fahrenheit. If extreme low temperatures are predicted, work will be cancelled for the day. Decisions regarding inclement weather are made by the supervisor, and if none is present, the employees.

5. Payroll

Employees are paid on the 1st and 15th of each month. Checks are sealed in envelopes and placed in the card box by the time clock at around 3pm. If you are absent on payday and you wish to have someone pick up your check, you must send your written permission with the individual or the check will not be released.

6. Timecards

Your time card must be maintained on a daily basis. Time cards are kept by the desk in the office. Record your starting time according to the clock by the desk. Clock out for any meal period longer than 30 minutes, and record your leaving time at the end of the day. Never record someone else's time worked or ask anyone else to record yours. If you forget to record the time you worked, take it to your supervisor for her initials. If your time card is incorrect or incomplete, your timecard may not be processed and your payroll check may be delayed.

measures such as carrying water or taking rest/warm-up breaks, as relevant.

☐ Determine who makes the call regarding inclement weather (considering that forecasts and perceptions may vary) and how that decision is communicated to employees.

☐ Pay schedule

☐ Check pick-up procedure or mailing schedule

☐ Procedure for retrieving checks if an individual is off duty, out sick or otherwise not present

☐ Any special instructions that ensure checks go to the right persons, only

Important: Federal and state laws may regulate the provision, timing, and pay for rest and meal breaks, as well as frequency of payment for hours worked. Take care not to inadvertently violate the laws that apply to your operation.

☐ Location of timecards

☐ Who has to maintain a time card- hourly and salaried employees?

☐ When and who may mark time cards

☐ How to correct a time card mistake or oversight

☐ How meals are accounted for- Paid work time or not?

7. Days and Hours of Work

We work Monday through Friday. Regardless of when you arrive, you must be ready to work by 8am each weekday. It is not acceptable to arrive by 8am if you are not ready to work at 8am. Employees who are frequently tardy may be subject to discipline. Because of the unpredictability of farming and the possibility of inclement weather, work may begin earlier than 8am. Your supervisor will tell you by the end of the day if the following workday will begin earlier than 8am. Work ends at 4:30pm each weekday. Please complete tasks such that all tools are put away and the work area is clean before leaving for the day. Some tasks are time sensitive, and your supervisor may require that you remain to finish the task. If for any reason, you must leave by 4:30pm, please let your supervisor know before the lunch break concludes. The lunch period is 30 minutes long and the precise time will be set by the supervisor, as fits the day's tasks. One 10 minute break may be taken in the morning and in the afternoon, with the precise time of the break to be approved by the supervisor, as fits the day's tasks. We do not provide a higher rate of pay if the workweek exceeds regular hours, as allowed by state and federal law.

- ☐ If and how cards must be submitted at the close of the pay period
- ☐ May wish to specify if payroll advances are allowed and, if so, the procedure.
- ☐ May wish to state pay date if regular date falls on a weekend or holiday.
- ☐ May wish to include activities or tasks on time sheets.

Important: Each farm must determine whether overtime pay is required for employees. The last sentence is offered a model only. Many tasks performed on farms may fall under overtime laws and a statement in an employee handbook will not negate a farm's legal obligation to provide overtime pay where required. Contact an attorney or your state department of labor for more information.

- ☐ Work days, including whether weekend work is required
- ☐ Standard start and end times
- ☐ Whether extensions of standard work hours may be expected and how they will be communicated
- ☐ The condition the work area should be left in at the close of the day, with as much specificity as necessary
- ☐ Meal times: when and how long
- ☐ Breaks: when and how long
- ☐ Overtime pay: whether paid, when it accrues, and the amount paid

8. Days Off and Leave

Because this position is seasonal, no vacation or personal leave time will accrue. Memorial Day, Labor Day, and July 4 are work days. Employees experiencing a medical or family emergency may request unpaid personal leave from their supervisor, which will be granted at the farm’s discretion. If an employee becomes ill or unable to work, the employee must notify their supervisor at least one hour before the start time for that day.

9. Benefits

Employees are welcome to help themselves to seconds produce, if available. When seconds produce are available to employees, they will be located within the labeled bin in the first cooler. When grading produce, all employees are expected to place seconds into the bins provided. At the end of the workday, produce is first come, first served, but we expect all employees to share.

- ☐ Whether state/national holidays are work days
- ☐ Whether employees accrue vacation, personal, or sick time and if so, how they are calculated, and if they are paid out upon termination
- ☐ The procedure for taking accrued time off, if relevant.
- ☐ Whether employees can expect unpaid personal leave for emergencies.
- ☐ Note that specific laws govern mandatory time off for military service, family medical conditions, and other circumstances, for specific businesses. These laws supersede an employee manual. See an attorney or call your state department of labor for more information.

- ☐ Most small farms do not offer health insurance, profit sharing, educational assistance or other benefits. However, farms that do offer these programs should describe them in detail here: what each benefit is, when the benefit kicks in, how an employee draws on the benefit, and any cost-sharing by the employee.
- ☐ If you make farm products available, outline when, where, and how much.
- ☐ Please note that farms offering food or lodging need to consider the tax implications. Farm Commons has a guide

10. Outside Employment or Entrepreneurship

Employees may work other positions or work on their own farm operations or businesses so long as outside employment does not:

- Interfere with the performance of the employee’s performance of job duties and availability for extended work hours, as may become necessary.
- Increase the potential for the transfer of disease or microbes to the farm.

Employees may not use farm equipment, supplies, or materials for outside employment (including self-employment) without the advance permission of the farm owner.

11. No Tolerance of Harassment

The Farm strives to provide a work environment free of tensions from matters that do not relate to the Farm’s operation. The Farm strongly disapproves of any form of harassment including but not limited to ethnic, racial, or sexual harassment. Actions, overtures, or remarks involving ethnic or religious animosity, or conduct of a sexual nature will not be tolerated.

Employees have the responsibility to bring any form of harassment to the supervisor’s attention. In the case that the person alleged of harassment is the supervisor, the complaint should be taken to the Farm owner. Reporting employees will not be subject to reprisal and all reports will be

available on this subject at our website.

- ☞ Detail the farm’s policy regarding outside employment.
- ☞ If transfer of disease or microbes is a possibility if employees work on other farms, you may wish to detail specific sanitation procedures that must be followed. For example, employees must launder clothing, wash hands, wear different shoes, and so forth.

Important: An employee manual does not establish a legal definition of, or legal basis for, harassment or discrimination. Harassment and discrimination lawsuits are defined by state and federal law. The point of this section is simply to establish clear, safe pathway for handling complaints before problems escalate. This is not intended to be a substitute for legal recourse.

- ☞ This is a basic, minimal harassment policy. Farms may wish to add further details as necessary to outline a clear reporting procedure, depending on their crew and supervisory structure. The objective is to provide a clear, safe pathway for handling harassment complaints.

kept confidential. The Farm will investigate the report promptly and in as confidential a manner as possible. The Farm will review the results of the investigation with the individual making the report. If the Farm determines that an employee engaged in harassment, disciplinary action will be taken. Harassment may be a legal issue and the processes of this manual are not a substitute for the legal process to which every individual is entitled.

12. Alcohol and Drugs

To provide all employees with a safe, healthy, and secure workplace, all employees are expected work in an unimpaired, alert physical and mental condition. To help meet this goal, the Farm prohibits the use or possession of illegal drugs and alcoholic beverages on farm property during working hours.

13. Safety

The Farm requires that all employees perform work duties and conduct themselves in a safe manner. At all times, employees must be conscious of fellow employees and farm guests and must not act in a way that places others in potential danger. As a general rule, employees should wear gloves while performing farm tasks. Employees may not operate tractors or machinery without first being trained in proper operation, including the use of personal protective gear. When operating machinery, ear protection must be worn. Eye protection must be worn along with gloves and ear protection while

- Please note that an employee manual does not establish a legal definition of, or legal basis for, harassment necessarily. Farms may want to consider researching state harassment lawsuit standards and incorporating them into the employee manual. On the other hand, farmers probably have a lot of other things to do with their time. Use this section just to create a positive tone for the work environment, in the alternative.
- This policy prohibits the possession of alcohol during working hours, which means that if an employee brings beer in his or her vehicle for after-hours consumption, it would still violate the policy. Farms may wish to adapt it to allow possession but not consumption.

Important: Many state and federal laws regulate workplace safety, and those laws may require much more extensive safety plans and procedures. Farms may wish to simply refer to existing plans. The manual may be a place to state more general concerns or establish the right tone for workplace safety.

- List the farm's safety gear requirements
- List any tasks or aspects of the operation that require advance training
- Broken tools, dull knives and such are a safety risk. It's good to have a system for

operating any power tools. If a tool needs repair or replacement, make note of it on the clipboard by the desk, and put the tool in the broken tool bin in the shop, if possible. Neglect or abuse of animals and livestock is strictly prohibited as a safety violation.

14. Smoking

Smoking is prohibited in farm vehicles and on farm grounds, with the exception that employees may use tobacco on the western side of the barn. Because of the risk of tobacco mosaic virus, employees must dispose of butts in the garbage and wash hands before returning to work.

15. Cell phones

Cell phone usage, either for online, text, or telephone purposes, is not permitted during work hours with the exception of the lunch break and as permitted by supervisors. Employees may carry their cell phone for emergencies, only.

16. Housekeeping

Keep personal items in your locker during working hours. If you wish to keep your locker locked, you must provide your own device. Please be aware that the Farm is a community asset and we must present an attractive image. Trash must be placed in trash

repair and upkeep to prevent accidents.

- ☐ If relevant, discuss treatment of animals and livestock as a safety issue, and enumerate specific animal care standards where appropriate.
- ☐ Consider addressing personal protection such as sunscreen, hats, sunglasses, and knee pads to help employees stay comfortable.

- ☐ Detail the times and locations that tobacco usage is allowed, if at all
- ☐ If tobacco usage is allowed, detail any required hygiene procedures

- ☐ If employees are allowed to talk on the phone or use their devices for texting, email, or internet browsing, specify when and where.

- ☐ If you have specific housekeeping rules, this is the place for them.
- ☐ If you have extra rules for farm events or appearance at farmers' markets and such, be sure to list them here.

bins. Compost must be removed to the compost area. Tools must be put back where they belong at the end of each day. The shop, packing shed, and barn must be returned to their swept, organized state at the end of each day. Each employee is responsible to keep clutter from building up around the farm.

17. You and Your Supervisor

We strive to create an efficient and respectful management system on the Farm. To help us meet that goal, we have two management positions- the marketing supervisor and the field supervisor. Regular employees report to supervisors and supervisors report to the farm owner. Your relationship with your supervisor is an important one. You may expect your supervisor to provide you with the right tools and equipment and to teach you how to properly perform your tasks. In return, your supervisor will expect you to work efficiently, to follow their instruction, and to work to the best of your ability.

To create an effective system for addressing concerns or complaints, please go to your supervisor as soon as you anticipate a problem. Only if your supervisor does not address your concern, or if you feel someone’s safety is threatened, should you take the issue to the farm owner. We want you to be happy working with us and we encourage you to discuss issues with your supervisor readily. It is natural to discuss problems with coworkers but do not allow problems to fester. If the issue is not brought to a supervisor, we cannot correct the problem. If you have ideas for improving operations, your supervisors would like to hear them as well.

- Outline the expectations employees should have of supervisors and vice versa.
- Outline the procedure for handling complaints or suggestions
- Choose language that establishes your preferred tone for how management relates to non-management employees
- May want to use this space to outline preferred contact means and times. Phone? Email? Evening?

18. Attendance Policies

An employee who is absent from work and does not notify their manager for three consecutive days may be considered to have resigned voluntarily. Employees who arrive late to work or who are absent from work (including sickness or emergency) two or more times within a 30 day period may be subject to disciplinary action or dismissal.

19. Discipline Procedure

If an employee violates any obligation stated in this manual or violates any additional instruction from a supervisor, the employee may be subject to discipline. The disciplinary procedure is as follows: 1) the supervisor will prepare a written disciplinary notice and submit the notice to the farm owner and the employee. 2) the employee will then have an opportunity to submit a written response to the disciplinary notice. This is the employee's opportunity to present any extenuating circumstances or differences in opinion. 3) The farm owner will issue the final disciplinary record, after an investigation as may be necessary. The disciplinary record will include clear instructions as to how additional incidences should be prevented

- ☞ Clarify how the farm will address tardiness. Some farms may be more tolerant of lateness than others. State your tolerance level with numbers. Is two days of tardiness cause for dismissal, or is it more like five?
- ☞ Outline consequences for failing to show up or call in for a specific number of days.
- ☞ Some farms, because of the temporary and urgent nature of work, want the freedom to dismiss a worker if he or she has a prolonged illness or emergency. To avoid confusion, state whether sickness and emergencies are included or excluded from the threshold.

Important: As stated in the introduction, creating procedures that are not consistently followed may cause more harm than good to the farm business. Inconsistent implementation may be the basis for a discrimination lawsuit. Only write procedures into a farm manual that the farm owner and all supervisors can commit to following. Otherwise, farms should write general discipline procedures or leave them out entirely.

- ☞ This section should outline how an employee might explain his or her side of the story if a manager writes them up for a violation. People can and do make mistakes. It's wise to give the employee a fair hearing.
- ☞ Of course, some violations are so potentially

(retraining, special procedures, counseling, etc). The supervisor and employee will sign the record, but if the employee refuses to sign, a note will be made in the record. If an employee receives two disciplinary records, the employee may be terminated at the discretion of the farm owner. A written notice of termination will be delivered to the employee, describing the reason for the termination. The above discipline framework is a guide, only. Discipline procedures may vary from this policy.

Some violations are so egregious that immediate termination may result. These violations include, but are not limited to, violations of the drug and alcohol policy or the safety policy (and any safety instructions delivered during training).

20. Termination

Employees resigning employment are asked to submit two weeks notice to their supervisor. Your supervisor will request to schedule an exit interview, and we appreciate your cooperation in helping us understand your reasons for leaving. Before delivering your final paycheck, the Farm must receive any farm property in the possession of the employee, including keys, locks, tools, or machinery.

21. Summary

This employee manual is intended to inform employees of company practices, policies, and

harmful and unlikely to be misunderstood that immediate dismissal may be appropriate.

- ☐ Clarity and accurate expectations are very important. It's wise to specifically instruct employees in how to remedy a violation. Employees may not understand what the manager wants to see instead. This also creates a clear benchmark for a second violation if the specific instructions are not followed.

- ☐ State your preferred procedure if an employee wishes to quit.
- ☐ Include any specific instructions or reminders if an employee quits.
- ☐ Note that different states have different laws about when and how a final paycheck must be provided. For example, some states allow employers to wait for the next regular pay period, but some allow only a few days. Call your state department of labor for more information.

- ☐ To preserve ability to change policies, the manual is not a contract and this should be clearly stated

procedures. These practices, policies, and procedures may change from time to time. Your supervisor will attempt to give you notice of updates, but it may not always be possible. In addition, the information in this manual is subject to change as situations warrant. Changes may supersede, review, or eliminate sections of this manual.

I understand that this manual is not an employment contract.

I have received a copy of this manual and I have familiarized myself with its contents.

Signature:

Date:



This resource was developed with the support of the USDA Risk Management Agency.

- When policies do change, it's wise to let employees know in writing.
- A signature is a good idea as evidence that the person received the manual. However, this statement and signature is best as a tear-off sheet or separate page. It would defeat the point if the employee had to hand back the entire manual with the signature.
- Employee manuals are not a contract between employer and employee. A farm can diverge from the standards written in the employee manual, if the manual is written with "may" and "might" rather than "will." This may create discontent and confusion, but changing policies is not necessarily a legal problem itself. However, legal problems can develop from inconsistent use of the manual. If a farm manager disciplines one employee differently than others, the manager may appear to discriminate against that employee or create a hostile work environment, both which may become legal problems.
- When consistently followed, employee manuals can lessen the chance that an employee problem will develop. Consistent application of a policy can also serve as evidence that an employer did not discriminate, unfairly dismiss an employee, among other potential claims. However, simply having an employee manual does not necessarily give an employer legal protection.

Do you have questions or thoughts on how to improve this document? Please, click on the link below to fill out our survey online.

<http://farmcommons.org/survey>

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RACHEL
REPONDS

Was this resource not quite what you were looking for? Do you still have more questions? Send your questions to Farm Commons and we will do our best to feature an answer in our blog. Read the most recent questions and answers in our “Rachel Responds” column.