



Mario Sanchez of Hammonton works alongside other laborers on the pots of mums at Kube-Pak, a nursery in Upper Freehold, on Wednesday.

STAFF PHOTOS: BRADLEY J. PENNER

Rules complicate hiring farm labor

Adding heat to immigration issues

By **MICHAEL L. DIAMOND**
BUSINESS WRITER

Ramiro De Gyves spent last Wednesday afternoon setting out pots of hardy mums at Kube-Pak Corp., a nursery in Upper Freehold, as the thermometer read 100 degrees in the shade.

The 37-year-old native of Oaxaca, Mexico, has been working here day after day for three months, doing what oftentimes is monotonous, hard labor, no matter the weather. Didn't he want to go home, jump in a swimming pool and take the day off?

"It's kind of hard, but I'm the kind of person who likes to work," De Gyves said, speaking fluent English.

The agricultural industry is pressing Congress to make it easier to find

reliable, hard-working employees such as De Gyves. Put another way, it wants to hire more immigrants by fixing what they consider a broken system.

In doing so, the industry has turned up the heat on immigration reform, an issue that can scarcely get hotter. Critics, for example, say agriculture companies could help themselves by paying higher wages and attracting American workers. But farmers say their efforts — from advertising in newspapers to offering bonuses — have been fruitless.

"There's no glory working here," said Bill Swanekamp, owner of Kube-Pak.



Maria Chavez of Hammonton trims overgrown petunias in a Kube-Pak greenhouse in Upper Freehold.

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Workers

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Kube-Pak, named after the pioneering process it invented to separate and package its seeds, sells seeds to wholesalers and plants and flowers to garden centers.

Swanekamp's father and uncle acquired the company in 1963. It sprawls over 19.5 acres in western Monmouth County and employs anywhere from 80 workers during the summer to 200 workers during its peak season from January to April.

Bill Swanekamp and his cousin, John Swanekamp, grew up working on the farm during a time when the company filled job openings by hiring retired women from the area and black migrant workers.

As the economy boomed in the 1990s, though, low-wage, part-time workers in the area found other, less taxing alternatives. Six Flags Great Adventure, the amusement park in nearby Jackson, for instance, recruited aggressively.

While the company automated, it still needed workers for repetitive tasks, such as filling pots or tending to plants. So when a Philadelphia contractor offered to bring in migrant workers, most of whom were immigrants, Kube-

Pak jumped at the chance. It now pays part-time workers \$11 an hour.

"Immediately we had a work force that was here every day, no problems," John Swanekamp said.

The question, however, hung overhead like the summer haze: How many workers were here legally?

The majority of farms in New Jersey don't have employees. But the ones that do — about 2,400 — employed about 24,000 workers, according to a 2007 report by the U.S. Department of Agriculture.

Foreign-born workers can work in agriculture legally by obtaining an H-2A visa, which allows them to stay in the United States for up to a year. But in 2006, just 250 employees at New Jersey farms, or 1.1 percent, had workers with visas, according to the American Nursery & Landscape Association, a trade group.

Unlike visa programs for high-tech workers or seasonal labor, agricultural companies have no limit on how many visas they can receive.

But the group said the process is cumbersome. Employers have to prove they have tried to offer the jobs to American workers first. They have to prove that hiring immigrants wouldn't affect wages of U.S. born workers in similar jobs. They have to provide free housing and transportation.



STAFF PHOTO: BRADLEY J. PENNER

Workers space mums at Kube-Pak Garden Plants in Allentown.

Taken together, they need to devote so much time to the hiring process that they would have little left over to operate their business, industry officials said.

And worker advocates said it leaves the door open for workers to be exploited.

"It's definitely in disarray around the world," said Beth Lyon, a professor of law and director of the Farm Worker Legal Aid Clinic at Villanova University. "This is one of the symptoms of a world that doesn't know how to handle migration."

Worried that comprehensive immigration reform isn't getting very far, the nursery and landscape association has urged Congress to take more modest steps, starting with the Ag-

ricultural Opportunities, Benefits and Securities Act.

The bill, a compromise between workers and industry, would streamline the Labor Department so that employers could hire immigrants more quickly. And it would give illegal immigrants already here a chance to become legal residents by paying a \$500 fine; passing a criminal background check; and committing to work in the agricultural industry for three to five years.

"You've got to deal with the fate of people who are here doing the work," said Craig Regelbrugge, co-chairman of the industry's Agriculture Coalition for Immigration Reform. "How much sense would it make to leave those workers in the shadows and

bring in thousands of guest workers here on top of them?" "People have been here long enough that they are highly skilled," he said. "To lose the talents of these people would in many cases kick the ladder out from under the industry."

Not everyone is buying in. Critics note that the industry could try to increase wages. Taking the Kube-Pak example, a worker making \$11 an hour, working 40 hours a week, would make less than \$23,000 a year, said Steven Camarota, director of research for the Center for Immigration Studies, a Washington, D.C., group that favors better enforcement of immigration laws.

"That's not a very good-paying job," Camarota said. "Is it that there's only immigrants that do this work, or is it that they've become accustomed to paying very low wages?"

Kube-Pak's owners said they are playing by the rules. They said they can't increase their labor costs and still sell their products at competitive prices. And they said many of the

American workers who apply for the jobs lack even the most basic skills — sobriety, for example.

So last Wednesday, the workers, most of whom were immigrants, toiled in the heat. They wore sun hats, and they draped towels around their necks. And they spent all day lining up and watering pots of mums, ensuring that the flowers would bloom this fall.

De Gyves said he heard about an opening here from a friend and was pleased simply at having the opportunity; he had been laid off from his manufacturing job for eight months and had to take odd jobs in landscaping and shoveling snow to pay the bills.

With steady work in hand, there was no way he'd complain about the heat. "Nothing is hard when you want to do it," he said.

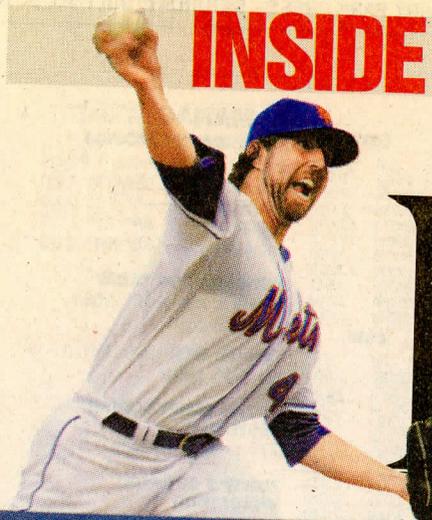
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