

[Farm Name] Employee Handbook

[Updated: 2/03/2014]

This Farm Employee Handbook Template is for Educational Purposes Only. This template handbook has been reviewed by Varnum LLP for informational purposes only and is not legal advice. Agricultural employers should seek their own legal counsel if they chose to utilize an employee handbook for their farm operation.

[Insert photo of farm, or short mission statement or both in place of the text below]

Instructions: This Employee Handbook was designed as a sample document to be used by farms at their discretion. Once you as the user, insert your name and make the applicable changes, it becomes your farm document and you are solely responsible for the contents and any legal obligations that you create as a result of adopting this Employee Handbook. You must ensure that your farm is meeting all state and federal employment laws. In Michigan, two documents that can help you understand these laws are MSU Extension Bulletin E-2966 “Labor Laws and Michigan Agriculture”, and the MSU Extension fact sheet “Agricultural Employer Checklist”. These documents represent the agricultural employment laws and requirements at the time of their writing, so you the employer are still required to keep current on these laws.

Employers of migrant or seasonal agricultural workers, have additional duties and responsibilities under the Migrant and Seasonal Agricultural Worker Protection Act, which requires specific written disclosures of the terms and conditions of employment to migrant workers at the time of recruitment, and to seasonal workers on demand in the workers' language of familiarity. Please see Bulletin E-2966 for more information and for links to Federal and State resources. Employers should carefully draft these disclosures to include the flexibility necessary in an unpredictable seasonal agricultural operation.

The First Step in editing the document is to save a copy under your farm name. Next, open the new document and perform a “Find and Replace” function in Word, finding [Farm Name], and replacing it with your farm name.

The Second Step is to review the contents of the document starting on page 4, with the Welcome. All sections are editable and attempt to cover the most used chapters by farm employers. The list is not exhaustive. The sections were adapted from the “Employee Handbook Development Guide”, May 2011, developed by Chuck Schwartau, Extension Educator for the University of Minnesota Extension.

Italicized sections are notes or examples to you, the farm owner, which may or may not apply to your situation. You can insert you language in these sections (or in place of any other sections) as you desire. Again, it is your responsibility as the farm owner/manager to ensure that the content of your Employee Handbook meets all Federal and State legal requirements. If you will

not follow through on an obligation that you make in this employee handbook, you should not put it into the handbook.

Michigan is an "at will" employment state. This means a worker can quit for any reason or the employer can let the worker go for any reason as long as it's not discriminatory. An employee handbook that sets out conditions or promises of employment may affect "at will" employment status. Such a document may be considered a contract, and workers can ask courts to enforce a contract's terms. Therefore, be careful what you place into an employee handbook and what that obligates you to.

The Final Step is to update the Table of Contents. You can do this by clicking the upper left hand corner of the Table of Contents and then selecting "Update Table". A box will appear. Select "Update Entire Table", and then "OK". The table titles and page numbers will be updated to reflect the changes that you made.

For information on how to adapt this to your own farm, please seek legal counsel.

For information on how the template features function and how to access additional Agriculture Human Resource materials, please contact: Stan Moore, Michigan State University Extension: moorest@msu.edu

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1 Welcome

Welcome to employment with [Farm Name]. We are excited to have you join our team. Through this employee handbook we are sharing with you some important aspects of our farm business and how your job contributes to the success of our business. The information and policies listed in this handbook will help you understand what is expected of you in your job, and be successful in your employment with us. This Handbook is not a contract of employment, however, but rather is a set of guidelines. The Handbook may not cover every employment-related circumstance that could arise during your employment. If you have a question about a matter not addressed in this handbook, please ask us.

[Farm Name] exercises the At Will employment status provided to it in Michigan. “At Will” means that an employee’s employment with [Farm Name] is entered into at his/her own will and they are free to resign at any time. Similarly, [Farm Name] may terminate his/her employment at will and with or without cause. Only the [Title] of [Farm Name] (and then only in a signed writing) has the authority to enter into any agreement on behalf of [Farm Name] providing employment for any specified period of time or pursuant to any particular conditions, or to make any agreement contrary to the at-will policy expressed in this Handbook.

2 History

Use this area to share a little about the history of your farm. This helps employees understand the business better and gives them some context. This also gives you a chance to share information beyond your Mission Statement listed in the next section.

3 Mission Statement

Insert your Mission Statement Here

Goals that Support our Mission Statement:

- 1) *How do employees fit into your Mission?*
- 2) *What type of work environment are you striving to provide for your employees and managers?*
- 3) *How do you view the professional and personal development of your employees?*
- 4) *How do you seek to engage your employees in the constant improvement of your farm?*
- 5) *How does your farm fit into the dairy industry?*

4 Business Policies

4.1 General Policy Statement

Policies and procedures contained in this document are written here to facilitate communication between [Farm Name] and its employees. Policies and procedures are expected to be followed by all employees. From time to time these policies and procedures may be updated, and employees will be notified that a new version of the Employee Handbook is available for their review.

4.2 Organizational Structure

Insert your organizational structure here. This helps the employee understand who they report to, and how they fit into the overall structure of the farm. This also helps them understand who to contact in the case of a complaint, such as harassment.

4.3 Employee concerns/suggestions

As with any form of communication, there is always room for improvement. This Employee Handbook is no exception. The policies and procedures listed in this handbook are meant to be consistent with, and in support of our Mission and Values. If at any time you find your work environment in conflict with these written policies and procedures, we encourage you to share your concerns about the areas that are diverging from these policies. These questions, as well as any concerns or suggestions, should be shared with your immediate supervisor. If he/she is not available, please share your concerns or suggestions with the owner. We understand that in order to be the best that we can be, we need your input.

4.4 Equal Opportunity Employment

You should consider an equal opportunity statement for your farm. See MSU Bulletin E-2966 "Labor Laws and Michigan Agriculture" for information on Michigan Civil Rights Law and what you must do to comply.

You will also find information on the Federal Americans with Disabilities Act (ADA) in E-2966 and information on how this may apply to your farm.

An example policy addressing equal employment opportunity is as follows:

[Farm Name]'s employment practices are based on job qualifications, performance, and conduct without regard to race, color, religion, national origin, age, sex, marital status, height, weight, disability, genetic information, or any other legally protected status. Employees who have questions about this policy or its application are encouraged to speak with the [Title] of [Farm Name].

[Farm Name] provides reasonable accommodation to qualified individuals with disabilities in accordance with law. Any employee with a need for accommodation due to a disability should notify [Title] as soon as possible. The request should be submitted in writing and identify the nature of the disability and the suggested accommodation. Under state law you may forfeit some rights if the accommodation request is not made in writing and submitted within 180 days.

4.5 Attitude and Team Cooperation

At [Farm Name], we seek to develop a work environment that supports the professional and personal growth of all of our team members. As an employee, you are a part of our team. If a team is to be successful, each of its members must be contributing their best. [Farm Name] is committed to provide a safe and enjoyable working environment to support your success as an employee. We also strive to provide you with opportunities to develop and enhance your skills. As a team member we expect you to contribute your best effort in your work, share your ideas for improvement, and work with your co-workers to ensure that farm goals are accomplished.

4.6 Animal Care Policies

At [Farm Name] we expect our animals to be treated with proper care. All employees are expected to follow proper animal handling procedures as outlined in the animal handling training provided by [Farm Name]. If at any time you, as an employee, encounter situations in which

you are unsure as to how you should handle an animal, please contact your immediate supervisor for assistance and guidance.

If you, as an employee, witness suspected animal abuse you are required to immediately report the suspected abuse to the appropriate supervisor.

4.7 Harassment in the Workplace

Consider a statement against harassment on your farm. This could include multiple forms of harassment including verbal and physical harassment. An example policy is as follows:

[Farm Name] prohibits any form of harassment, joking remarks, or other abusive conduct directed at an employee because of an individual's race, color, sex, religion, national origin, citizenship, age, disability, height, weight, veteran status, marital status, genetic information, or other protected category. For example, unwanted physical contact, foul language, sexually oriented propositions, jokes or remarks, obscene gestures or the display of sexually explicit pictures, cartoons or other materials may be considered offensive to another employee and should not occur.

Sexual harassment may take many forms, including, but not limited to, the following:

- a. Conduct that has the purpose or effect of unreasonably or substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.*
- b. Employment decisions made by an officer, boss, supervisor or other employee that are based on submission to or rejection of sexual advances or conduct.*
- c. Submission to a sexual advance or conduct is either an explicit or implicit term or condition of employment.*

Other discriminatory harassment include any verbal or physical conduct or communication that shows hostility or aversion toward another because of his/her race, disability, religion, national origin, age, or other legally protected status when such conduct or communication has the purpose or effect of:

- a. unreasonably interfering with or adversely affecting another's work performance; or*
- b. creating an intimidating, hostile, or offensive work environment.*

Examples of such harassment include, but are not limited to: epithets, slurs, negative stereotyping or threatening, intimidating, or hostile acts that relate to race, age, religion, national origin, disability, veteran status, etc., and written material that is posted or displayed at work that shows hostility or aversion toward another because of race, age, religion, national origin, disability, veteran status, etc.

Retaliation in any form against an individual who makes a report or who cooperates in an investigation of alleged harassment under this policy is also prohibited. Any employee who is determined to have retaliated against another will be subject to appropriate disciplinary action, up to and including termination of employment.

If you experience or witness conduct you believe to violate this policy, immediately report the concern to [Title] or [Title]. All reports received will be investigated in a manner as confidential as possible. All employees are expected to cooperate fully with any such investigation.

The Company will take appropriate remedial action in the event it determines a violation of this policy has occurred. Any employee who is determined to have engaged in harassment, retaliation, or other violation of this policy will be subject to appropriate disciplinary action, up to and including suspension or termination of employment.

4.8 Alcohol and Substance Abuse

Consider a statement against alcohol and substance abuse here. Consider that often times your home may be on the "farm property". An example policy is as follows:

[Farm Name] is committed to having a workplace free from drug or alcohol misuse. An employee is in violation of this policy regarding drug use if the employee:

- a. Reports to work or is working while the employee's blood or urine contains any controlled or illegal substance, including marijuana, except a lawful drug legally prescribed for the employee by a physician. (An employee whose ability to work is affected by a drug prescribed for the employee by a physician and used by the employee as prescribed will not be permitted to remain at work, but will not be disciplined.)*
- b. Possesses, uses, distributes, purchases, sells, or offers for sale narcotics or a controlled or illegal substance, including marijuana, on Company property, including the parking lot and vehicles, or during working hours, including breaks and lunch.*

An employee is in violation of this policy regarding alcohol misuse if the employee:

- a. Possesses, uses, distributes, purchases, or sells alcohol at any time while on Company business.*
- b. Is under the influence of alcohol at any time during working hours, including breaks and lunch.*

[Farm Name] defines "under the influence of alcohol" as a blood alcohol concentration of [.02%, .05%, .08%] or above.

[Farm Name] may require an employee who is reasonably believed to be under the influence of alcohol to have a blood concentration test, such as a breathalyzer or a blood test, performed at [Farm Name]'s expense by qualified personnel. [Farm Name] may require an employee to submit to and pass a drug screen as a condition of employment or continued employment.

Employees who are not on [Farm Name] property, but are performing work for [Farm Name], must also follow these work rules. Failure by any employee to comply with these rules while on [Farm Name] business off site will be treated the same as if the employee were on [Farm Name] property.

[Farm Name] may search or investigate to ascertain whether this policy is being violated. For example, [Farm Name] may search an employee's purse, desk, office, locker, briefcase, lunch box, car, or other personal property on [Farm Name]'s premises, or may ask an employee to empty his or her pockets where there is a reasonable belief that the employee has violated the alcohol or drug rules.

A refusal to comply with a directive to undergo an alcohol or drug test, or to be searched is grounds for discipline, up to and including immediate discharge. Tampering with a test is also grounds for discipline or termination.

4.9 Smoking

There will be no smoking within 100 feet of any of the hay or straw barns, or wagons. There will be no smoking in the office, the lunch room, the front offices, the parlor, or the shop.

4.10 Personal Phone Calls and Texting

[Farm Name] phones are for business use. The phones may be used occasionally for important personal calls which are local. However, lengthy and regular personal phone calls should not be made. Long distance calls are not allowed on company phones without specific approval by farm management.

Personal cell phones may be used on the farm, but should be reserved for break and lunch times unless there is a personal emergency. Texting on personal cell phones should also be reserved for break and lunch times unless there is a personal emergency. Time on a cell phone, whether it is a call or a text, takes away from time that you have dedicated to the farm and impacts the quantity and quality of your work.

Calling or texting on cell phones while operating equipment or vehicles is prohibited for safety reasons.

4.11 Getting to Work

As an employee you are expected to obtain or arrange for reliable transportation to and from the farm. Reliable transportation ensures that you arrive to the farm on-time for your work shift.

4.12 Company Tools and Equipment

You will be provided with the tools and equipment to do your job on the farm. [Farm Name] will strive to keep these tools and equipment in good working condition so that you can be effective in your job. Your careful use of farm tools and equipment is also expected. If at any time, the condition of the farms' tools and equipment become a hindrance to the performance of your job, please notify your supervisor immediately.

Use of company tools and equipment for your own personal use is strictly prohibited, without specific approval from the farm manager or owner. In the case that approval is given, it will be for a specific tool and for a specific time. Also, if approval is given, the equipment and tools are expected to be returned in the same working condition as when they were borrowed.

4.13 Company Vehicle Use

Company owned vehicles are to be used for company use only. Exceptions may be made with prior approval by the farm manager or owner and will be for a specific use and time.

4.14 Safety at the Workplace

You as an employee of [Farm Name] are very valuable to the farm. Your safety and wellbeing are essential to our success. Our work is never so urgent or important that we cannot take time to do it safely.

You are expected to dress appropriately each day for the work that you will be performing. For example; loose fitting clothes around moving parts can cause a significant health risk to the employee. We want the workplace to be a safe place. Part of the responsibility for a safe work place lies with employees and includes proper dress and following all safety rules and precautions.

Example Safety Section:

Safety Goals

- (1) Reduce work time lost due to accidents.*
- (2) Integrate safety into all business plans and operations.*
- (3) Improve communication between employees and management with regard to work place safety.*

Employee Responsibilities

The employees of [Farm Name] recognize that working safely is a condition of employment. Each employee is accountable for his/her own safety and the safety of those who work around him/her. Employees are expected to:

- assist in developing safe work practices and operating procedures.*
- perform work tasks in a safe manner.*
- wear appropriate personal protective equipment when required.*
- report injuries or unsafe conditions immediately to your supervisor*
- participate in safety training.*

Management Responsibilities

The management of [Farm Name] will:

- develop safe work practices and operating procedures with employee input.*
- assure that employees are trained to perform tasks safely.*

-reduce work place hazards.

-provide appropriate PPE (Personal Protective Equipment) for each employee.

-evaluate employees' performance, reward excellence and provide direction for improvement when necessary.

Prevention

(A) All injury incidents and "close calls" (incident without injury) will be investigated to determine contributing factors. Measures will be taken to improve prevention efforts through employee training and hazard reduction.

(B) Employees are encouraged to bring suggestions for improved safety in the work place to the attention of their supervisor without fear of reprisal.

4.15 Handling Visitors and Customers

All visitors and customers are required to report to the farm office prior to touring the farm. We encourage visitation to the farm by the general public and by customers, however for their safety and the safety of our animals, direct supervision of all such visits by a farm employee is required. If you witness any visitor or customer around the farm without direct supervision, please direct them to the farm office and notify your direct supervisor immediately.

*If your farm provides housing for employees, language in this section will need to be modified to recognize the employee housing and your employees rights in that housing.***

4.16 Non-Disclosure – Information Security

As an employee of our farm, you may at times have access to confidential information. This could include such things as financial information, business plans, personnel information, records, and other information specific to our farm.

You as an employee are expected to keep this information confidential and should not disclose this information to anyone outside of the farm, except as required by your job. If you have questions as to specific information and its confidentiality, please talk with your direct supervisor prior to sharing it.

4.17 Social Security Number Privacy

In the ordinary course of its business, [Farm Name] obtains social security numbers of employees and other individuals. [Farm Name] will keep all social security numbers confidential to the extent practicable. Access to information or documents that contain social security numbers is restricted to those with a legitimate business reason to obtain and/or use an individual's social security number. Should any document containing a social security number need to be disposed of, such document shall be shredded prior to disposal.

[Farm Name] prohibits the unlawful disclosure of social security numbers, and any employee or other individual found to have unlawfully disclosed another person's social security number or to have violated this policy will be subject to discipline up to and including discharge and/or subject to civil liability and/or criminal penalties.

5 Employee Orientation and Training

5.1 Orientation

We want all of our employees to get off to a great start with [Farm Name]. To help accomplish this, we require a one-hour orientation for all employees. You will be paid for your time during the orientation. During the orientation we will briefly review some of our key policies, our mission and values, and some basic information to help you better understand our farm and how you fit in. There will be time to ask questions during the orientation as well. At the orientation you will receive a copy of this handbook.

For employers of migrant or seasonal agricultural workers, the Migrant and Seasonal Agricultural Worker Protection Act requires specific written disclosures of the terms and conditions of employment to migrant workers at the time of recruitment, and to seasonal workers on demand. Please see Bulletin E-2966 for more information and for links to Federal and State resources.

5.2 Training and Continuing Education

Consider whether you wish to include a statement in support of training/education and/or a financial budget for such activities. An example policy is as follows:

[Farm Name] believes in the continuing development of all of our team members, employees and management as well. We believe that professional and personal growth are both important. In order to encourage continuing education, we provide each team member with \$500 annually to use for professional or personal development. This could be training around a specific skill that may help you with your job or it may be training that you wish to attend that relates to a favorite hobby. We ask that you present your request to your supervisor for pre-approval, and then we ask that you share back with us how the training helped you.

In addition to this employee directed improvement, [Farm Name] may from time to time ask that you attend a specific training. In these cases of farm directed professional improvement, we will cover the cost of your attending the event, and also pay you an eight hour day's pay for each day spent at the training.

6 Employee Work Policies

6.1 Definitions of Employee Groups

List the types of employees that your farm employees (i.e. Full time, Part time, etc.).

6.2 Job Descriptions

Job descriptions for farm positions are kept on file in the farm office. These are available for review upon request to your supervisor.

6.3 Hours of Work

Insert into this area the work schedule for your farm, as well as the work week used for payroll purposes.

6.4 Overtime

Agricultural workers are exempt from overtime provisions according to Federal Wage Laws unless they are involved in handling or selling products taken in from other farmers or suppliers. If you as an employee of [Farm Name] are asked to handle or sell products taken in from other farmers or suppliers, you will be eligible for overtime pay during the week that you perform those duties.

6.5 Attendance and Tardiness

All employees are expected to be on-time for their scheduled hours of work and for farm meetings. If you are not able to make your work shift, or attend a scheduled meeting, you must notify your supervisor previous to that event.

6.6 Outside Employment

As an employee of [Farm Name], you are expected to meet your employment obligations to [Farm Name] regardless of any other employment you may have.

6.7 Working in Poor Weather

Farming often requires that we work in adverse weather conditions. Employees should dress appropriately for the weather.

6.8 Vacations

Example:

Vacation is earned based on an employee's hours worked. Employees earn .04 hours of vacation for each hour worked. When calculating vacation time for an employee, an employee must work 1400 hours before earning his/her first 60-hour paid vacation. That works out to .04 vacation hours for every hour worked. (60 hours vacation divided by 1400 hours worked.) If you work a lot of hours you will earn a vacation faster. If you work fewer hours you will earn a vacation slower. You must have at least 60 hours earned before taking your first vacation. You can accumulate vacation time up to 180 hours. Any hours over 180 hours will be lost. You may string your vacation weeks together but you cannot split up your 60 hours into separate days of vacation.

We at [Farm Name] want the employee to get away from the farm for a minimum of five days, have a break, and enjoy his/her vacation and to come back refreshed and ready to work.

An employee must request his or her vacation before the schedule is made up on the 20th of the month previous. It also works much better if members of the field team are able to schedule

their vacations outside the busiest seasons. (April 15 to June 15) All vacations are to be listed on the calendar next to the bulletin board, and are subject to the approval of [Farm Name] based on its assessment of business needs.

Upon termination of employment for any reason, an employee [choose: is OR is not] eligible for payout of accrued, unused vacation.

6.9 Holidays

Example:

Time and a half will be paid for working on five of our major holidays (New Year's Day, Easter, Fourth of July, Thanksgiving, and Christmas).

7 Employee Pay Information

7.1 Recording Your Hours and Reporting Pay Concerns

All regular full time (non-salaried) and part time employees are required to use a time clock. Employees are required to punch in at the beginning of their shift, punch out for lunch, punch back in when returning to work from lunch, and punch out at the end of the day.

[Farm Name] complies with the minimum wage, overtime pay, and other requirements of federal and state wage and hour laws. [Farm Name] prohibits any violations of such laws, including the failure to pay nonexempt employees for overtime and the making of improper deductions from the salaries of exempt employees. If you believe that this policy has been violated, you should report it immediately to [Title] or [Title]. [Farm Name] will promptly investigate your complaint, and correct any error or violation confirmed to have occurred.

[Farm Name] prohibits retaliation against a person who has made a report under this policy in good faith, or who has cooperated in [Farm Name]'s investigation of a report under this policy. Any employee who engages in retaliation will be subject to disciplinary action, up to and including termination.

7.2 Pay Day

[Farm Name] pays employees on a two week pay period. The end of the pay period is every other Wednesday morning. Time sheets are collected on that Wednesday morning and processed. Paychecks will be delivered to the farm on Friday morning.

Special rules apply for hand-harvesters and Migrant and Seasonal Workers. Please see MSU Extension Bulletin E-2966 and follow the links to Federal and State resources. Also consult with your attorney reviewing your farm employee handbook.

7.3 Cash Advances

Cash advances are generally not provided.

7.4 Incentives

Incentives may from time to time be developed by the farm in order to encourage the fulfillment of farm goals. As of this Employee Handbook version, the following incentive(s) are available:

List Here

8 Leave of Absence

8.1 Unpaid Leave of Absence

Will the farm provide an opportunity for Unpaid leave? If so, under what conditions and for how long?

Employers with 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year must comply with the Federal Family and Medical Leave Act (FMLA). Additional information can be found at:

<http://www.dol.gov/whd/fmla/>

An example FMLA policy is as follows:

Family and Medical Leave Act (FMLA)

We provide leave to eligible employees as required under the Family and Medical Leave Act. We have posted the FMLA General Notice on our notice posting boards. The FMLA and its regulations are long and detailed. This policy sets forth the key components of how FMLA leave will work under our policy. Both you and we retain all of our rights and obligations set forth in the FMLA and its regulations whether or not such rights and obligations are set forth in this policy. If you have any questions about FMLA leave or our respective rights and obligations regarding FMLA leave, please contact [Title].

a. Eligibility

You are eligible for FMLA leave under this policy if you have worked for us for at least 52 weeks (which do not have to be consecutive weeks), have worked a minimum of 1250 hours over the previous 12 months, and work at a facility that employs at least 50 employees, or at least 50 employees are employed by us within 75 miles of that facility.

b. Length of Leave and Reason for the Leave

We will provide eligible employees up to 12 weeks of FMLA leave during any [choose: rolling 12-month period looking backwards OR 12 month calendar year] for any or a combination of the following reasons:

1. Birth of a son or daughter, and in order to care for such newborn son or daughter.
2. Placement of a son or daughter with you for adoption or foster care.

3. To care for your spouse, son, daughter, or parent, if such spouse, son, daughter, or parent has a serious health condition;
4. A serious health condition that makes you unable to perform the functions of your position.
5. A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency operation.

Leave taken for one or more of these five reasons, when combined together, may not exceed 12 weeks during the applicable 12-month period.

We will provide eligible employees up to 26 weeks of leave during a "single 12-month period" to care for a covered family member (spouse, son, daughter, parent, or next of kin) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces and that may render the service member medically unfit to perform his or her duties, and for which the service member is undergoing medical treatment, recuperation, or therapy, or is in outpatient status; or is on the temporary disability retired list.

The "single 12-month period" to care for a covered service member who was injured or became ill in the line of duty begins on the first date of such leave and ends 12 months later. Leave to care for an injured or ill covered service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in the applicable "single 12-month period."

c. Intermittent and Reduced Schedule Leave

FMLA leave may be taken all at once or may be taken in parts, including what is referred to as "intermittent" leave or "reduced schedule" leave. Intermittent leave is leave taken on multiple occasions due to a single qualifying reason. Reduced schedule leave is a leave that reduces your regular workday or regular workweek for a period of time. If you need intermittent or reduced schedule leave that is foreseeable due to planned medical treatment, we may temporarily transfer you to another position that better accommodates the recurring leave or reduced schedule. The Company [choose: does/does not] permit intermittent or reduced schedule leave due to birth, adoption, or foster care placement.

d. Request for Leave

An FMLA request must be made in writing 30 days in advance if the leave is foreseeable. If the leave is not foreseeable, the request must be made as soon as practicable. All such requests must be made to your supervisor/manager and to the Human Resource Department. When leave is needed for planned medical treatment, you must attempt to schedule treatment so as not to unduly disrupt your work day and our operations. Failure to provide appropriate notice to us may result in a delay in granting you FMLA leave and the treatment of absences as attendance occurrences.

e. Response to Request for Leave

When you request FMLA leave, we will provide you with an Eligibility and Rights and Responsibilities Notice (WH 381) which will indicate whether or not you are eligible for FMLA leave. This notice will indicate what your responsibilities will be if certified for FMLA leave and what your rights are with respect to the leave. We will also attach to the Eligibility Notice the

appropriate Certification Form: WH 380-E (Employee Serious Health Condition); WH 380-F (Family Member Serious Health Condition); WH 384 (Qualified Exigency Certification); or WH 385 (Service Member Serious Injury/Illness Certification). It is your responsibility to have the appropriate persons fully complete the certification form and to return the completed certification form to us no later than fifteen (15) calendar days after we provided the form to you.

If you plan to take intermittent leave or work on a reduced schedule, the certification form must also include the dates and duration of the intermittent or reduced schedule leave, and a statement regarding why such leave is necessary. We will not accept any certification form that is returned but not fully completed. You will be provided written guidance regarding which part(s) of the certification form is incomplete and be given seven (7) calendar days to cure any deficiencies. Until the appropriate certification form is timely completed and submitted, your FMLA leave will not be approved.

Normally, within five (5) business days after a certification form is timely completed and returned, we will give you written notice stating whether your FMLA leave is approved. If you request a leave of absence for FMLA qualifying purposes but do not expressly request that the leave be counted as FMLA leave, we will nonetheless designate such leave as FMLA leave. We will use the FMLA Designation Notice (WH 382) to notify you if you are approved for FMLA leave.

If we have reason to doubt the validity of a medical certification form, we may (at our own expense) obtain a second opinion. Re-certification may be required in accordance with applicable law. Upon return from FMLA leave due to your own serious health condition, we will require you to provide a fitness for duty certification.

f. Pay and Benefits While on Leave

FMLA leave is unpaid, unless you are eligible for other applicable paid leave, in which case you may elect or [Farm Name] may require you to use such paid leave as a part of your FMLA leave. If you receive Company-provided health benefits, you will receive the same health care benefits during FMLA leave that you would have received had you not been on leave. You remain responsible to pay your portion of the monthly premiums for such benefits. It is your responsibility to contact [Title] to make arrangements suitable to us for making such payments.

g. Return from Leave

Upon return from FMLA leave, you will generally be restored to the position you held when your FMLA leave commenced or to an equivalent position, with equivalent employment benefits, pay and other terms and conditions of employment. Taking FMLA leave will not result in the loss of any employment benefit accrued prior to the date upon which leave commenced. However, you will not be entitled to any right, benefit or return to your position of employment to which you would not have been entitled had you not taken the leave. If you plan to return from FMLA leave prior to the originally scheduled date of return, you will be expected to give us two (2) business days' notice of your intent to return. If you are unable to return to your position prior to the time when you exhaust your available FMLA leave time, we cannot guarantee that you will be returned to your former or an equivalent position or to any other position for which you are qualified.

h. Coordination with Attendance / Other Leave Policies

If you are absent from work for an unforeseeable reason that may also qualify for FMLA leave, you may request that such absence be treated as FMLA leave, provided that the request is made as soon as practicable. If FMLA leave is not requested or is not granted, we will treat the unplanned absence under our attendance policy. For any unscheduled FMLA absences, you must continue to comply with our policy regarding calling in your absences and are subject to discipline if you fail to comply with our call in policy. An absence which qualifies as any other form of leave or time off in addition to FMLA (i.e. an FMLA qualifying absence that is also worker's compensation leave or is taken as vacation) will run concurrently under both or all applicable policies. Such time will be designated as FMLA leave and counted toward your FMLA allotment.

Fraudulent Use of FMLA Leave

We will not unlawfully interfere with, restrain, deny the exercise of any right, discharge or discriminate against any employee covered by the FMLA. However, fraudulent use of FMLA leave will result in your discharge from employment.

8.2 Parental Leave

This again is optional unless the farm is bound by the FMLA (see above Unpaid leave section).

Optional Wording if the farm is not bound by FMLA but still wishes to provide Parental Leave:

Parental leave with pay of up to [Number] weeks is available for the birth/adoption of a child. Parental leave is used for the birth of a child and the adoption of a child. For adoption, the child must be under age 6. Parental leave is not available for foster care. Parental leave can be applied before or after the birth. For adoption, Parental Leave can be used only after an adoption date has been set. [Other provisions/restrictions]

8.3 Paid Time Off

This section can be used to cover all of the areas that you may wish to allow employees to use Paid Time Off. This could include Illness, Jury Duty, Bereavement, Religious Holidays, Voting, School Functions, etc. These days could also be included in Vacation Days (Section 6.8) and change the title of that section to Paid Time Off.

9 Employee Discipline, Dismissal and Conflicts

9.1 Employee Discipline, Dismissal and Conflicts

Consider carefully what you as a farm may want to have in this section, or if you want to just delete this section. Items you list in this section may impact your "At Will" status as a Michigan Agricultural Employer unless such status is preserved in the policy. An example policy is as follows:

[Farm Name] retains the sole right and discretion to determine discipline for unsatisfactory job performance and misconduct. Discipline may include a warning, suspension, loss of benefits, or immediate dismissal. Nothing in this policy changes the at-will nature of employment with [Farm Name].

While not an exhaustive or exclusive list, the following are some examples of the types of actions which can result in discipline up to and including termination of employment:

- *Unsatisfactory job performance.*
- *Unauthorized or repeated absences, tardiness, early quitting, or failure to report absences or provide information.*
- *Unauthorized time away from work area.*
- *Failure to meet established quality standards.*
- *Performing personal work during work hours.*
- *Failure to meet housekeeping responsibilities.*
- *Violation of any [Farm Name] policy or guideline.*
- *Unprofessional, abusive, or disruptive language or behavior.*
- *Violation of policy against harassment.*
- *Failure to use safety precautions.*
- *Lack of attention to job responsibilities.*
- *Failure to follow prescribed job work procedures.*
- *Failure to notify supervisor of absence before beginning of work hours.*
- *Failure to follow supervisor's instructions.*
- *Violating security rules.*
- *Violation of the alcohol and drug policy.*
- *Dishonesty in any form.*
- *Lack of cooperation in any workplace investigation.*
- *Lack of courtesy or cooperation with co-employees, customers, supervisors, vendors, etc.*
- *Unauthorized use of materials, vehicles, or equipment, including telephones, computers, voice mail, e-mail, and other electronic systems.*
- *Posting or removal of notices, signs, or writing in any form on bulletin boards or Company property without approval.*

- *Falsifying any records, such as vouchers or reports, related to insurance claims, personal absences, illness, time, production, expenses, and so forth.*
- *Damaging, defacing, or misusing [Farm Name] property or the property of others.*
- *Insubordination.*
- *Theft, misappropriation, unauthorized possession or removal of [Farm Name]'s or another's property.*
- *Workplace violence or weapons policy violations.*
- *Inattention to job duties.*
- *Threatening, intimidating, coercing, or interfering with anyone on [Farm Name] property.*
- *Acts of animal cruelty.*

10 Employee Job Performance

10.1 Performance Review

[Farm Name] conducts a performance review with each employee every year. This is an opportunity for the supervisor to complement those areas where employee performance was exceptional, and to address performance areas that need improvement. The Performance Review is also an opportunity for you, the employee, to share suggestions, ask questions, and be constructively critical of management, procedures, facilities and equipment. This is a business that is based on employee success. If there is input that you can provide that will lead toward more success in your job and for the farm, we want to hear from you.

10.2 Bonuses

Optional

Example:

Year End Bonus

Year-end bonuses will be tied to the profitability of the farm. In a good year bonuses will be paid out on the basis of a percentage of the employee's annual gross wage. In a bad year, bonuses will not be paid. Bonuses will be paid prior to Christmas to all employees on the payroll at that time.

Quality Bonus

Milk Quality Bonuses will be paid to regular employees that work with our milking herd. The milk quality bonus will be divided equally among the dairy employees as follows:

Shift Differentials

If an employee works the night shift (x time to x time) then he/she is eligible for an extra X per hour worked during that shift.

10.3 Raises and Promotions

Raises and promotions shall be determined by the supervisory managers at [Farm Name].
Raises and promotions will also be contingent upon a satisfactory performance review.

11 Employee Benefits

11.1 Health Benefits

[Farm Name] will provides X health insurance.

Insert the specifics of your health care plan if applicable. Name of Insurance Company and Coverage Name/ Single, or Family Coverage? Employee Co-pay of premiums? If the employee waives the coverage do they get a bonus in their check every month?

This section may be impacted by the Federal Affordable Care Act, and is dependent upon the number of employees that you have in your farming operation.

11.2 Workers Compensation Insurance

Who must comply?

See MSU Extension Bulletin E-2966 for more information on how Workers' Disability Compensation may apply to your farm. Also consult with your attorney reviewing your farm employee handbook.

11.3 Termination Benefits

If you voluntarily leave employment with [Farm Name] you will be paid all wages due to you on the regularly scheduled payday.

If you are discharged from employment with [Farm Name] you will be paid all wages due to you as soon as the amount can with due diligence be determined.

Optional: If it is determined that it is in the best interest of [Farm Name] to terminate an employee's employment with the farm, [Farm Name] will provide XXX weeks' severance pay at termination. The employee will be required to sign a separation agreement including a release of claims and other standard provisions as a condition of payment.

Note: There are special rules for hand harvesters. Hand harvesters must be paid no later than three days after they voluntarily terminate employment. Hand harvesters discharged must be paid within one working day.

11.4 Housing Benefits

Optional (Farms need to follow all applicable state and federal labor housing laws if providing this benefit). Unless housing is a condition of employment (and cannot be exchanged for additional pay), is furnished on your business premises, and is furnished for your convenience, it is subject to income tax. Employers also need to follow all applicable Federal and State wage laws.

For Migrant and Seasonal Agricultural Workers special rules apply under the Migrant and Seasonal Worker Protection Act (MSPA). These rules affect Safety and Health of Housing; Disclosure; Wages, Supplies and Working Arrangements; Transportation Safety; and Recordkeeping, Reporting, Notices and Posters. For more information on your employer obligations under MSPA please visit: www.dol.gov/compliance/guide/mspa.htm. See MSU Extension Bulletin E-2966 "Labor Laws and Michigan Agriculture" for more information.

12 Conclusion

[Farm Name] welcomes you to our farm. We hope that you will find your employment with us to be fulfilling, rewarding and challenging. We hope to develop a work environment that encourages teamwork, while also allowing for the open sharing of ideas and constructive criticism with the goal of increased prosperity for you and the farm. If you have any questions please feel free to ask.

Thank You and Welcome to our Team!



Handbook Acknowledgment

To be maintained as a separate document.

I have received and read the [Farm Name] Employee Handbook, and understand its contents. I also understand that I am employed on an at-will basis, meaning that either I or [Farm Name] remain free to choose to end our work relationship at any time for any reason. Nothing in the Handbook in any way creates an express or implied contract of employment between the Company and me. Further, I understand that only the [Title] of [Farm Name] has any authority to enter into any agreement contrary to the provisions in the Handbook, and that any such agreement must be in writing and signed by [Title].

Date

Signature