



# Hiring Tips for Dairy Farms

*Disclaimer: This factsheet summarizes recommended best practices and tips for successful and lawful hiring. This factsheet is not a legal document and is intended for educational purposes only. By using this factsheet, you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the factsheet. This factsheet should not be used as a substitute for competent legal advice from a licensed attorney. Dairy farmers are individually responsible for determining and complying with all requirements of local, state and federal laws and regulations.*

This factsheet outlines best practice tips for the hiring process, with the goal being to hire individuals with the right qualifications and an honest interest in working at your farm. Dairies are encouraged to reference the [FARM Human Resources Reference Manual](#) for more information, specifically Chapter 2: Recruitment and Hiring. The online FARM HR Templates file has a job description worksheet and a sample job application form. Finally, the FARM Sample Employee Handbook is a useful starting point for crafting policy statements.

## APPLICATION TIPS

- Draft comprehensive job description listing essential functions of job and required/preferred skills and experience for the job (See FARM HR Templates)
- Request Employment History
  - examine employment history to see if the employee has experience working in dairy or other agricultural settings
- Include clause requiring applicants to swear they have told the truth on their employment application under penalty of perjury (See FARM HR Templates)
- Verify applicant's address to ensure it is a home/apartment/residence – i.e. not a hotel, business address, or PO Box address
  - be cautious of applications listing an out-of-state address

## INTERVIEW TIPS

- Ensure that only those individuals whose qualifications are best matched to the written job requirements are selected for interviews
- Request list of three references from former employers
  - request name and address of farm if applicant has prior farm experience
  - request main office numbers for prior employer references - i.e. not home / cell phone #s
  - call main office number and ask to be transferred to reference instead of calling the listed #
- Consider documenting decision/reasons for selection and non-selection of candidates to minimize the risk of potential discrimination claims (See FARM HR Manual – pgs. 26 & 27)
- Use multiple decision makers in hiring process to ensure that no one person's biases, explicit or implicit, influence the hiring process. For example, have candidates interview with multiple staff members that each have different responsibilities on the farm.

### DO ASK A PERSON ABOUT THE FOLLOWING:

- ✓ What type of organizations they support
- ✓ What type of volunteer/school activities they are involved in
- ✓ If they require on-farm housing
- ✓ Experience working in dairy or other agricultural settings
- ✓ Animal handling background



DO NOT ASK A PERSON ABOUT THE FOLLOWING:

- ✘ Any protected category under federal, state or local law(s) and pay/salary history (See FARM HR Manual – pgs. 25 & 26)

## HIRING STRATEGIES

- Consider running pre-employment screenings on applicants (e.g. driver's license verification, physicals, consumer credit reports, etc. See the FARM HR Manual – pgs. 28 & 29)
  - CAUTION: Employers must ensure that they comply with the federal Fair Credit Reporting Act and any applicable state or local laws. Please consult an attorney prior to implementing a pre-employment screening or background check policy/program.
  - DO NOT run background check until a conditional offer of employment is made
- Screen employees through social media and internet searches (e.g. LinkedIn, Facebook, etc.)
  - CAUTION: Viewing a prospective employee's social media during the hiring process can reveal information about protected class status or off-duty conduct that can later become the basis for a discrimination claim. Working with a third-party social media background check provider may be preferable since the third-party provider can separate out any information about a prospective employee's protected class or lawful off-duty conduct.
  - DO NOT request an applicant's username, password, or other method in order to access the applicant's social media platforms
  - DO NOT review an applicant's social media until after the initial interview
- Run I-9 Employment Eligibility Verification
  - NOTE: Ensure applicant name matches on application and other materials that are provided, including driver's license/ID card, social security card, etc.
- Review applicable state law(s) to see if there are provisions that prohibit obtaining employment through misrepresentation or trespass (i.e. accessing restricted areas of the farm)

## EMPLOYMENT POLICY TIPS

The following clauses and policies can be contained within your Employee Handbook. See the FARM Sample Employee Handbook for example language.

- Draft at-will employment clause indicating that the employment relationship can be terminated by the employer or employee at any time and for any reason
  - NOTE: state laws vary. At the time of writing this tip sheet, Montana state law only permits at-will employment during the probationary period. Montana dairies should seek specific employment advice from a qualified attorney.
- Draft animal care policies and expectations of employees
- Draft policy prohibiting employee access to farm outside scheduled working hours
- Draft animal-abuse policy and reporting procedure to alert management/ownership of any potential animal abuse. Utilize the [See It, Stop It](#) program
- Draft policy regarding how to handle visitors and customers
  - employee guests and visitors should be prohibited from visiting the farm, and any visitors or customers should report to the farm office prior to any tour of the farm
- Draft policy prohibiting use of cell phones other than on breaks and non-work time
  - consider providing lockers to store employee cell phones



- **CAUTION:** Federal and state labor law imposes restrictions on employer policies related to cell phone use and video/tape recording policies. Please consult an attorney prior to implementing any such policy.
- Draft Non-Disclosure and Confidentiality Agreement
  - outline what is considered confidential information, an expectation to maintain such information as confidential, and prohibit disclosure of such information outside the farm

## TRAINING TIPS

- Provide initial hire and refresher training on proper animal handling according to your farm's policy and the [National Dairy FARM Program](#) standards
- Provide initial hire and refresher training on employment policies
- Keep signed employee handbook acknowledgement forms
- Maintain employee training records (See the FARM HR Templates)
- Pair new employees with senior, experienced employees for probationary periods. The new employee will learn best practices for your farm, and the farm will benefit from another set of eyes observing the new hire.

## BE AWARE OF POTENTIAL RED FLAGS

- Incorrect use of farming terminology or a response that may sound scripted or rehearsed
- Applicants who seek work for just a few weeks or who are college students with no farming background
- Befriending or mingling with upper management
- Questions about security or time schedules
- Volunteering for jobs before or after normal business hours
- Volunteering for jobs that are less desirable but would provide access to animals, often before or after normal business hours
- Seeking jobs or tasks below their skill or education level
- Frequently visiting areas of the farm where they have no job duties