



Small Farm Internship Pilot Program

July 2010

The 2010 Legislature authorized L&I to establish a Small Farm Internship Pilot Program to allow individuals to work on small farms as a means to learn about farming practices and farm enterprises. This fact sheet explains the new law and how farms and individuals can participate.

1. What is the purpose of the Small Farm Internship Pilot Program?

The purpose of this pilot program is for small farms to hire individuals who are interested in learning about farming practices. Participating farms are exempt from the wage requirements under the Minimum Wage Act, chapter 49.46 RCW, and interns are not required to receive pay or other type of compensation.

Note: Employers enrolled in this program are not exempt and must comply with the laws governing industrial insurance, health and safety and child labor.

2. Which employers are eligible to participate in the program?

Small farms in Skagit and San Juan counties with annual sales of less than \$250,000 per year are eligible to enroll in this program.

3. How many interns may a small farm enrolled in this program hire?

Farms participating in this program can have up to three interns per year.

4. What steps are involved with enrollment in the program?

A. Farms interested in participating in this program must submit an application to L&I and provide the following information:

- Details of the farm intern plan and program.
- A description of the type of work the intern will perform.
- The dates and duration of the internship.
- The number of interns.
- Any compensation such as wages, stipends, room and board, equipment, etc., that will be provided to the intern.
- The total number of paid workers employed by the farm.
- Tax documentation to show that annual sales are at or below \$250,000.

B. The farm must understand and comply with the Industrial Welfare Act and Industrial Insurance Act.

C. Farms participating in this program must have an **Industrial Insurance Account**.

5. How is an industrial insurance account established?

If your farm needs to set up an industrial insurance account, you can amend your Master Business License to indicate you will be hiring employees by using one of the methods listed below. Although you are applying to have an intern, for the purposes of the license and

industrial insurance, farm interns are considered employees on the application form, and thus you are required to have an Industrial Insurance account.

- **Online:** The best way to amend your license is online at the Department of Licensing's website, www.dol.wa.gov/forms/700028.html.
- **In person:** Customers can visit either a local L&I office in Bellingham, Mount Vernon or Everett, or a Department of Licensing office.
- **By mail:** To request an application in the mail, call the L&I office in Everett at 425-290-1300.

You may file your quarterly reports online at www.QuarterlyReports.Lni.wa.gov.

If you have questions about reporting workers for industrial insurance coverage, please call staff in Employer Services: Sam Rienbolt, 360-902-4659 or sam.rienbolt@Lni.wa.gov; or Debra Moder, 360-902-5598 or debra.moder@Lni.wa.gov.

6. What are the requirements for workers' compensation reporting coverage?

Farms with certificates to hire farm interns must report workers to L&I using the Industrial Insurance Risk Classes 4814-00, 4815-00, or 4816-00 Farms: Internship Program. Your account manager in Employer Services can assist you to determine the appropriate classification by calling 360-902-4817.

These risk classifications apply to qualified farms engaged in providing an internship program for agricultural education. The program will provide a curriculum of learning modules and supervised participation. The internship program is designed to teach farm interns about farming practices and farm enterprise. This classification can only be assigned to those farms that have a valid L&I certification to conduct a farm internship program.

Special note: The term "farm intern" applies to those certified to participate in the farm internship program. Intern hours must be reported exclusively in this classification. All other farm employees' hours are to be reported separately in the applicable farm classification that applies to the farm operation.

7. What are the other requirements for hiring a farm intern?

Prior to hiring an intern, farms that have received a Farm Intern Program certificate must complete an agreement with the intern which includes the following information:

- Details of the internship program, including skills, objectives, and the type of training activities the intern will accomplish.
- A statement indicating that the intern is not entitled to minimum wage.
- A list of the responsibilities, expectations, and obligations of the farm and the intern, including number of hours of work per week.
- Description of the farm activities and work to be performed by the intern.
- Description of wages, room and board, stipends or other compensation the intern will receive.

8. How will the certificates be approved and issued?

Upon receiving a completed application with the necessary documentation, L&I will review applications and issue certificates **within 15 business days** if:

- The farm qualifies as a small farm (annual sales less than \$250,000).

- There are no serious violations of the Minimum Wage Act (Chapter 49.46 RCW) or the Industrial Insurance Act (Chapter 51 RCW).
- The approval certificate will not create unfair competition due to lowered labor costs, or affect working standards established for experienced workers.
- The intern will not displace an experienced worker.
- The farm demonstrates that interns will perform work that fulfills the training requirements of the internship in that it:
 - Provides curriculum modules and supervised training work activities.
 - Is based on a bona fide curriculum or vocational institution.
 - Is reasonably designed to provide vocational knowledge and skills about farming.

9. What will be included as part of the approved certificate?

The approved certificate will include information regarding the terms and conditions, such as information about the farm; number of interns, work activities, and conditions of employment; the authorized wage rate or stipends if any, room and board, or other compensation, etc.

10. When will the certificate expire?

The certificate, and any authorized wage rate, is effective for the time period designated by L&I. All certificates will expire on December 31, 2011, when the program ends.

11. Can a farm appeal if an application is denied?

If a farm is denied, it will be notified by mail. The farm may appeal within **15 business days**. If reasonable grounds exist, the Employment Standards Program representative may grant a review of the appeal.

12. Can a certificate be revoked?

Yes, the farm internship certificate can be revoked if the farm fails to meet the requirements of the Industrial Welfare Act or pay workers compensation in the assigned risk class for interns and employee work hours.

13. When does this program end?

This program ends on December 31, 2011. L&I is required to submit a report to the Legislature at the end of the pilot program and will follow up with participants to gather details of the internship for the report.

Resources:

If you need help identifying curriculum materials to meet the training requirements of the internship, contact the Washington State University Extension Office for your county:

- San Juan County: Tom Schultz, schultzt@wsu.edu or 360-378-4414.
- Skagit County: Don McMoran, donaldm@co.skagit.wa.us, or 360-428-4270, ext 225

Other L&I Contacts:

- **Workplace Safety:** Kelly Monahan, 425-290-1431, kelly.monahan@Lni.wa.gov
- **Workers' Compensation:** Marty Sharf, 425-290-1367, marty.sharf@Lni.wa.gov
- **Wage and Hour questions:** Toll-free at 1-866-219-7321 or esgeneral@Lni.wa.gov

On the Web at: www.WorkplaceRights.Lni.wa.gov