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SENATE BILL 5937

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State of Washington

64th Legislature

2015 Regular Session

By Senator Parlette

Read first time 02/11/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the farm internship pilot project; amending  
2 RCW 49.12.470; and providing an expiration date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 49.12.470 and 2014 c 131 s 1 are each amended to  
5 read as follows:

6 (1) The director shall establish a farm internship pilot project  
7 until December 1, 2017, for the employment of farm interns on small  
8 farms under special certificates at wages, if any, as authorized by  
9 the department and subject to such limitations as to time, number,  
10 proportion, and length of service as provided in this section and as  
11 prescribed by the department. The pilot project consists of the  
12 following counties: San Juan, Skagit, King, Whatcom, Kitsap, Pierce,  
13 Jefferson, Spokane, Yakima, Chelan, Grant, Island, Snohomish,  
14 Kittitas, Lincoln, Okanogan, and Thurston.

15 (2) A small farm may employ no more than three interns at one  
16 time under this section.

17 (3) A small farm must apply for a special certificate on a form  
18 made available by the director. The application must set forth: The  
19 name of the farm and a description of the farm seeking the  
20 certificate; the type of work to be performed by a farm intern; a  
21 description of the internship program; the period of time for which

1 the certificate is sought and the duration of an internship; the  
2 number of farm interns for which a special certificate is sought; the  
3 wages, if any, that will be paid to the farm intern; any room and  
4 board, stipends, and other remuneration the farm will provide to a  
5 farm intern; and the total number of workers employed by the farm.

6 (4) Upon receipt of an application, the department shall review  
7 the application and issue a special certificate to the requesting  
8 farm within fifteen days if the department finds that:

9 (a) The farm qualifies as a small farm;

10 (b) There have been no serious violations of chapter 49.46 RCW or  
11 Title 51 RCW that provide reasonable grounds to believe that the  
12 terms of an internship agreement may not be complied with;

13 (c) The issuance of a certificate will not create unfair  
14 competitive labor cost advantages nor have the effect of impairing or  
15 depressing wage or working standards established for experienced  
16 workers for work of a like or comparable character in the industry or  
17 occupation at which the intern is to be employed;

18 (d) A farm intern will not displace an experienced worker; and

19 (e) The farm demonstrates that the interns will perform work for  
20 the farm under an internship program that: (i) Provides a curriculum  
21 of learning modules and supervised participation in farm work  
22 activities designed to teach farm interns about farming practices and  
23 farm enterprises; (ii) is based on the bona fide curriculum of an  
24 educational or vocational institution; and (iii) is reasonably  
25 designed to provide the intern with vocational knowledge and skills  
26 about farming practices and enterprises. In assessing an internship  
27 program, the department may consult with relevant college and  
28 university departments and extension programs and state and local  
29 government agencies involved in the regulation or development of  
30 agriculture.

31 (5) A special certificate issued under this section must specify  
32 the terms and conditions under which it is issued, including: The  
33 name of the farm; the duration of the special certificate allowing  
34 the employment of farm interns and the duration of an internship; the  
35 total number of interns authorized under the special certificate; the  
36 authorized wage rate, if any; and any room and board, stipends, and  
37 other remuneration the farm will provide to the farm intern. A farm  
38 worker may be paid at wages specified in the certificate only during  
39 the effective period of the certificate and for the duration of the  
40 internship.

1 (6) If the department denies an application for a special  
2 certificate, notice of denial must be mailed to the farm. The farm  
3 listed on the application may, within fifteen days after notice of  
4 such action has been mailed, file with the director a petition for  
5 review of the denial, setting forth grounds for seeking such a  
6 review. If reasonable grounds exist, the director or the director's  
7 authorized representative may grant such a review and, to the extent  
8 deemed appropriate, afford all interested persons an opportunity to  
9 be heard on such review.

10 (7) Before employing a farm intern, a farm must submit a  
11 statement on a form made available by the director stating that the  
12 farm understands: The requirements of the industrial welfare act,  
13 (~~chapter 49.12 RCW~~) this chapter, that apply to farm interns; that  
14 the farm must pay workers' compensation premiums in the assigned  
15 intern risk class and must pay workers' compensation premiums for  
16 nonintern work hours in the applicable risk class; and that if the  
17 farm does not comply with subsection (8) of this section, the  
18 director may revoke the special certificate.

19 (8) The director may revoke a special certificate issued under  
20 this section if a farm fails to: Comply with the requirements of the  
21 industrial welfare act, (~~chapter 49.12 RCW~~) this chapter, that  
22 apply to farm interns; pay workers' compensation premiums in the  
23 assigned intern risk class; or pay workers' compensation premiums in  
24 the applicable risk class for nonintern work hours.

25 (9) Before the start of a farm internship, the farm and the  
26 intern must sign a written agreement and send a copy of the agreement  
27 to the department. The written agreement must, at a minimum:

28 (a) Describe the internship program offered by the farm,  
29 including the skills and objectives the program is designed to teach  
30 and the manner in which those skills and objectives will be taught;

31 (b) Explicitly state that the intern is not entitled to  
32 unemployment benefits or minimum wages for work and activities  
33 conducted pursuant to the internship program for the duration of the  
34 internship;

35 (c) Describe the responsibilities, expectations, and obligations  
36 of the intern and the farm, including the anticipated number of hours  
37 of farm activities to be performed by and the anticipated number of  
38 hours of curriculum instruction provided to the intern per week;

39 (d) Describe the activities of the farm and the type of work to  
40 be performed by the farm intern; and

1 (e) Describes any wages, room and board, stipends, and other  
2 remuneration the farm will provide to the farm intern.

3 (10) The department must limit the administrative costs of  
4 implementing the internship pilot program by relying on farm  
5 organizations and other stakeholders to perform outreach and inform  
6 the farm community of the program and by limiting employee travel to  
7 the investigation of allegations of noncompliance with program  
8 requirements.

9 (11) The definitions in this subsection apply throughout this  
10 section unless the context clearly requires otherwise.

11 (a) "Farm intern" means an individual who provides services to a  
12 small farm under a written agreement and primarily as a means of  
13 learning about farming practices and farm enterprises.

14 (b) "Farm internship program" means an internship program  
15 described under subsection (4)(e) of this section.

16 (c) "Small farm" means a farm:

17 (i) Organized as a sole proprietorship, partnership, or  
18 corporation;

19 (ii) That reports on the applicant's schedule F of form 1040 or  
20 other applicable form filed with the United States internal revenue  
21 service annual sales less than two hundred fifty thousand dollars;  
22 and

23 (iii) Where all the owners or partners of the farm provide  
24 regular labor to and participate in the management of the farm, and  
25 own or lease the productive assets of the farm.

26 (12) The department shall monitor and evaluate the farm  
27 internships authorized by this section and report to the appropriate  
28 committees of the legislature by December 31, 2017. The report must  
29 include, but not be limited to: The number of small farms that  
30 applied for and received special certificates; the number of interns  
31 employed as farm interns; the nature of the educational activities  
32 provided to the farm interns; the wages and other remuneration paid  
33 to farm interns; the number of and type of workers' compensation  
34 claims for farm interns; the employment of farm interns following  
35 farm internships; and other matters relevant to assessing farm  
36 internships authorized in this section.

37 NEW SECTION. **Sec. 2.** This act expires December 31, 2017.

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