

Farm Labor Contractor Certification/Licensing

C. Seavert, T. Cross, and J. Cordero

OREGON
MAY 25 1990
STATE LIBRARY

Purpose

Licensing of farm labor contractors is used as a means of assuring compliance with state and Federal laws that establish certain rights and protections for farm and forest workers. There are *separate* procedures for meeting state and Federal requirements. The Oregon state certification is administered by the Bureau of Labor and Industries (BOLI, pronounced BO-LEE). The Federal certification is administered by the Employment Standards Administration (ESA, pronounced EE-SUH).

other valuable consideration paid or promised to be paid, performs any farm labor contracting activity.

Farm labor contracting means recruiting, soliciting, hiring, employing, or furnishing any seasonal or migrant agricultural worker.

Agricultural worker means an individual employed in field work related to planting, cultivating or harvesting operations; or employed in canning, packing, ginning, seed conditioning, or related research or processing operations; or employed in reforestation activities, Christmas tree harvesting, or nursery production.

Who must comply

All labor contractors must be licensed by the Bureau of Labor and Industries. Most labor contractors will be required to register with *both* state and Federal agencies.

Oregon state: Any person who bids or submits prices on contracts, or any person who, for compensation, supplies workers for the production of farm crops or the reforestation of lands must apply for a farm and forest contractor's license.

Federal: Any person who (1) engages in farm or forest labor contracting outside of a 25-mile radius of the residence of his/her workers, or (2) engages in farm or forest labor contracting for 13 or more weeks in the calendar year, or (3) bids for contracted labor with any Federal agency, must apply for a Federal Farm Labor Contractor Certificate of Registration.

Certification fee

The State of Oregon requires one of two different certifications:

1. farm labor contractor, which costs \$20.00;
2. farm and forest labor contractor, which costs \$100.00.

There is only one Federal certification, for which there is *no fee*.

Application process

Oregon state: BOLI issues licenses to individuals, partnerships, and major shareholders of corporations.

All assumed business names and corporations must be registered with the Corporation Commissioner. Forms to register names may be obtained from:

Definitions

Farm labor contractor means any person—other than an agricultural employer, an agricultural association, or an employee of an agricultural employer or agricultural association—who, for any money or

Clark F. Seavert, Extension district agent, farm management, Timothy L. Cross, Extension agricultural economist, Oregon State University, and Johnny C. Cordero I, agricultural labor specialist, Oregon Employment Division, Department of Human Resources.



OREGON STATE UNIVERSITY EXTENSION SERVICE

OR HED/EX8 .4049 :1349 c.3
Seavert, Clark F.
Farm labor contractor
certification/licensing

Extension Circular 1349 • May 1990

Secretary of State
Corporation Division
158 12th Street, NE
Salem, OR 97310
(503) 378-2290

A single application is submitted for individuals and corporations. However, *each* partner in a partnership is required to submit an application. Each application must include:

1. *Application* (Form WH-27);
2. *\$10,000 Farm Labor Contractor Corporate Surety Bond*; and
3. *Rights of Workers* (Form WH-151) and *Contractor/Worker Agreement* (Form WH-153), or their equivalent.

Note: In lieu of the *Farm Labor Contractor Corporate Surety Bond* (no. 2 above), which may be purchased through an insurance company, a contractor may choose to establish a \$10,000 savings account or deposit the equivalent of cash in the name of the Commissioner of the Bureau of Labor and Industries.

The completed application is mailed to BOLI at the address shown below.

Federal: ESA issues certifications to individuals, partnerships, and corporations. ESA also requires certification of *employees* of farm labor contractors who engage in labor contracting activity. Each application must include:

1. Form WH-510, *Application*;
2. Form FD-258, *Finger Print*;

3. Form WH-512, *Employee Application*, if necessary; and
4. Forms WH-515 and WH-514a when the contractor intends to transport workers.

The completed application is then mailed to ESA at the address shown below.

For more information

Additional forms and information may be obtained by contacting:

Local State Employment Service Offices

State Licenses or Federal Certification
Oregon State Employment Division
Employment Service (Technical Support)
875 Union Street NE
Salem, OR 97311
(503) 378-8122

State Licenses
Bureau of Labor and Industries
Support Services Division
1400 SW 5th Avenue, Room 305
Portland, OR 97201
(503) 229-6481

Federal Certification
Employment Standards Administration
U.S. Department of Labor
909 First Avenue
Seattle, WA 98174
(206) 442-4543



Extension Service, Oregon State University, Corvallis, O.E. Smith, director. This publication was produced and distributed in furtherance of the Acts of Congress of May 8 and June 30, 1914. Extension work is a cooperative program of Oregon State University, the U.S. Department of Agriculture, and Oregon counties.

Oregon State University Extension Service offers educational programs, activities, and materials—without regard to race, color, national origin, sex, age, or disability—as required by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. Oregon State University Extension Service is an Equal Opportunity Employer.

ES Pub 222 (12/89)



EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

The mission of the Oregon Employment Division is to improve the quality of life of Oregonians by (1) providing qualified applicants for employers; (2) assisting workers in finding suitable jobs; (3) providing unemployment insurance benefits to eligible claimants; (4) supplying labor market information, and; (5) participating in the economic development of Oregon.