

SENATE BILL REPORT

SB 5937

As Passed Senate, February 16, 2016

Title: An act relating to the farm internship pilot project.

Brief Description: Addressing the farm internship pilot project.

Sponsors: Senator Parlette.

Brief History:

Committee Activity: Commerce & Labor: 1/13/16, 1/20/16 [DP, w/oRec].
Passed Senate: 2/16/16, 49-0.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Baumgartner, Chair; Hasegawa, Ranking Minority Member; Conway, Keiser and Warnick.

Minority Report: That it be referred without recommendation.

Signed by Senator Braun, Vice Chair.

Staff: Richard Rodger (786-7461)

Background: Generally, an individual who acts directly or indirectly in the interest of a for-profit business is considered an employee of that business and a business that permits an individual to work is considered an employer. The employee and employer relationship is governed by a number of state employment laws including the Minimum Wage Act (MWA), the Industrial Insurance Act, the Employment Security Act, and the Industrial Welfare Act. Generally, referring to an individual as an intern or volunteer or allowing an individual to provide services without compensation does not exempt the employer or the employee from provisions of these respective acts.

In 2014 the Legislature directed the Department of Labor & Industries (L&I) to reestablish a farm internship pilot project that expired in 2011. The pilot project covers qualifying small farms in the following counties: San Juan, Skagit, King, Whatcom, Kitsap, Pierce, Jefferson, Spokane, Yakima, Chelan, Grant, Kittitas, Lincoln, Thurston, Island, and Snohomish.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Qualified small farms may employ up to three farm interns at any time, working under special certificates issued by L&I. Farms seeking to employ interns must submit an application to L&I and execute an agreement with the intern that sets forth specified information. Under the pilot project, these farm interns are not considered employees under the MWA and are not eligible for unemployment insurance. The pilot project expires on December 31, 2017.

Summary of Bill: The farm internship pilot project is expanded to include qualifying small farms located in Okanagan County.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The farm internship pilot project was reauthorized in 2015 by the Legislature. It is currently operating in two neighboring counties of Chelan and Grant. Farmers in Okanagan County would also like to use the program if it was authorized there too.

OTHER: Although there are a limited number of farms utilizing the farm internship program, the legislature should provide minimum wage coverage for these interns. Providing a minimum wage would increase the students' interest in the program.

Persons Testifying: PRO: Senator Linda Parlette, prime sponsor.

OTHER: Eric Gonzalez Alfaro, Washington State Labor Council.

Persons Signed In To Testify But Not Testifying: No one.