
ENGROSSED SUBSTITUTE SENATE BILL 6261

State of Washington

66th Legislature

2020 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators McCoy, Saldaña, Conway, Kuderer, Hasegawa, Wilson, C., Das, Nguyen, and Keiser)

READ FIRST TIME 02/04/20.

1 AN ACT Relating to strengthening the farm labor contractor system
2 by removing an exemption for nonprofits, prohibiting retaliation and
3 the use of farm labor contractors in certain circumstances, and
4 establishing liability for related violations; and reenacting and
5 amending RCW 19.30.010.

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

7 **Sec. 1.** RCW 19.30.010 and 2017 c 253 s 1 are each reenacted and
8 amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Agricultural employee" means any person who renders, or has
12 rendered, personal services to, or under the direction of, an
13 agricultural employer in connection with the employer's agricultural
14 activity.

15 (2) "Agricultural employer" means any person engaged in
16 agricultural activity, including the growing, producing, or
17 harvesting of farm or nursery products, or engaged in the forestation
18 or reforestation of lands, which includes but is not limited to the
19 planting, transplanting, tubing, precommercial thinning, and thinning
20 of trees and seedlings, the clearing, piling, and disposal of brush

1 and slash, the harvest of Christmas trees, and other related
2 activities.

3 (3) "Director" as used in this chapter means the director of the
4 department of labor and industries of the state of Washington.

5 (4) "Farm labor contracting activity" means recruiting,
6 soliciting, employing, supplying, transporting, or hiring
7 agricultural employees.

8 (5) "Farm labor contractor" means any person, or his or her agent
9 or subcontractor, who, for a fee, performs any farm labor contracting
10 activity. "Farm labor contractor" does not include a person
11 performing farm labor contracting activity solely for a small
12 forestland owner as defined in RCW 76.09.450 who receives services of
13 no more than two agricultural employees at any given time.

14 (6) "Fee" means:

15 (a) Any money or other valuable consideration paid or promised to
16 be paid for services rendered or to be rendered by a farm labor
17 contractor.

18 (b) Any valuable consideration received or to be received by a
19 farm labor contractor for or in connection with any of the services
20 described in subsection (4) of this section, and shall include the
21 difference between any amount received or to be received by him, and
22 the amount paid out by him for or in connection with the rendering of
23 such services.

24 (7) "Person" includes any individual, firm, partnership,
25 association, corporation, or unit or agency of state or local
26 government.

27 (8) This chapter shall not apply to employees of the employment
28 security department acting in their official capacity or their
29 agents, nor to any common carrier or full time regular employees
30 thereof while transporting agricultural employees, nor to any person
31 who performs any of the services enumerated in subsection (4) of this
32 section only within the scope of his or her regular employment for
33 one agricultural employer on whose behalf he or she is so acting,
34 unless he or she is receiving a commission or fee, which commission
35 or fee is determined by the number of workers recruited(~~(, or to a~~
36 ~~nonprofit corporation or organization which performs the same~~
37 ~~functions for its members. Such nonprofit corporation or organization~~
38 ~~shall be one in which:~~

1 ~~(a) None of its directors, officers, or employees are deriving~~
2 ~~any profit beyond a reasonable salary for services performed in its~~
3 ~~behalf.~~

4 ~~(b) Membership dues and fees are used solely for the maintenance~~
5 ~~of the association or corporation) .~~

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