

Idaho Department of Labor-Wage and Hour Section

Board / Commission Members / Board / Commission Composition: N/A

Idaho Department of Labor Contacts:

- Amy Hohnstein, Administrator, Determinations Services
- Artie Holmes, Bureau Chief, Idaho Wage & Hour
- Linda Castaneda, Farm Labor Contractor Coordinator

Statute: <https://legislature.idaho.gov/statutesrules/idstat/Title44/T44CH16/>

Number of Licensed Farm Labor Contractors in the State of Idaho: 66 licensed to date and are listed at <https://www.labor.idaho.gov/dnn/Job-Seekers/Farmworker-Services>

Index of Statute, Rule and Policy Requirements for Licensure and Renewal

		Statute I.C. § 44-1602	Rule IDAPA ##.##.##	Policy	Application	Time from Complete Application to Final Action	Basis to Deny or Not Accept Application	Basis to Refuse Renewal	Fees	Cost per applicant or licensee
						Range	Average			

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License 1	Issuance Requirements	https://legislature.idaho.gov/statutes/rules/idstat/Title44/T44CH16/44-1602	44-1602	https://legislature.idaho.gov/statutes/rules/idstat/Title44/T44CH16/	https://legislature.idaho.gov/statutes/rules/idstat/Title44/T44CH16/	3 days to one week	4 days	I.C. § 44-1616 If they are not following state or federal laws	Non-compliant 44-1616	\$250.00 per app. In addition to W. C. and FLC Bond	Varies
	Renewal Requirements	Same as above									
License 2	Issuance Requirements	FLC Bond 10k or 30k	Depending on number of empl.	Vehicle has to be insur.							
	Renewal Requirements										

Applications and Renewals Denied (January 1, 2018 to August 8, 2018) ZERO

Refusal to Issue Initial License [Total Number: #]

	Application/ Identification Number	Statutory Basis	Factual Summary (optional)
1	None denied	N/A	N/A

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2		
3		
4		

Refusal to Renew License [Total Number: #]

	License/ Identification Number	Statutory Basis	Factual Summary (optional)
1	Zero		Applicants are told what’s necessary for licensure.
2			
3			
4			

Disciplinary Actions (suggested past 5 years)

Case No	Date of Final Action	Action Taken	Statutory Basis	Factual Basis (optional)
None for several years.				Hearings are held prior to any disciplinary actions.

Law, Rule, or Policy Changes or Attempted Changes in Last 5 Years to Eliminate Barriers to Entry

Session	Legislation	Summary
None attempted.		

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Assessment of Public Interest

[Provide an assessment or statement as to whether the licensure, or requirements relating thereto, are in the public interest, together with the reasons for such assessment or opinion. Executive Order 2.a.]

Legislation requiring licensure of farm labor contractors - proposed by the department and passed by the Idaho Legislature in 2002 - addresses nonpayment of wages owed to farm workers and the concern of farmers that they are liable for unpaid farm worker wages, worker's compensation and insurance after they already paid the farm labor contractor for those wages and to cover those provisions. The resulting statute requires any individual acting as a farm labor contractor on behalf of a farmer or migrant and seasonal farm workers in Idaho to:

- 1) Be licensed by the State and pay an annual licensing fee;
- 2) Post a surety bond to cover unpaid wages;
- 3) Carry auto insurance for all vehicles used in the farm labor contracting business;
- 4) Carry workers' compensation coverage for all employees; and
- 5) Provide all employees at the time of hiring full disclosure of the conditions of employment.

While the department's Wage & Hour unit does not enforce the law, it is dependent upon law enforcement to cite farm labor contractors operating without a license.

Recommendations for Improvement, Modification, or Elimination of Requirements

[Provide recommendations for improvement, modification or elimination of licensure or renewal requirements within the department or agency's jurisdiction. Specifically, identify: (1) suggestions on requirements for initial licensure that can be eliminated; and (2) suggestions on requirements for renewal that can be eliminated. Executive Order 1.b, 1.c, 2.b.]

The Idaho Department of Labor recommends requirements for becoming a licensed farm labor contractor remain the same and does not have any recommendations at this time. The agency would prefer to meet with and get input from all interested parties and stakeholders - farmers, farm labor contractors and farm workers – prior to offering any further suggestions or changes.

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