



Possible Models for Legal Farm Internship Programs

California Farmlink and NCAT-ATTRA are working on developing a list of options for farmers to come into compliance with labor laws and continue their internship programs. Here is a short summary of the options we have been researching, and some leads on how they can work. Please be aware that these are still ideas and none are guaranteed to happen as of yet (with the exception of #1).

1) Hire Apprentices as Employees

In this scenario, farmers have opted to hire their "interns" as employees, and pay them the state mandated \$8.00/hr minimum wage, federal taxes, state payroll taxes, workers compensation and unemployment taxes. However, farmers are allowed to deduct the value of meals and lodging from employees' wages BEFORE taxes. This is beneficial for both parties, as it reduces the total amount that employees are taxed on, and also the amount that the farmer ends up paying the employee. Farmers also come into compliance with OSHA health regulations, which included posting safety notices in accessible places.

2) Create an agricultural apprenticeship program through the CA Dept of Industrial Relations Division of Apprenticeship Standards.

Apprenticeship programs exist legally for the trade industries, such as carpenters, painters, plumbers, welders, etc. The California Department of Labor and Industrial Relations Division of Apprenticeship Standards (DAS) is working with a Marin farmer and the College of Marin to create an apprenticeship program for small and organic farms, which would be the first of its kind in the state and the country. Apprenticeships are technically exempt from minimum wage in California, but that needs to be justified to DAS, and are required to collaborate with an accredited educational institution (most often community colleges) for educational classroom work.

3) Lease some of your land to an aspiring farmer

In this scenario, a farmer leases a small plot of land to their apprentice to farm on their own. The apprentice is responsible for managing this plot as their own business, including paying for operating expenses, and filling out their own schedule F income tax form. The apprentice can sell their products to the farmer or they can sell it on their own. The farmer and apprentice will work out an educational or training program between themselves.

4) Farm School Approach

In this scenario, apprentices are students who pay tuition for a formal training program. However, all farm work is done following state and federal labor laws. Apprentices are paid minimum wage for the work they do, and pay tuition for the education they receive.

5) Employment Training Panel

The CA Employment Training Panel (ETP) is a state agency that provides financial assistance to California businesses to support customized worker training, and is funded by the Employment Training Tax paid by California employers. Growers and institutions are reimbursed for wages paid for training hours. An established curriculum must be followed and hours spent on different subject matters documented. A "trainer" must be present during documented hours, which can include a manager, supervisor or crew leader. There is a minimum 90-day training period. CA Farmlink is researching more on this model.