

# **Farm Internship Pilot Project**

## *2018 Report to the Legislature*

**December 2018**

# Table of Contents

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<b>Executive Summary</b> .....	<b>1</b>
<b>Introduction</b> .....	<b>3</b>
<b>Reporting Requirements</b> .....	<b>4</b>
Program Participation.....	4
Educational Activities .....	4
Wages and Other Compensation Provided .....	5
Workers' Compensation Claims Filed.....	6
Subsequent Employment of Interns.....	6
Project Results .....	7
<b>Conclusion</b> .....	<b>8</b>
<b>Figures</b>	
Figure 1: Number of Internships and Farms by Project Year .....	6

# Executive Summary

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## Introduction

The 2014 Washington State Legislature authorized the Department of Labor & Industries (L&I) to establish the Farm Internship Pilot Project.

The goal of the Farm Internship Pilot Project is to enable interns to safely work on small farms while learning about farming practices and obtaining hands-on experience in farming activities. Participating farms are exempt from minimum wage requirements and interns are not required to receive pay or any other type of compensation; however, interns must be provided workers' compensation coverage to insure against workplace injuries. L&I is required to monitor and evaluate the farm internships included in the project and report to the legislature by December 31, 2018 on participation levels, educational activities provided, wages paid, workers' compensation claims filed, and subsequent employment of interns.

The Farm Internship Pilot Project is the second<sup>1</sup> of its kind in Washington, which is the first state to conduct such a pilot. Farms with annual sales of less than \$250,000 per year are eligible to apply for a special certificate enabling them to participate in the project.

A total of 20 counties are eligible to participate in the pilot project, which is authorized to continue through December 31, 2019. A final report will be provided at that time.

## 2018 Information update

### Participation

During Fiscal Year (FY) 2018 (July 1, 2017 – June 30, 2018), 21 farms applied for and received a special certificate enabling them to participate in the project, bringing the total number of participating farms since the pilot began in 2014 to 83. Thirty-four interns were trained during this time period, for a total of 140 interns trained since 2014.

### Educational activities

Providing increased educational opportunities for interns continued to be a major focus of the project during FY 2018. As in the previous years, educational activities offered by internships in the participating counties included, but were not limited to:

- Hands-on farming experience.
- Assigned reading and writing about farming practices and opportunities to take formal agricultural courses.
- Space on farms to experiment with innovative farming methods.
- Trips to neighboring farms to observe, learn from others, and build networks.
- Presentations and teaching opportunities at farms and associated farming organizations.

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<sup>1</sup> The first pilot project began in June 2010 and expired in December 2011.

### **Wages and other compensation provided**

Compensation for interns is not required; however, each participating farm offered their interns compensation of some kind, such as:

- A stipend.
- An hourly wage.
- Room and board.
- Farm produce.

### **Workers' compensation claims filed**

No workers' compensation claims were filed in FY 2018. Since the project began, one claim has been filed due to a minor injury, with no work days lost.

### **Subsequent employment of interns**

As in previous years, subsequent employment of interns varied in FY 2018. Seventeen interns were employed by the farms where they trained after completing their internships. Others were employed in similar positions elsewhere, continued their education, changed to another field of work, or started their own farms.

### **Project results**

Participating farms were given an opportunity to provide written feedback about their experiences with the project. According to the feedback provided, farms benefitted from the opportunity to pass on their knowledge of agriculture and agricultural enterprise, and to build a working relationship with the next generation of the industry. Interns were able to gain hands-on experience and training in a safe and legal way.

The pilot project provides a means for small farms to continue a long-standing practice of educational internships in compliance with labor laws and regulations, and to provide safety to farm interns through the workers' compensation system. In essence, the Farm Internship Pilot Project helps keep Washington safe and working.

# Introduction

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Small farms have historically relied on informal internships to train the next generation of farmers. Informal internships are intended to be mutually beneficial to both farms and those who wish to enter the farming industry. Washington's Farm Internship Pilot Project, established under RCW 49.12.470, aims to minimize legal risks for small farms that provide a structured, approved curriculum as part of training for interns while providing interns opportunities to learn and workers' compensation insurance while on the job.

Farms participating in the Farm Internship Pilot Project are exempt from requirements of the Minimum Wage Act, which includes wage and hour regulations. All other farms must meet these requirements. Participating farms are not required to pay or otherwise compensate interns; however, they are required to purchase workers' compensation insurance for their interns.

During Fiscal Year (FY) 2018, farms in 20 of Washington's 39 counties with annual sales of less than \$250,000 per year were eligible to apply for a special certificate enabling them to participate in the project. The eligible counties are:

- Chelan
- Clark
- Cowlitz
- Grant
- Island
- Jefferson
- King
- Kitsap
- Kittitas
- Lewis
- Lincoln
- Pierce
- San Juan
- Skagit
- Snohomish
- Spokane
- Thurston
- Walla Walla
- Whatcom
- Yakima

To qualify for a certificate, farms must:

- Have annual sales of less than \$250,000 per year.
- Have no serious violations of Industrial Insurance or Minimum Wage Act requirements, such as unpaid wages to employees, which would indicate potential noncompliance with the terms of an internship agreement.
- Demonstrate that the issuance of a certificate will not create unfair competitive labor cost advantages, and will not affect wages and working standards for experienced workers in the industry.
- Not displace an experienced worker with an intern.
- Demonstrate that interns will perform work for the farm under an internship program based on the bona fide curriculum of an educational or vocational institution designed to teach farm interns about farming practices and farm enterprises.

# Reporting Requirements

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The law that created the Farm Internship Pilot Project requires the Department of Labor & Industries (L&I) to monitor and evaluate the farm internships included in the pilot project and report to the legislature by December 31, 2018 on participation levels, educational activities provided, wages paid, workers' compensation claims filed, and subsequent employment of interns. The agency is pleased to provide this report describing how the Farm Internship Pilot Project has supported small farms by creating a legal way to provide traditional educational internships.

## PROGRAM PARTICIPATION

### Participating farms

During FY 2018 (July 1, 2017 – June 30, 2018), 21 farms applied for and received certificates enabling them to participate in the Farm Internship Pilot Project, bringing the total number of participating farms to 83 since the pilot began in 2014. Not all the farms that received certificates employed interns. For those that did, the number of interns employed varied from year to year. However, an individual farm was not allowed to employ more than three interns at any one time.

### Participating interns

Thirty-four new interns were trained at small farms in FY 2018, bringing the total number of participating interns to 140 since the project began. With one exception, internships lasted less than one year. The length of time depended on the particular farm and generally coincided with each farm's specific working season(s), which varied greatly.

## EDUCATIONAL ACTIVITIES

All participating farms continued to provide education-focused work and activities based on the bona fide curriculum of an educational or vocational institution as part of their internship program. Some examples of curriculum resources used are available on the L&I public website at <http://www.lni.wa.gov/WorkplaceRights/agriculture/smallfarminternship/default.asp>.

Each educational program was tailored to the specific nature of work performed at each farm, as well as the farmer's own background, experience, and teaching style. Interns received in-person instruction in hands-on farming techniques and practiced those techniques as part of their regular duties throughout the course of the internship. Some farms also provided a space for interns to try their own experimental techniques for growing agricultural and horticultural crops.

In addition to these hands-on experiences, some interns were given reading/writing assignments, participated in seminar-style discussions with neighboring farms and their interns, and/or had opportunities to take formal agricultural courses from Washington State University, Organic Farm Schools, and other educational organizations.

As well as providing educational opportunities for interns, the project provided education and outreach to communities in participating counties. As in previous years, most of this outreach was done by individual stakeholders, including the Agricultural Resources Committee, the Washington Farm Bureau, the Washington Sustainable Food and Farming Network, and Washington State University Extension.

Notable educational programs offered in FY 2018 included:

- **Farmer Innovation, Education, and Leadership Development (FIELD) Program (*Mystery Bay Farms*)** -- Jefferson County FIELD is an educational program developed by farmers and the Jefferson County WSU Small Farms Team, in which interns are paired with a host farm mentor who provides them with comprehensive instruction in farm operations. This is supplemented by intensive weekly workshops in such subject areas as humane animal slaughter, water law, farm construction, cider production, and marketing.
- **Wolf Camp and the Conservation College (*Blue Sky Farm*)** -- This is an entrepreneurial, sustainable homesteading program based on the principles of permaculture.<sup>2</sup> It trains interns to be energy-efficient and self-sufficient in living off the land.
- **Kitsap Farm Internship Program (*Around the Table Farm*)** -- The goal of this program is to collectively provide instruction and hands-on learning in small farm agricultural practices with emphasis on Kitsap County as a farming community.

## WAGES AND OTHER COMPENSATION PROVIDED

Prior to the start of an internship, participating farms and interns must sign a written agreement describing the program offered by the farm, the responsibilities and expectations of the intern and the farm, the activities of the farm, the type of work to be performed by the intern, and any compensation the farm would provide to the intern. The written agreements must also explicitly state that interns are not entitled to unemployment benefits or minimum wages for work and activities performed as part of the internship program for the duration of the internship. However, every intern must be covered for work-related injuries through workers' compensation.

Though it was not required, many farms offered some form of compensation to their interns. The amount and type of compensation varied from farm to farm. Examples of compensation offered include:

- Stipends.
- Hourly wages.
- Room and board.
- Farm produce.

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<sup>2</sup> Permaculture is the development of agricultural ecosystems intended to be sustainable and self-sufficient.

## WORKERS' COMPENSATION CLAIMS FILED

No workers' compensation claims were filed in FY 2018.

Of the 140 interns who have participated in the project since 2014, one filed a workers' compensation claim in FY 2017 for a minor injury incurred during the internship. The injury sustained was not serious enough to cause the intern to miss any work days.

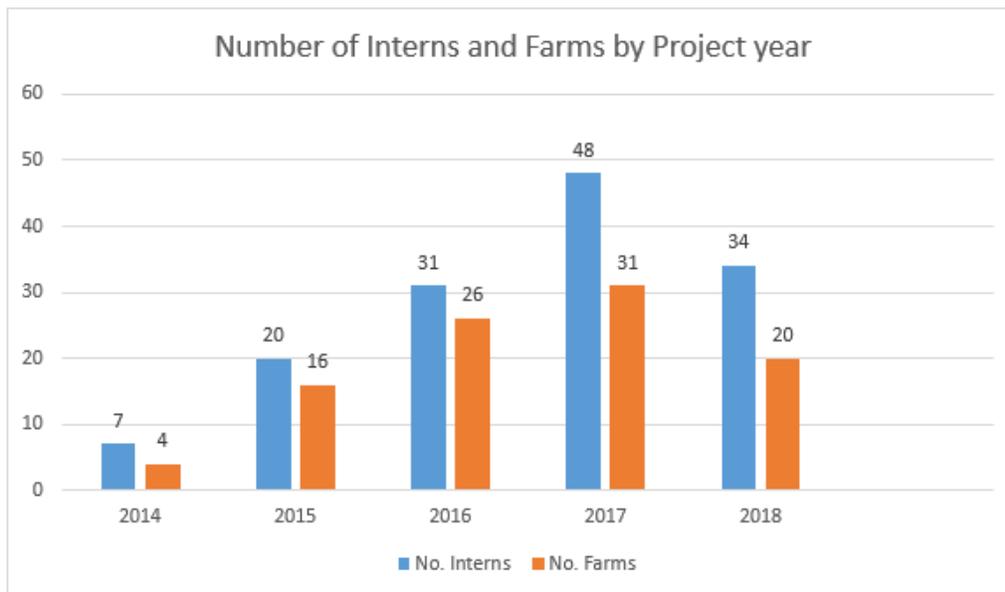
## SUBSEQUENT EMPLOYMENT OF INTERNS

In FY 2018, as a direct result of the program, 17 of the 140 total participating interns (about 12 percent) were employed by the farms where their internships took place. For the remainder of the interns, as in previous years, subsequent employment varied widely, and specific data is unavailable. However, it included interns obtaining employment at other farms, starting their own farms or farm-related businesses, continuing their education elsewhere, and obtaining employment with non-profit organizations in other communities. Some interns also determined, by virtue of the internship experience, that farming was not their field of interest.

## PROJECT RESULTS

Over the course of the project, the cumulative number of participating farms and interns has continued to increase, possibly due to increased awareness of the program. The specific numbers of participants by project year are shown in Figure 1 below.

**Figure 1: Number of Internships and Farms by Project Year**



*\*Note: The cumulative number of farms is higher than the reported number due to repeat farms in the program.*

Source: L&I Employment Standards

## **Benefits of the pilot**

According to testimony on the legislation that extended the Farm Internship Project, farms encourage local growing and support their local economies; yet, the average age of farmers is going up and the number of young farmers continues to decline. This project is intended to encourage younger farmers and support the next generation of farmers.

Farms participating in the project benefit from the opportunity to pass on their knowledge of agriculture and agricultural enterprise, and to build a working relationship with the next generation of the industry. Many of the participating farms might not have otherwise had the resources to accomplish this.

Due to the project's educational nature, some interns are able to introduce new concepts, experiment, and innovate processes, which provide new perspectives and ideas to their teachers and mentors. The project has also inspired some farms to coordinate their activities with other participants, thus building stronger relationships across the agricultural industry statewide.

Finally, as a direct result of this project, interns are able to gain hands-on experience and training in a safe and legal way.

# Conclusion

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During FY 2018, the Farm Internship Pilot Project continued to successfully enable interns to safely work on small farms while learning about farming practices and obtaining hands-on experience in farming activities in a safe and legal way. Farms continued to benefit from the opportunity to pass on their knowledge of agriculture and agricultural enterprise, and to build a working relationship with the next generation of the industry.

The Farm Internship Pilot Project continues through December 31, 2019. L&I will continue to accept and process applications from small farms in supported counties, and to ensure that program participants comply with all applicable laws and regulations.