



IDAHO DEPARTMENT OF LABOR
Wage and Hour Section – FLC Licensing
127 W. Fifth St., N.
Burley, ID 83318

INFORMATION REGARDING FARM LABOR CONTRACTOR LICENSING

WHO MUST APPLY?

Any person who is paid or is promised to be paid for recruiting, soliciting, hiring, employing, furnishing or transporting any migrant or seasonal agricultural worker.

EXEMPTIONS FROM LICENSING REQUIREMENT:

1. Agricultural associations engaged in farm labor contracting activities exclusively for members of their association.
2. Individuals engaged in farm labor contracting for an agricultural operation owned or operated exclusively by such individual or a member of such individual's immediate family, if such activities are performed only for such operation and exclusively by such individual, but without regard to whether such individual has incorporated or otherwise organized for business purposes.
3. Agricultural employers exchanging agricultural labor or services with each other provided the work is performed on land owned or leased by the agricultural employers.
4. Any common carrier that would be a farm labor contractor solely because it is engaged in transporting any migrant or seasonal agricultural worker. For purposes of this section, a common carrier is one that holds itself out to the general public to engage in transportation of passengers for hire, whether over regular or irregular routes, and holds a valid certificate or authorization for such purpose from an appropriate local, state or federal agency.
5. Nonprofit charitable organizations and public entities or private nonprofit educational institutions.
6. The employees of persons described above when performing farm labor contracting activities exclusively for such employer, unless the employee receives a commission or fee based upon the number of workers recruited.

LICENSE FEE: \$250.00 annually

TO OBTAIN A LICENSE, EACH APPLICANT IS REQUIRED TO SUBMIT:

1. The license fee
2. Completed application
3. Two recent, passport sized, color photographs
4. Vehicle information sheet if applicable
5. Certificate of insurance issued by your auto insurance carrier that lists Idaho Commerce & Labor as the certificate holder and provides a 30-day cancellation notice for all vehicle(s) used in the operation of the business and used to transport workers. **This certificate must include a list of all vehicles used and their vehicle identification numbers.***
6. Certificate of insurance issued by your workers' compensation carrier that lists Idaho Commerce & Labor as the certificate holder **and provides a 30-day cancellation notice.***
7. Proof of financial responsibility*
8. For employee applicants, a sponsorship statement.

***If applying for an employee license as an employee of a licensed farm labor contractor, you do not need to submit proof of financial responsibility, or certificates of insurance for vehicles or workers' compensation.**

ALL assumed business names and corporations **MUST** be registered with the secretary of state **PRIOR** to a license being issued. Please contact:

SECRETARY OF STATE
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301

PROOF OF FINANCIAL RESPONSIBILITY:

Proof of financial responsibility is a corporate surety bond from a company licensed to do business in Idaho, or cash or other security acceptable to the director of Idaho Department of Labor. **All financial responsibility documents are to be submitted on forms provided by the department.** Proof of financial responsibility shall be in the following amounts:

\$10,000 if no more than 20 employees are employed – \$30,000 if 21 or more employees are employed

If a contractor elects to make a cash deposit as proof of financial responsibility, the cash deposit is required to be:

1. Issued payable to the "Director, Idaho Department of Labor" exclusively; **AND**
2. Be immediately payable to the director upon demand; **AND**
3. Be under the director's control through the current license year, **PLUS** 24 months.

LICENSE RENEWAL:

The license shall be good for one licensing year. All licenses will expire at the end of each licensing year. Renewal applications are sent to all licensed contractors prior to the expiration of the current license. The license renewal fee is \$250.

NO JOINT EMPLOYMENT:

A farmer who uses a licensed farm labor contractor will not be a joint employer of the contractor's employees. The licensed farm labor contractor will remain their sole employer and be solely responsible for the payment of their wages.

TO REQUEST A LICENSING PACKET OR FOR ADDITIONAL INFORMATION CONTACT:

FLC Licensing Coordinator
Idaho Department of Labor
127 W. Fifth St., N
Burley, ID 83318
(800) 843-3193

