

● FARM LABOR CONTRACTOR LICENSING LAW

STATUTORY CITATION: Idaho Code §§ 44-1601 – 44-1618

GENERAL SUMMARY: Chapter 16 of the state labor laws regulates the activities of farm labor contractors in Idaho, by requiring that they obtain a state-issued license, prove financial responsibility for payment of claims, and comply with certain duties and restrictions spelled out in the statute.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No one may act as a farm labor contractor without obtaining a license to do so from the state labor department. As conditions for issuing the license, the applicant must provide information that will enable the department to confirm the person's fitness, competency and qualifications to engage in the farm labor contracting business.

FINANCIAL RESPONSIBILITY — License applicants must obtain a surety bond or equivalent security in the amount of \$10,000 (\$30,000 if they employ more than 20 workers), to cover the contractor's liability to the workers for any unpaid wages or other damages.

DUTIES — Among many other duties imposed on them, farm labor contractors must:

- (1) Carry their contractor license with them at all times.
- (2) Promptly pay their workers and others with whom they do business as a contractor.
- (3) Provide their workers, at the time of recruiting, hiring or dispatching to a worksite, a written statement detailing the wage or piece rate to be paid, the terms and conditions of employment, any housing or other facilities to be provided, and the workers' rights and remedies, including the right to make a claim against the contractor's surety bond.
- (4) Provide the workers with a written pay statement, at the time of each payment, itemizing the total amount of pay, the amount and purpose of each deduction, the hours worked, and the number of units of production if paid on a piecework basis.

RECORDKEEPING — Contractors must make a record, and preserve it for 3 years, of each employee's wages, hours, total earnings, pay deductions, and work locations.

PROHIBITED ACTS — Among other things, it is illegal for a farm labor contractor, or an applicant for a contractor license, to:

- (1) Make false statements or misrepresentations on the license application.
- (2) Make a false, fraudulent or misleading representation to any person, or to circulate or publish false or misleading information concerning the terms, conditions or existence of any employment.
- (3) Use force, intimidation or a threat — including a threat of deportation — to induce workers to give up any part of the wages to which they are entitled.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal for a farm labor contractor to fire or in any other manner discriminate against a worker because the worker made a claim against the contractor, testified in a proceeding, or discussed or consulted with anyone concerning the worker's rights under this law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Idaho Department of Labor, Boise, Idaho 83735 (208-332-3570)*. This agency is responsible for licensing farm labor contractors under state law, and for investigating violations by or complaints against licensed or unlicensed contractors.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — A worker aggrieved by a violation of these provisions may bring a civil suit for injunctive relief, damages or both, using a private attorney or public legal service provider. If it finds in the complainant's favor, the court may award actual damages, plus *three times* the amount of actual damages, or up to \$1,000 per violation, whichever is greater. Civil action must be commenced no later than 2 years after the violation occurred.