

MEASURE YOUR SUCCESS AT THE WFB ANNUAL LABOR CONFERENCE FEB. 25 IN WENATCHEE

The only conference each year dedicated to the labor and employment needs of Washington's seasonal employers.

- Top nationwide experts on agricultural issues such as healthcare, immigration, and more.
- Preview dramatic changes in store for our state workers' comp system – in the Legislature and at the ballot box this fall!
- **A dozen breakout sessions** – industry experts and agencies address the issues of concern – and the areas that agencies intend to target. Something for everyone!

Here are a just few of the general session and breakout sessions:

1. Leon Sequira – a top official at the Department of Labor in the Bush Administration, will speak about the **new DOL workplace strategies**.
2. **Workers' Comp. – a ballot initiative** will be filed this year that will allow you to purchase private workers' comp insurance. What should you know about it?
3. Healthcare – A report from our D.C. lobbyist.
4. **ICE workforce agents** will answer questions about workplace enforcement.
5. Tim Bernasek – a top agricultural labor attorney from Portland, will provide concrete advice on labor relations issues and other topics.
6. L&I will preview its Farm Labor Contractor Inspection Outreach for 2010. If you use a farm labor contractor, you need to attend this break out session.
7. **Much more!**

VIP Breakfast preceding the conference from 7:30 a.m. to 8:30 a.m. for Conference Sponsors. Sponsorship is an additional \$300 and includes breakfast with a featured speaker for you and a guest as well as sponsorship recognition throughout the Conference.

Register today at www.wsfb.com.

ESSENTIAL TRAINING: TWO DAY SUPERVISOR TRAINING (SPANISH)

MT VERNON Jan. 26 & 27

OR

PASCO Jan. 28 & 29

(8:00 a.m. to 4:00 p.m. each day)

Your orchard, dairy or farm supervisors will have the opportunity to attend a two-day seminar on supervisory skills in Spanish, with a breakfast presentation to owners in English to summarize the training that workers are receiving.

There is still room at both locations! Register today to secure a seat for your supervisors.

Registration is limited to 40 workers at each location. Visit www.wsfb.com for more information and to register.

The cost is \$150 per person and includes lunch both days, owners breakfast (second day), and textbook/training materials.

Editor

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AGRICULTURAL EXEMPTION FOR OVERTIME APPLIED TO WASHINGTON PACKING PLANT

A recent Washington case highlights differences between federal and state law regarding agriculture overtime. Debert Elliott began working for Custom Apple Packers, Inc., in 1989, loading and unloading fruit, for which he was paid an hourly wage. In 1998 he was promoted to shipping supervisor and changed to a salaried worker without overtime. In 2004, he was fired, ostensibly due to lack of leadership skills and inefficient management of his department.

He subsequently filed for unpaid overtime, claiming his job duties did not significantly change after his promotion, he had no independent hiring or firing authority, and that the agricultural exemption did not apply to fruit packing warehouses, only to farms. The jury rejected his claims and he appealed.

Washington's minimum wage law exempts from overtime individuals employed in the agricultural industry. There also is an exemption for managers in any industry, with "manager" defined as an individual who is paid a salary of at least \$255 a week, whose primary duty is the management of a department and who customarily and regularly directs the work of two or more full-time employees.

While he could not hire or fire workers or affect their hours, wages or working conditions, Elliott did supervise three to four full-time employees daily and was paid between \$3,500 and \$4,000 per month, the appeals court found, placing him squarely within the state minimum wage law definition of manager.

As for the agricultural exemption from overtime, Washington law exempts any person employed "in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity," the court noted, finding that applied to Custom Apple Packers and affirming the jury verdict.

This court did not consider the federal Fair Labor Standards Act or FLSA. The federal law is more stringent regarding an agricultural exemption from overtime. FLSA generally requires overtime for packing house workers unless, during the week in question, the workers are solely packing fruit that has been produced at the orchard that is owned by the packing house.

In this case the difference between federal and state law would not have mattered because the employee was considered a supervisor who is exempt from the requirement to pay overtime for hours greater than 40 in a week.

MANDATORY RETRO SAFETY WORKSHOPS - JANUARY & FEBRUARY DATES

As a WA Farm Bureau Retro/Safety member you are required to attend at least one safety workshop per year. You can attend more than one workshop, and multiple attendees from one company can attend a workshop.

January 21 - Moses Lake (Grant County Fair Grounds, Huck-Fuller Bldg.) 3953 Airway Dr. NE

January 22 - Ellensburg (Days Inn) 901 Berry Road

February 9 - Lynden (Lynden Fire Hall Station 71) 301 19th Street

February 10 - Mount Vernon (WSU Extension) 16650 State Route 536

February 16 - Puyallup (WSU Extension - Allmendinger Bldg.) 7612 Pioneer Way E.

No charge. Simply show up. Registration not required. For an agenda and more dates, please go to: <http://www.wsfb.com/employers/retro/winter-safety-workshops> or call (800) 331-3276 and ask for the Retro Department.