**FARM LABOR CONTRACTOR CHECKLIST**

**(FOR USE BY AGRICULTURAL EMPLOYER)**

**FLC:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **Contact Person:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Address:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Phone:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Fax:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |
| --- | --- | --- | --- |
| **SUBJECT** | **YES** | **NO** | **COMMENTS** |
| **FEDERAL CERTIFICATE OF REGISTRATION** | | | |
| Received copies of federal FLC & FLCEs registrations? |  |  | FLC Reg. No.: |
| Verified registrations with DOL? [[1]](#footnote-1) |  |  | Verif. No.:  Date expires: |
| Certificates of registrations on file? [[2]](#footnote-2) |  |  |  |
| Transportation authorized? |  |  |  |
| If transportation authorized:   1. Vehicle mechanical inspection (Form WH-514) on file for each vehicle? [[3]](#footnote-3) 2. Doctor’s certificate for each driver on file? 3. CHP farm labor vehicle inspection on file with proper CHP stickers displayed on vehicles? 4. Driver’s licenses on each FLC’s driver on file? 5. Farm labor vehicle drivers are class B license with farm labor vehicle endorsement? 6. Liability insurance policy and form MBCU-3298 naming the Company as an additional insured on file? [[4]](#footnote-4) 7. Vehicle registration on file for each vehicle and appropriate registration fees paid? |  |  |  |
| Housing authorized? |  |  |  |
| If housing authorized:   1. Housing permits and current inspection reports on file? |  |  |  |
| **STATE FARM LABOR CONTRACTOR LICENSE** | | | |
| Received copy from FLC? |  |  | Lic. No.: |
| Verified license with DLSE? [[5]](#footnote-5) |  |  | Verif. No.:  Date expires: |
| Certification of registration on file? [[6]](#footnote-6) |  |  |  |
| **TAX STATUS** | | | |
| Registered with IRS? |  |  |  |
| IRS tax information authorization (Form 8821) on file? |  |  |  |
| FLC’s tax status is clear? |  |  |  |
| Registered with California EDD? |  |  |  |
| Registered with California Franchise Tax Board? |  |  |  |
| County Ag. Commissioner registration form on file? |  |  |  |
| |  |  |  |  | | --- | --- | --- | --- | | **SUBJECT** | **YES** | **NO** | **COMMENTS** |   **WORKERS’ COMPENSATION INSURANCE** | | | |
| Current certificate of insurance on file? [[7]](#footnote-7) |  |  |  |
| WC carrier to send certificate of insurance? [[8]](#footnote-8) |  |  |  |
| **OSHA COMPLIANCE** | | | |
| Injury and Illness Prevention Program? |  |  |  |
| Heat illness prevention program? |  |  |  |
| Safety training documentation? |  |  |  |
| Safety inspections documented? |  |  |  |
| Written hazard communication program? |  |  |  |
| MSDS’ available to employees? |  |  |  |
| CPR/First Aid training certificates? |  |  |  |
| Emergency action plan? |  |  |  |
| **PESTICIDE COMPLIANCE (PCO LICENSE)** | | | |
| Field employee pesticide training documentation? |  |  |  |
| Handler pesticide training documentation? |  |  |  |
| Pesticide safety information sheet A-9 posted? |  |  |  |
| PSIS A-8 posted? |  |  |  |
| Pesticide MSDS’ available? |  |  |  |
| **FLC/COMPANY AGREEMENT** | | | |
| Agreement signed by FLC? [[9]](#footnote-9) |  |  |  |
| Labor payment bond secured? |  |  | Amount: $ |
| Proof of requisite insurance requirements? |  |  |  |
| Binding arbitration? |  |  |  |
| Sexual harassment procedure and protocol? |  |  |  |
| Work authorization for each new assignment with written estimate? |  |  |  |
| Proof of compliant record-keeping? |  |  |  |
| Weekly invoices listing all costs? [[10]](#footnote-10) |  |  |  |
| Payroll information with each invoice maintained for 4 years? [[11]](#footnote-11) |  |  |  |
| Proof of itemized wage statements given to employees? |  |  |  |
| Copies of all season-end W-2’s? |  |  |  |
| Copies of all personnel documentation on each employee recruited and employed for the Company? |  |  |  |
| Non-employment of minors? [[12]](#footnote-12) |  |  |  |
| Proof of state/federal employment tax payments? |  |  |  |
| Field sanitation when required by law? |  |  |  |
| Proof of required state and federal notices as well as field compliance manuals or training documents? |  |  |  |
| Proof of compliant MSPA disclosure requirements? |  |  |  |
| Form I-9 on all employees? |  |  |  |
| Compliant with subcontracting rules? |  |  |  |
| Contract reported to EDD? [[13]](#footnote-13) |  |  |  |
| Compliant with DOL notice rules? |  |  |  |
| |  |  |  |  | | --- | --- | --- | --- | | **SUBJECT** | **YES** | **NO** | **COMMENTS** |   **ACA COMPLIANCE -** | | | |
| Verification of Health Insurance policy? |  |  |  |
| Verify system to notify qualified employees? |  |  |  |
| **SB 1087 Sexual Harassment Prevention** | | | |
| FLC Supervisory Staff annual training documentation? |  |  |  |
| Fieldworker training verification, time of hire? |  |  |  |
| Written SHP policy, compliant with DFEH? |  |  |  |

1. For federal license verification call (866) 4USWAGE. [↑](#footnote-ref-1)
2. If license expires during the contract, require the FLC to provide a renewal or a letter of authorization from the Labor Commissioner. [↑](#footnote-ref-2)
3. Require FLC to provide proof that its vehicles undergo periodic safety checks and preventative maintenance. Require and retain proof of all service records on the vehicles. [↑](#footnote-ref-3)
4. Insurance carriers will provide 10-days notice of cancellation. [↑](#footnote-ref-4)
5. For state license verification call (559) 248-1893 or (415) 703-4808 or visit www.dir.ca.gov/dlse. [↑](#footnote-ref-5)
6. If license expires during the contract, require FLC to provide a renewal or a letter of authorization from the Labor Commissioner. [↑](#footnote-ref-6)
7. Verify that transportation from field-to-field is covered under the policy. [↑](#footnote-ref-7)
8. Insurance carriers will provide 10-days notice of cancellation. [↑](#footnote-ref-8)
9. **ALWAYS HAVE A WRITTEN CONTRACT WITH YOUR FLC. KEEP THE CONTRACT FOR 4 YEARS.** [↑](#footnote-ref-9)
10. Includes payroll, employment taxes, costs of any equipment rental, transportation costs, and insurance premiums which are not otherwise part of FLC’s commissions agreed to by the parties. [↑](#footnote-ref-10)
11. Failure to maintain the records (at least 3 years) is a violation for the Company. [↑](#footnote-ref-11)
12. While employing minors is allowed with certain restrictions, it is easier to avoid potential pitfalls by prohibiting minors entirely. [↑](#footnote-ref-12)
13. Make sure you report any contract in excess of $600 to EDD using Form DE-542 within 20 days of entering into the contract. For information and forms, go to http://www.edd.cahwnet.gov/txicr.htm. [↑](#footnote-ref-13)