

## On-Farm Labor and Learning: Definitions

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*This short guide, adapted from the Ag Apprenticeship Toolkit, is intended for existing and aspiring mentor farmers and ag apprenticeship programs.*

While there are finite legal categories for on-farm labor and learning, many farms structure learning in ways that aren't adequately described by existing terms, or that stretch the standard definitions of legal options. Here we suggest some terms and definitions for commonly used labor and learning arrangements. As a community of practice evolves in this work, we hope to continue to modify and refine these definitions.

### **Legal internship**

A legal category of on-farm labor which resembles training given in an educational environment, is for the benefit of the intern, and does not displace regular employees or confer immediate advantages to the employer. Internships are supervised by existing staff and the employer, and interns understand that they are not entitled to wages. If an intern is paid, they then fall under the category of "employee."

### **Registered Apprenticeship**

A formally registered category of on-farm labor involving a standards-based Federal and State DOL regulated system that ensures quality instruction by combining paid on-the-job training with theoretical and practical classroom instruction. The apprenticeship curriculum is based on an agreed-upon set of skills and standards and fosters a tradition of mentorship and professionalism in the field. Registration is designed to ensure that training is standardized across participating employers and based on a Developing A Curriculum (DACUM) protocol, and that working apprentices, program sponsors, and the general public gain a clear understanding of the training content and the measures that are in place. Registered apprentice positions are typically paid prevailing minimum wages during their apprenticeship program and receive regular pay increases reflecting increasing skill levels.

### **Employee**

A legal category of on-farm labor that describes anyone who performs services for a farm business at the discretion of the farm employer. An employee expects the employer to provide compensation for their services.

### **Volunteer**

Someone who performs services for a public agency and is motivated by civic, charitable or humanitarian reasons without promise, expectation, or receipt of compensation for their services. For-profit farm businesses cannot legally engage volunteers in their operations. Volunteers who engage in work for a for-profit farm are considered employees so that all applicable federal and state employment laws apply—including minimum wage, workers' compensation, and payroll tax requirements.

### **Ag apprenticeship**

A colloquial term referring to an array of comprehensive on-farm/ranch educational and professional training opportunities where training includes hands-on experience in a real-life work setting alongside a dedicated mentor who is an experienced practitioner in the relevant areas of agricultural production. While often informal, most programs and individual farmers who offer non-registered apprenticeships provide more advanced and/or comprehensive training than is provided through internships. Ag apprenticeships are often longer than internships and attract more experienced learners. Many ag apprentices could be legally classified as unpaid interns, registered apprentices, or employees. Some opportunities may take place on farms where exemptions allow for training and compensation to be managed in the manner that the farmers sees fit.

Creating an apprenticeship or internship requires some careful planning as well as understanding and adherence to the law. We hope that farms who are hosting informal learners and laborers outside of a compliant structure will consider how their operation can be brought into compliance. Bear in mind, however, that this toolkit was not written by attorneys and does not constitute legal advice. Agricultural labor law is complex, federal and state laws often differ, and the application of the law to any specific set of circumstances is uncertain. It may be wise to consult with an attorney about your particular situation. If you're uncertain about where to start, Farm Commons is an excellent resource (<https://farmcommons.org>).