

WAC 296-17A-4805 Classification 4805.

4805-00 Nurseries, N.O.C

Applies to:

Establishments engaged in the propagation and/or care of trees, shrubs, and flowers pending sales to others, not covered by another classification (N.O.C).

These businesses are usually either:

- Nurseries actively engaged in the propagation of trees, plants, and shrubs from seed, grafting or cuttings; or
- Nurseries that buy stock from growers and resell to the public or to commercial customers.

Work in this classification includes, but is not limited to:

- Preparing soil for new trees, shrubs or plants;
- Propagating trees, shrubs or plants;
- Fertilizing;
- Spraying;
- Fumigating;
- Watering;
- Weeding plants, trees and shrubs;
- Pruning trees and shrubs;
- Maintaining or installing sprinkler or irrigation systems;
- Incidental greenhouse operations which are typically maintained for the purpose of starting new plants, shrubs or trees and protecting plants from weather conditions. Greenhouses may also serve as holding areas for garden supplies, fertilizer, planting containers, and tools which are available for sale to the public;
- Incidental sale of bark, soils, decorative or crushed rock;
- Store operations.

What activities are not included in this classification?

- Establishments engaged in propagating trees in connection with an orchard operation or Christmas tree farm (report in classification 4803 or classification 7307 as applicable);
- Landscaping contractors who may raise plants, trees or shrubs to be used in connection with their own landscaping jobs (report in classification 0301 or 0308 as applicable);
- Establishments engaged in growing and harvesting flowers for sale to others (report in classification 4802); and
- Contractors hired by farm to install, repair or build any farm equipment or structures (report in the classification applicable to the work being performed).

What is a farm labor contractor?

- A farm labor contractor is a specialty contractor who supplies laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing; and
- Generally the work involves manual labor tasks as opposed to machine operation.

What risk classification are farm labor contractors to report in?

- Farm labor contractors are to be reported in the classification that applies to the farm they are contracting with; and
- Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "Custom farm services," as the process involved in operating machinery is the same regardless of the type of farm they are providing services to or the type of crop involved.

4805-05 Nurseries: Tree

Applies to:

Establishments engaged in the propagation and/or care of trees for sale.

These businesses are usually either:

- Nurseries actively engaged in the propagation of trees from seed and grafting; or
- Nurseries that buy stock from growers and resell to the public or to commercial customers.

Work in this classification includes, but is not limited to:

- Preparing soil for new trees;
- Propagating trees;
- Fertilizing;
- Spraying;
- Fumigating;
- Watering;
- Weeding;
- Pruning;
- Maintaining or installing sprinkler or irrigation systems;
- Incidental greenhouse operations;
- Incidental sale of beauty bark, soils, decorative or crushed rock;
- Store operations.

What activities are not included in this classification?

- Establishments engaged in propagating trees in connection with an orchard operation or Christmas tree farm (report in classification 4803 or classification 7307 as applicable);
- Landscape contractors who raise trees to be used in connection with their own landscaping jobs (report in classification 0301 or 0308 as applicable); and
- Contractors hired by farm to install, repair or build any farm equipment or structures (report in the classification applicable to the work being performed).

What is a farm labor contractor?

- A farm labor contractor is a specialty contractor who supplies laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing; and
- Generally the work involves manual labor tasks as opposed to machine operation.

What risk classification are farm labor contractors to report in?

- Farm labor contractors are to be reported in the classification that applies to the farm they are contracting with; and
- Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "Custom farm services," as the process involved in operating machinery is the same regardless of the type of farm they are providing services to or the type of crop involved.

4805-06 Farms: Sod growing

Applies to:

Establishments engaged in raising lawn sod for sale.

Work in this classification includes, but is not limited to:

- Preparing soil for new grass;
- Planting grass seed;
- Fertilizing;
- Spraying;
- Fumigating;
- Watering;
- Weeding;

- Mowing grass;
- Maintaining or installing sprinkler or irrigation systems.

Note: Sod farms may sell directly to the public from the farm or through landscape dealers and contractors.

What activities are not included in this classification?

- Installation of sod at a customer's location;
- Landscaping contractors who may raise sod to be used in connection with their landscape jobs; and
- Contractors hired by farm to install, repair or build any farm equipment or structures (report in the classification applicable to the work being performed).

What is a farm labor contractor?

- A farm labor contractor is a specialty contractor who supplies laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing; and
- Generally the work involves manual labor tasks as opposed to machine operation.

What risk classification are farm labor contractors to report in?

- Farm labor contractors are to be reported in the classification that applies to the farm they are contracting with; and
- Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "Custom farm services," as the process involved in operating machinery is the same regardless of the type of farm they are providing services to or the type of crop involved.

4805-07 Farms: Aquatic plants

Applies to:

Establishments engaged in the propagation of aquatic plants for sale.

Work in this classification includes, but is not limited to:

- Preparing aquatic tanks, fresh water ponds or salt water growing areas for new plants;
- Care of aquatic growing beds including chemical treatments of beds to eliminate undesirable vegetation;
- Harvesting;
- Packaging plants.

Note: Aquatic farms may sell plants directly to the public from the farm or through dealers and unrelated stores. This classification includes farm store operations.

What activities are not included in this classification?

- Establishments engaged in the harvesting, processing, or packaging of aquatic plants obtained from natural areas, where the husbandry of the resource is not an integral part of the operation (report in classification 3304); and
- Contractors hired by farm to install, repair or build any farm equipment or structures (report in the classification applicable to the work being performed).

What is a farm labor contractor?

- A farm labor contractor is a specialty contractor who supplies laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing; and
- Generally the work involves manual labor tasks as opposed to machine operation.

What risk classification are farm labor contractors to report in?

- Farm labor contractors are to be reported in the classification that applies to the farm they are contracting with; and

- Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "Custom farm services," as the process involved in operating machinery is the same regardless of the type of farm they are providing services to or the type of crop involved.

4805-08 Farms: Shellfish

Applies to:

Establishments engaged in the propagation and harvesting of shellfish for sale.

Work in this classification includes, but is not limited to:

- Preparing aquatic tanks or salt water growing areas for shellfish;
- Care of aquatic growing beds including chemical treatments of beds to eliminate undesirable vegetation;
- Harvesting;
- Shucking;
- Packaging shellfish.

Notes:

- Shellfish farms may sell directly to the public from a farm stand or store, located at or near the farm, or to dealers and unrelated stores.

- The distinction between risks assigned to this classification (4805-08) and those which are subject to the federal Jones Act is in the location of the work activity. Risks subject to classification 4805 are engaged in hand harvesting activities which includes the use of hand-held tools or mechanical harvesting operations not on navigable waters, while those subject to the Jones Act are engaged in activities on a vessel while on navigable waters.

What activities are not included in this classification?

- Establishments engaged in the harvesting, processing or packaging of shellfish obtained from natural areas of nonnavigable waters where the husbandry of the resource is not an integral part of the operation (report in classification 3304);

- Employees working on or from a vessel, as a captain or member of that vessel's crew, who are to be insured under the federal Jones Act according to the provisions of maritime law; and

- Contractors hired by farm to install, repair or build any farm equipment or structures (report in the classification applicable to the work being performed).

What is a farm labor contractor?

- A farm labor contractor is a specialty contractor who supplies laborers to a farm operation for specified services such as seeding of larvae to mother shells and planting shells to natural waters; and

- Generally the work involves manual labor tasks as opposed to machine operation.

What risk classification are farm labor contractors to report in?

- Farm labor contractors are to be reported in the classification that applies to the farm they are contracting with; and

- Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "Custom farm services," as the process involved in operating machinery is the same regardless of the type of farm they are providing services to or the type of crop involved.

4805-09 Christmas tree sales from U-cut or retail sales lots

Applies to:

Establishments engaged in retail sales of Christmas trees.

Special note: Establishments assigned to 4805-09 should report hours in this classification only during the fourth quarter of each year, since these sales are confined to the Christmas season.

Work in this classification includes, but is not limited to:

- Placing trees in stands or on racks for display purposes;
- Showing trees to retail customers;
- Cashiering;
- Monitoring and directing traffic in the sales lot area;
- Loading trees into customer vehicles.

Note: Tree sales may be conducted at a farm location, as in the case of a U-cut tree operation, or at a seasonal sales lot.

What activities are not included in this classification?

- All farming operations such as, but not limited to, preparation of soil for new trees, propagating and planting trees;
 - Fertilizing;
 - Spraying;
 - Fumigating;
 - Watering;
 - Weeding;
 - Pruning;
 - Harvesting;
- Maintaining or installing sprinkler or irrigation systems (report in classification 7307);
- Christmas tree wholesalers and Christmas tree baling and packing operations (report in classification 7307); and
- Contractors hired by farm to install, repair or build any farm equipment or structures (report in the classification applicable to the work being performed).

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-02-060, § 296-17A-4805, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-4805, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 05-23-161, § 296-17-646, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-646, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-646, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 93-12-093, § 296-17-646, filed 5/31/93, effective 7/1/93; WSR 89-24-051 (Order 89-22), § 296-17-646, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-646, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-646, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-646, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 78-12-043 (Order 78-23), § 296-17-646, filed 11/27/78, effective 1/1/79; Order 75-38, § 296-17-646, filed 11/24/75, effective 1/1/76; Order 73-22, § 296-17-646, filed 11/9/73, effective 1/1/74.]