TITLE 227 - DEPARTMENT OF LABOR

CHAPTER 2 - EXEMPTIONS FROM LICENSING

001. This chapter is adopted pursuant to Neb. Rev. Stat. §48-1708.

002. The following persons are not required to obtain a farm labor contractor's license;

A. A processor of farm products dealing with workers or worker group leaders relative to their own farm operations.

B. A permanent employee of a farmer, farm group or association or processor of farm products or a permanent employee of an owner or lessee of land intended to be used for the production of crops.

C. A leader, or a leader's agent, of an organization operating as a labor union, provided that the only payment received from the workers is in the form of membership dues for which the workers are accorded membership status in the conduct of the affairs of the organization.

D. A person dealing with workers in connection with the production and harvesting of Christmas trees or any other operation which uses the word "farm" in connection with an operation other than the production and harvesting of farm products.

E. An employee of a farm labor contractor employed for the purpose of driving a truck, cooking, or performing other duties for the contractor, except duties which would qualify the employee for a percentage share of the net proceeds or profits of such contractor's operations.

F. A person who is primarily a supplier of on-farm equipment (sheep shearer, potato digger, or other farm machinery) unless the person also supplies temporary workers for operations not related to the operation of the equipment.

G. The advertising media.

H. The Nebraska Job Service.

I. A person performing work of a mental, technical, professional or managerial nature.

J. An individual who performs work in connection with a particular contract or agreement by him/herself or with only the assistance of the individuals named in paragraph 002(K) below and the contract or agreement is between the individual and the farmer or the owner or lessee of land intended to be used for the production of crops.

K. The spouse, son, daughter, brother, sister, mother or father of the individual named in paragraph 002(J) above.

L. Individuals who perform labor in connection with an agreement for the exchange of labor or services with each other, provided that the work is performed on land owned or leased by the individuals.

M. An educational institution which is recognized as such by the Nebraska Department of Labor.

N. An individual who collects tree seed cones and an individual who buys tree seed cones from other individuals. This paragraph applies to individuals only and not to persons who are otherwise defined as farm labor contractors.

O. A nursery engaged in planting tree seeds and in growing tree seedlings.

P. Persons who recruit, solicit, supply or employ workers who perform labor which is regulated by an occupational or professional licensing law and who are so licensed.

Q. Person who recruit, solicit, supply or employ workers to perform labor under a contract or agreement for the following activities:

1. pesticide or herbicide application,

2. stream or creek debris removal,

3. animal control, including fence construction undertaken for this purpose,

4. tree planting site preparation,

5. providing security services.