



QUALIFYING WORK

Recruiter Training Resource Series

WHAT IS A QUALIFYING WORK?



Qualifying work is an agriculture or fishing related work, such as the production, or initial processing of raw agricultural products, such as crops, poultry, or livestock; dairy work, as well as the cultivation or harvesting of trees, that is performed for wages or personal subsistence.

Some examples of agricultural production are:

- Dairies, orchards, nurseries, and greenhouses engaged in the growing and harvesting of crops, plants, or vines and the keeping, grazing, or feeding of livestock or livestock products for sale. The term also includes, among other things, the production of bulbs, flower seeds, vegetable seeds, and specialty operations such as sod farms, mushroom cellars, and cranberry bogs.

AGRICULTURE WORK RELATED TO THE PRODUCTION OF CROPS

The production of crops involves work such as preparing land or greenhouse beds, planting, seeding, watering, fertilizing, staking, pruning, thinning, weeding, transplanting, applying pesticides, harvesting, picking, and gathering.

In addition, working with plants can include decorative greens or ferns grown for the purpose of floral arrangements, wreaths, etc. The collection of these plants can be considered agricultural work. Collecting these greens for recreation or personal use would not be considered agricultural work.



WHAT IS LIVESTOCK?

The term “livestock” refers to any animal produced or kept primarily for breeding or slaughter purposes, including, but not limited to, beef cattle, hogs, sheep, and goats. For purposes of the MEP, livestock does not include animals that are raised for sport, recreation, research, service, or pets. The term “livestock” does not include animals hunted or captured in the wild. It does include specialty or alternative livestock that are raised for breeding or slaughter purposes (ex. Deer, elk, bison).

Examples of agricultural work related to the production of livestock?

Herding; handling; feeding; watering; caring for; branding; tagging and assisting in the raising of livestock.



WHAT IS 'INITIAL PROCESSING'?

“Initial processing” means working with a raw agricultural or fishing product. Anything that is beyond the production stage of agricultural work or the transformation of the raw product into something more refined is **not** considered to be part of the initial processing.



WHAT IS 'INITIAL PROCESSING'?

- **Examples of “initial processing” work in the poultry and livestock industries?**

“Initial processing” work in the poultry and livestock industries includes, but is not limited to, stunning; slaughtering; skinning; eviscerating; splitting carcasses; hanging; cutting; trimming; deboning; and enclosing the raw product in a container.

Examples of “initial processing” work in the crop industry?

“Initial processing” work in the crop industry includes but is not limited to cleaning; weighing; cutting; grading; peeling; sorting; freezing, and enclosing the raw product in a container.

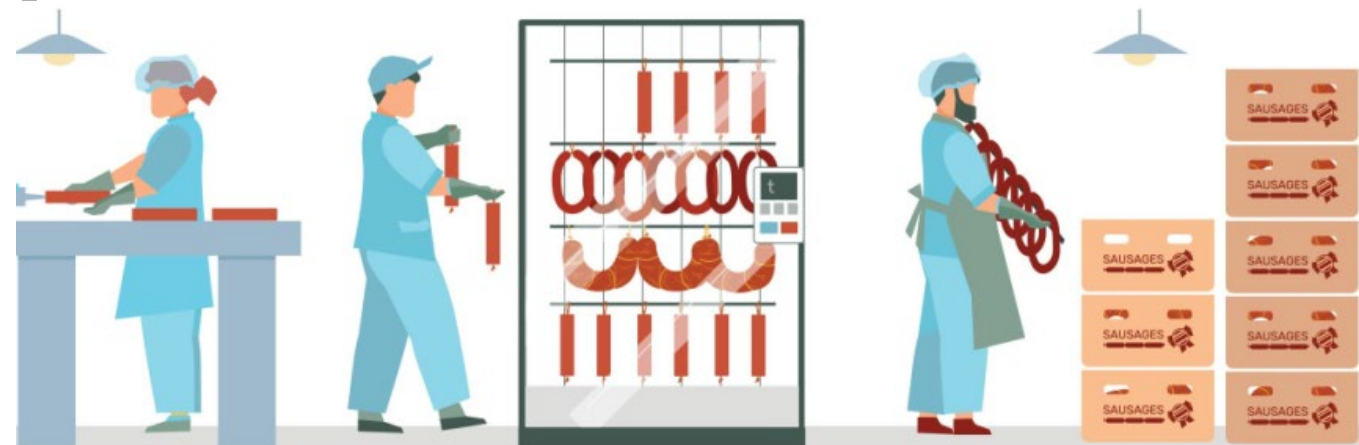


WHAT WORK IS NOT CONSIDERED PRODUCTION OR INITIAL PROCESSING?

Work such as cooking; baking; curing; fermenting; dehydrating; breading; marinating; and mixing ingredients involves transforming a raw product into a more refined product. Therefore, the Department does not consider this work to be production or initial processing. In addition, the Department does not consider the following work to be production or processing: placing labels on boxes of refined products; selling an agricultural or fishing product; landscaping; managing a farm or processing plant; providing accounting, bookkeeping, or clerical services; providing babysitting or childcare services for farmworkers; or working at a bakery or restaurant. **With regard to work such as repairing or maintaining equipment used for production or processing, or cleaning or sterilizing farm machinery or processing equipment, the Department does not consider individuals whose *profession* is to do this work, or who were hired solely to perform this work, to be performing agricultural work.**

WHEN DOES 'INITIAL PROCESSING' END?

The Department considers a product no longer to be in the stage of “initial processing” once the transformation of the raw product into something more refined begins. The Department believes that work up to, but not including, the start of the transformation process is agricultural or fishing work for purposes of the MEP. However, work such as placing raw chicken breasts into the oven for cooking, adding starter cultures to milk to make cheese, or applying necessary ingredients to a raw pork belly to begin the curing process is the beginning of the transformation process and therefore is not agricultural or fishing work for purposes of the MEP.



HARVESTING TREES

What are examples of work that can be considered the cultivation of trees?

Examples of work that can be considered the cultivation of trees include but are not limited to soil preparation; plowing or fertilizing land; sorting seedlings; planting seedlings; transplanting; staking; watering; removing diseased or undesirable trees; applying insecticides; shearing tops and limbs; and tending, pruning, or trimming trees.

What does “harvesting” mean in the context of trees?

“Harvesting” refers to the act of gathering or taking of the trees.



HARVESTING TREES



What are examples of work that can be considered the harvesting of trees?

Harvesting of trees includes work such as topping, felling and skidding.

What types of work are not considered part of the cultivation or harvesting of trees?

Cutting trees in preparation for construction, trimming trees around electric power lines and cutting logs for firewood.

Does Transporting Trees Qualify?

Transporting trees is not agricultural work for purposes of the MEP because it occurs after the cultivation and harvesting of trees.

Initial Processing of Trees

Because trees are raw agricultural products, the initial processing of trees is considered agricultural work.



FISHING WORK

- Fishing work is the catching or initial processing of fish or shellfish; as well as the raising or harvesting of fish or shellfish at fish farms. **This includes** but are not limited to, raising, feeding, grading, collecting, and sorting of fish, removing dead or dying fish from tanks or pens, and constructing nets and cages.
- Initial Processing in the fishing industry would include scaling; cutting; freezing; dressing; and enclosing the raw product in a container.

HAULING OR WORKING IN NON-QUALIFYING WORK

Hauling a product on a farm, ranch, or another facility an integral part of production or initial processing and, therefore, is agricultural work.

May a worker performing qualifying and non-qualifying work still be eligible for the MEP?

Yes. A worker is only required to meet the definition of a migratory agricultural worker or migratory fisher. Provided that the move was a qualifying move, the fact that the worker performs non-qualifying work in addition to qualifying work has no bearing on his or her eligibility for the MEP.

