

Chapter DWD 147

SEASONAL AGRICULTURAL EMPLOYERS

DWD 147.001 Definitions.
DWD 147.01 Purpose.

DWD 147.02 Affected employers.

Note: Chapter ILHR 147 was renumbered Chapter DWD 147 under s. 13.93 (2m) (b) 1., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, June, 1997, No. 498.

DWD 147.001 Definitions. Unless the context clearly indicates a different meaning, the definitions in ch. DWD 100 apply to this chapter.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

DWD 147.01 Purpose. (1) Under s. 108.066, Stats., an employer engaged in agricultural activities may apply to the department by May 31 for designation as a seasonal employer. In response to such application the department shall issue an appealable determination by June 30. The department shall grant seasonal employer designation if it determines that:

(a) The employer is primarily engaged in agricultural production, agricultural services, forestry, or commercial fishing, hunting, or trapping;

(b) The employer customarily operates primarily during 2 calendar quarters within a year;

(b) At least 75% of the wages paid by the employer during the preceding year were paid for work performed during those 2 calendar quarters; and

(c) The employer is not delinquent in making any contribution report or payment.

(2) This chapter enumerates which employers the department shall consider to be primarily engaged in agricultural production, agricultural services, forestry, or commercial fishing, hunting, or trapping.

History: Cr. Register, October, 1994, No. 466, eff. 11-1-94.

DWD 147.02 Affected employers. An employer shall be considered to be primarily engaged in agricultural production, agricultural services, forestry, or commercial fishing, hunting, or trapping if the department determines that the employer's primary type of business activity is one of those specified in figure DWD 147.02 and assigns the employer one of the Standard Industrial Classification (SIC) codes listed in that figure. [see Figure 147.02 following]

History: Cr. Register, October, 1994, No. 466, eff. 11-1-94.

Figure ILHR 147.02:**Major Group 01. - AGRICULTURAL PRODUCTION - CROPS**

This major group includes establishments (e.g., farms, orchards, greenhouses, nurseries) primarily engaged in the production of crops, plants, vines, and trees (excluding forestry operations). Also includes establishments primarily engaged in the operation of sod farms, and cranberry bogs; in the production of mushrooms, bulbs flower seeds, and vegetable seeds; and in the growing of hydroponic crops. Seeds of field crops are classified in the same industry as crops grown for other purposes.

**Industry
Group
No.
011**

**Industry
No.**

CASH GRAINS

0111

Wheat

Establishments primarily engaged in the production of wheat - Wheat farms.

0112

Rice

Establishments primarily engaged in the production of rice - Rice farms.

0115

Corn

Establishments primarily engaged in the production of field corn for grain or seed. Those primarily engaged in the production of sweet corn are in 0161, and those producing popcorn are in 0119.

Corn farms, except sweet corn or popcorn

0116

Soybeans

Establishments primarily engaged in the production of soybeans - Soybean farms.

0119

Cash Grains, Not Elsewhere Classified

Establishments primarily engaged in the production of cash grains, not elsewhere classified. Included are: dry field and seed peas and beans, safflowers, sunflowers, or popcorn.

Barley farms
 Bean farms, dry field and seed
 Buckwheat farms
 Cowpea farms
 Flaxseed farms
 Grain farms: except wheat, rice, corn, and
 soybeans
 Lentil farms
 Milo farms

Mustard seed farms
 Oat farms
 Pea farms, dry field and seed
 Popcorn farms
 Rye farms
 Safflower farms
 Sorghum farms, except for syrup
 Sunflower farms

013

FIELD CROPS, EXCEPT CASH GRAINS

0131

Cotton

Establishments primarily engaged in the production of cotton and cottonseed.

Cotton farms

Cottonseed farms

0132

Tobacco

Establishments primarily engaged in the production of tobacco - Tobacco farms

0133

Sugarcane and Sugar Beets

Establishments primarily engaged in the production of sugarcane and sugar beets.

Beet farms, sugar
 Cane farms, sugar

Sugar beet farms
 Sugar cane farms

0134

Irish Potatoes

Establishments primarily engaged in the production of potatoes, except sweet potatoes. Those primarily engaged in the production of sweet potatoes and yams are in 0139.

Potato farms, Irish

Potato farms, except sweet potato and yam

0139 **Field Crops, Except Cash Grains, Not Elsewhere Classified**
Establishments primarily engaged in the production of field crops, except cash grains, not elsewhere classified.

Alfalfa farms
Broomcorn farms
Clover farms
Grass seed farms
Hay farms
Hop farms

Mint farms
Peanut farms
Potato farms, sweet
Sweet potato farms
Timothy farms
Yam farms

016

VEGETABLES AND MELONS

0161 **Vegetables and Melons**
Establishments primarily engaged in the production of vegetables and melons in the open. Those primarily engaged in growing vegetables under glass or other protection are in 0182; those producing dry field and seed beans and peas are in 0119; those producing Irish potatoes are in 0134, and those producing sweet potatoes and yams are in 0139.

Asparagus farms
Bean farms, except dry beans
Beet farms, except sugar beet
Bok choy farms
Broccoli farms
Cabbage farms
Cantaloupe farms
Cauliflower farms
Celery farms
Corn farms, sweet
Cucumber farms
English pea farms
Green lima bean farms
Green pea farms

Lettuce farms
Market gardens
Melon farms
Onion farms
Pea farms, except dry peas
Pepper farms, sweet and hot (vegetables)
Romaine farms
Snap bean farms (bush and pole)
Squash farms
Tomato farms
Truck farms
Vegetable farms
Watermelon farms

017

FRUITS AND TREE NUTS

0171 **Berry Crops**
Establishments primarily engaged in the production of cranberries, bush berries, and strawberries.

Berry farms
Blackberry farms
Blueberry farms
Cranberry bogs
Currant farms

Dewberry farms
Loganberry farms
Raspberry farms
Strawberry farms

0172 **Grapes**
Establishments primarily engaged in the production of grapes.

Grape farms

Vineyards

0173 **Tree Nuts**
Establishments primarily engaged in the production of tree nuts.

Almond groves and farms
Filbert groves and farms
Macadamia groves and farms

Pecan groves and farms
Pistachio groves and farms
Walnut groves and farms

0174 **Citrus Fruits**
Establishments primarily engaged in the production of citrus fruits.

Citrus groves and farms
Grapefruit groves and farms
Lemon groves and farms

Lime groves and farms
Orange groves and farms
Tangerine groves and farms

0175 **Deciduous Tree Fruits**
Establishments primarily engaged in the production of deciduous tree fruits. Those primarily growing citrus fruits are in 0174, and those growing tropical fruits are in 0179.

Apple orchards and farms
Apricot orchards and farms
Cherry orchards and farms
Nectarine orchards and farms
Peach orchards and farms
Pear orchards and farms

Persimmon orchards and farms
Plum orchards and farms
Pomegranate orchards and farms
Prune orchards and farms
Quince orchards and farms

0179 Fruits and Tree Nuts, Not Elsewhere Classified
Establishments primarily engaged in the production of fruits and nuts, not elsewhere classified.

- | | |
|----------------------------|------------------------|
| Avocado orchards and farms | Kiwi fruit farms |
| Banana farms | Olive groves and farms |
| Coffee farms | Pineapple farms |
| Date orchards and farms | Plantain farms |
| Fig orchards and farms | Tropical fruit farms |

018

HORTICULTURAL SPECIALTIES

0181 Ornamental Floriculture and Nursery Products
Establishments primarily engaged in the production of ornamental plants and other nursery products, such as bulbs, florists' greens, flowers, shrubbery, flower and vegetable seeds and plants, and sod. These products may be grown under cover (greenhouse, frame, cloth house, lath house) or outdoors.

- | | |
|--|--|
| Bedding plants, growing of | Nursery stock, growing of |
| Bulbs, growing of | Plants, ornamental: growing of |
| Field nurseries: growing of flowers and shrubbery, except forest shrubbery | Plants, potted: growing of |
| Florists' greens, cultivated: growing of | Rose growers |
| Flowers, growing of | Seeds, flower and vegetable: growing of |
| Foliage, growing of | Shrubberies, except forest shrubbery: growing of |
| Fruit stocks, growing of | Sod farms |
| Greenhouses for floral products | Vegetable bedding plants, growing of |
| Mats, preseeded: soil erosion - growing of | |

0182 Food Crops Grown Under Cover
Establishments primarily engaged in the production of mushrooms or of fruits and vegetables grown under cover.

- | | |
|-------------------------------------|------------------------------|
| Bean sprouts grown under cover | Rhubarb grown under cover |
| Fruits grown under cover | Seaweed grown under cover |
| Greenhouses for food crops | Tomatoes grown under cover |
| Hydroponic crops, grown under cover | Truffles grown under cover |
| Mushroom spawn, production of | Vegetables grown under cover |
| Mushrooms, growing of | |

019

GENERAL FARMS, PRIMARILY CROP

0191 General Farms, Primarily Crop
Establishments deriving a majority of their total value of sales of agricultural products from crops, including horticultural specialties, but not from products of any single three-digit industry group.

Crop farms, general

Major Group 02. AGRICULTURAL PRODUCTION - LIVESTOCK AND ANIMAL SPECIALTIES

This major group includes establishments (e.g., farms, ranches, dairies, feedlots, egg production facilities, broiler facilities, poultry hatcheries, apiaries) primarily engaged in the keeping, grazing, or feeding of livestock for the sale of livestock or livestock products (including serums), for livestock increase, or for value increase. Livestock, as used here, includes cattle, hogs, sheep, goats, and poultry of all kinds; also included in this major group are animal specialties, such as horses, rabbits, bees, fish in captivity, and fur-bearing animals in captivity.

Industry Group No. 021

Industry No.

LIVESTOCK, EXCEPT DAIRY AND POULTRY

0211 Beef Cattle Feedlots
Establishments primarily engaged in the fattening of beef cattle in a confined area for a period of at least 30 days, on their own account or on a contract or fee basis. Feedlot operations that are an integral part of the breeding, raising, or grazing of beef cattle are in 0212. Establishments which feed beef cattle for periods of less than 30 days, generally in connection with their transport, are not included.

- | | |
|---------------------------|--|
| Cattle feeding farms | Feedlots, cattle |
| Cattle feedlot operations | Stockyards, exclusively for fattening cattle |

027

ANIMAL SPECIALTIES

0271

Fur-Bearing Animals and Rabbits

Establishments primarily engaged in the production of fur and fur-bearing animals and rabbits.

Chinchilla farms
Fox farms
Fur farms

Game farms (fur-bearing animals)
Mink farms
Rabbit Farms

0272

Horses and Other Equines

Establishments primarily engaged in the production of horses and other equines.

Burrow farms
Donkey farms
Horse farms

Mules farms
Pony farms

0273

Animal Aquaculture

Establishments primarily engaged in the production of finfish and shellfish, such as crustaceans and mollusks, within a confined space and under controlled feeding, sanitation, and harvesting procedures. Those primarily engaged in hatching fish and in operating fishing preserves are in 0921.

Catfish farms
Crustacean farms
Finfish farms
Fish farms, except hatcheries
Goldfish farms

Minnow farms
Mollusk farms
Tropical aquarium fish farms
Trout farms

0279

Animal Specialties, Not Elsewhere Classified

Establishments primarily engaged in the production of animal specialties, not elsewhere classified, such as pets, bees, worms, and laboratory animals.

Alligator farms
Apiaries
Aviaries (e.g., parakeet, canary, love birds)
Bee farms
Cat farms
Dog farms
Earthworm hatcheries
Frog farms

Honey production
Kennels, breeding and raising own stock
Laboratory animal farms (e.g., rats, mice, guinea pigs)
Rattlesnake farms
Silk (raw) production and silkworm farms
Worm farms

029

GENERAL FARMS, PRIMARILY LIVESTOCK AND ANIMAL SPECIALTIES

0291

General Farms, Primarily Livestock and Animal Specialties

Establishments deriving a majority of their total value of sales of agricultural products from livestock and animal specialties and their products, but not from products of any single three-digit industry group.

Animal specialty and livestock farms, general

Livestock and animal specialty farms

Major Group 07. - AGRICULTURAL SERVICES

This major group includes establishments primarily engaged in performing soil preparation services, crop services, veterinary services, other animal services, farm labor and management services, and landscape and horticultural services, for others on a contract or fee basis.

**Industry
Group
No.**

**Industry
No.**

071

SOIL PREPARATION SERVICES

0711

Soil Preparation Services

Establishments primarily engaged in land breaking, plowing, application of fertilizer, seed bed preparation, and other services for improving the soil for crop planting. Those primarily engaged in land clearing and earth moving for terracing and pond and irrigation construction are not included.

Chemical treatment of soil for crops
Fertilizer application for crops
Lime spreading for crops

Plowing
Seed bed preparation
Weed control, crop: before planting

072

CROP SERVICES

0721

Crop Planting, Cultivating, and Protecting

Establishments primarily engaged in performing crop planting, cultivating, and protecting services. Those primarily engaged in complete maintenance of citrus groves, orchards, and vineyards are in 0762. Those providing water for irrigation, or providing both water and irrigation services, are not included.

Aerial dusting and spraying
Bracing of orchard trees and vines
Citrus grove cultivation services
Cultivation services, mechanical and flame
Detasseling of corn
Disease control for crops, with or without fertilizing
Dusting crops, with or without fertilizing
Entomological service, agricultural
Hoing
Insect control for crops, with or without fertilizing
Irrigation system operation services (not providing water)
Orchard cultivation services

Planting crops, with or without fertilizing
Pollinating
Pruning of orchard trees and vines
Seeding crops, with or without fertilizing
Seeding of sprouts and twigs
Spraying crops, with or without fertilizing
Surgery on orchard trees and vines
Thinning of crops, mechanical and chemical
Trees, orchard: cultivation of
Trees, orchard: planting, pruning, bracing, spraying, removal, and surgery
Vineyard cultivation services
Weed control, crop: after planting

0722

Crop Harvesting, Primarily by Machine

Establishments primarily engaged in mechanical harvesting, picking, and combining of crops, and related activities, using machinery provided by the service firm. Farm labor contractors providing personnel for manual harvesting are in 0761.

Berries, machine harvesting of
Chopping and silo filling
Combining, agricultural
Cotton, machine harvesting of
Fruits, machine harvesting of
Grain, machine harvesting of
Hay mowing, raking, baling, and chopping

Nuts, machine harvesting of
Peanuts, machine harvesting of
Sugar beets, machine harvesting of
Sugarcane, machine harvesting of
Threshing service
Vegetables, machine harvesting of

0723

Crop Preparation Services for Market, Except Cotton Ginning

Establishments primarily engaged in performing services on crops, subsequent to their harvest, with the intent of preparing them for market or further processing. Not included are those primarily engaged in buying farm products for resale to other than the general public for household consumption and which also prepare them for market or further processing or those primarily engaged in stemming and redrying tobacco.

Bean Cleaning
Corn shelling
Cotton seed delinting
Drying of corn, rice, hay, fruits, and vegetables
Flax decorticating and retting
Fruit precooling, not in connection with transportation
Fruit vacuum cooling
Grain cleaning
Grain fumigation
Grain grinding, custom
Moss ginning
Nut hulling and shelling

Packaging fresh or farm-dried fruits and vegetables
Peanut shelling, custom
Potato curing
Seed cleaning
Sorting, grading, and packing of fruits and vegetables
Sweet potato curing
Tobacco grading
Vegetable precooling, not in connection with transportation
Vegetable vacuum cooling

0724

Cotton Ginning

Establishments primarily engaged in ginning cotton.

Cotton ginning
Gins, cotton: operation of

Cotton pickery

074

VETERINARY SERVICES

0741

Veterinary Services for Livestock

Establishments of licensed practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery, for cattle, hogs, sheep, goats, and poultry. Establishments of licensed practitioners primarily engaged in treating all other animals are in 0742.

Animal hospitals for livestock
Veterinary services for livestock

Veterinarians for livestock

0742

Veterinary Services for Animal Specialties

Establishments of licensed practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery, for animal specialties. Animal specialties include horses, bees, fish, fur-bearing animals, rabbits, dogs, cats and other pets and birds, except poultry. Establishments of licensed practitioners primarily engaged in veterinary medicine for cattle, hogs, sheep, goats, and poultry are in 0741.

Animal hospitals for pets and other animal specialties
Pet hospitals
Veterinarians for pets and other animal specialties

Veterinary services for pets and other animal specialties

075

ANIMAL SERVICES, EXCEPT VETERINARY

0751

Livestock Services, Except Veterinary

Establishments primarily engaged in performing services, except veterinary, for cattle, hogs, sheep, goats, and poultry. Dairy herd improvement associations are also included. Those primarily engaged in the fattening of cattle are in 0211. Those engaged in incidental feeding of livestock as a part of holding them in stockyards for periods of less than 30 days (generally in the course of transportation) are not included. Those primarily engaged in performing services, except veterinary, for animals, except cattle, hogs, sheep, goats, and poultry are in 0752.

Artificial insemination services: livestock
Breeding of livestock
Cattle spraying
Cleaning poultry coops
Dairy herd improvement associations
Livestock breeding services

Milk testing for butterfat
Pedigree record services for cattle, hogs, sheep, goats, and poultry
Slaughtering, custom: for individuals
Vaccinating livestock, except by veterinarians

0752

Animal Specialty Services, Except Veterinary

Establishments primarily engaged in performing services, except veterinary, for pets, equines, and other animal specialties. Those primarily engaged in performing services other than veterinary for cattle, hogs, sheep, goats, and poultry are in 0751. Those primarily engaged in training racehorses are not included.

Animal shelters
Artificial insemination services: animal specialties
Boarding horses
Boarding kennels
Breeding of animals, other than cattle, hogs, sheep, goats, and poultry
Dog grooming
Dog pounds

Honey straining on the farm
Pedigree record services for pets and other animal specialties
Showing of pets and other animal specialties
Training horses, except racing
Training of pets and other animal specialties
Vaccinating pets and other animal specialties, except by veterinarians

076

FARM LABOR AND MANAGEMENT SERVICES

0761

Farm Labor Contractors and Crew Leaders

Establishments primarily engaged in supplying labor for agricultural production or harvesting. Those primarily engaged in machine harvesting are in 0722.

Crew leaders, farm labor: contract

Farm labor contractors

0762

Farm Management Services

Establishments primarily engaged in providing farm management services, including management or complete maintenance of citrus groves, orchards, and vineyards. Such activities may include cultivating, harvesting, or other specialized activities, but those primarily engaged in performing such services without farm management services are in the appropriate specific industry within Industry Group 072.

Citrus grove management and maintenance, with or without crop services
Farm management services

Orchard management and maintenance, with or without crop services
Vineyard management and maintenance, with or without crop services

078

LANDSCAPE AND HORTICULTURAL SERVICES

0781

Landscape Counseling and Planning

Establishments primarily engaged in landscape planning and in performing landscape architectural and counseling services.

Garden planning
Horticultural advisory or counseling services
Landscape architects

Landscape counseling
Landscape planning

0782

Lawn and Garden Services

Establishments primarily engaged in performing a variety of lawn and garden services. Those primarily engaged in the installation of artificial turf are not included.

Bermuda sprigging services
Cemetery upkeep, independent
Garden maintenance
Garden planting
Lawn care
Lawn fertilizing services
Lawn mowing services

Lawn mulching services
Lawn seeding services
Lawn sprigging services
Mowing highway center strips and edges
Seeding highway strips
Sod laying
Turf installation, except artificial

0783

Ornamental Shrub and Tree Services

Establishments primarily engaged in performing a variety of ornamental shrub and tree services. Those primarily engaged in forestry services are not included. Those primarily engaged in general lawn and garden planting and maintenance are in 0782, and those primarily engaged in performing shrub and tree services for farm crops are in 0721.

Arborist services
Ornamental bush planting, pruning, bracing,
spraying, removal, and surgery
Ornamental tree planting, pruning, bracing,
spraying, removal, and surgery

Tree trimming for public utility line
Tree, ornamental: planting, pruning, bracing,
spraying, removal, and surgery
Utility line tree trimming services

Major Group 08. - FORESTRY

This major group include establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, and related activities such as reforestation services and the gathering of gums, barks, balsam needles, maple sap, Spanish moss, and other forest products.

**Industry
Group
No.**

**Industry
No.**

081

TIMBER TRACTS

0811

Timber Tracts

Establishments primarily engaged in the operation of timber tracts or tree farms for the purpose of selling standing timber. Not included are logging establishments, and those holding timber tracts as real property (not for sale of timber).

Christmas tree growing
Tree farms

Timber tracts

083

FOREST INDUSTRIES AND GATHERING OF FOREST PRODUCTS

0831

Forest Nurseries and Gathering of Forest Products

Establishments primarily engaged in growing trees for purposes of reforestation or in gathering forest products. The concentration or distillation of these products, when carried on in the forest, is included in this industry.

Balsam needles, gathering of
Distillation of gums if carried on at the
gum farm
Distillation of turpentine and rosin if carried
on at the gum farm
Forest nurseries
Gathering of forest products: (e g., gums,
barks, seeds)
Ginseng, gathering of
Huckleberry greens, gathering of
Lac production

Maple sap, gathering of
Moss, gathering of
Pine gum, extraction of
Rubber plantations
Spanish moss, gathering of
Sphagnum moss, gathering of
Teaberries, gathering of
Tree seed gathering, extracting, and selling

085

FORESTRY SERVICES

0851

Forestry Services

Establishments primarily engaged in performing, on a contract or fee basis, services related to timber production, wood technology, forestry economics and marketing, and other forestry services, not elsewhere classified, such as cruising timber, firefighting, and reforestation.

Cruising timber
 Estimating timber
 Fire prevention, forest
 Firefighting, forest
 Forest management plans, preparation of

Forestry services
 Pest control, forest
 Reforestation
 Timber valuation

Major Group 09. - FISHING, HUNTING, AND TRAPPING

This major group includes establishments primarily engaged in commercial fishing (including crabbing, lobstering, clamming, oystering, and the gathering of sponges and seaweed), and the operation of fish hatcheries and fish and game preserves, in commercial hunting and trapping, and in game propagation.

**Industry
 Group
 No.**

**Industry
 No.**

091

COMMERCIAL FISHING

0912

Finfish

Establishments primarily engaged in the catching or taking of finfish.

Bluefish, catching of
 Cod, catching of
 Eels, catching of
 Finfish, catching of
 Fisheries, finfish
 Haddock, catching of
 Mackerel, catching of
 Menhaden, catching of
 Pilchard, catching of

Pollack, catching of
 Rays, catching of
 Salmon, catching of
 Sea herring, catching of
 Sharks, catching of
 Tuna, catching of
 Whiting, catching of

0913

Shellfish

Establishments primarily engaged in the catching or taking of shellfish.

Clams, digging of
 Crabs, catching of
 Crayfish, catching of
 Fisheries, shellfish
 Lobsters, catching of
 Mussels, taking of
 Oyster beds

Oysters, dredging or tonging of
 Shellfish, catching of
 Shrimp, catching of
 Squid, catching of

0919

Miscellaneous Marine Products

Establishments primarily engaged in miscellaneous fishing activities, such as catching or taking of sea urchins, terrapins, turtles, and frogs. The gathering of seaweed and sponges is also included in this industry.

Cultured pearl production
 Frogs, catching of
 Sea urchins, catching of
 Seaweed, gathering of
 Sponges, gathering of

Terrapins, catching of
 Turtles, catching of

092

FISH HATCHERIES AND PRESERVES

0921

Fish Hatcheries and Preserves

Establishments primarily engaged in operating fish hatcheries or preserves. Those primarily engaged in the production of fish or frogs under controlled feeding, sanitation, and harvesting procedures are in 027.

Fish hatcheries

Fishing preserves

097

HUNTING AND TRAPPING, AND GAME PROPAGATION

0971

Hunting and Trapping, and Game Propagation

Establishments primarily engaged in commercial hunting and trapping, or in the operation of game preserves.

Animal trapping, commercial
Game management
Game preserves
Game propagation
Game retreats, operation of
Hunting carried on as a business enterprise

Hunting preserves, operation of
Trapping carried on as a business enterprise
Wildlife management