

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.02(1), 108.14(2), and 227.11(2), Stats.

Stats., the Department of Industry, Labor and Human Relations creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code

chapter(s):

ILHR 147

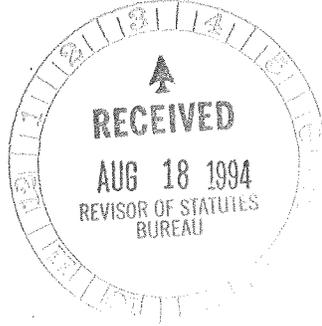
(Number)

Seasonal Agricultural Employers

(Title)

The attached rules shall take effect on the first day of the month following publication in the

Wisconsin Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: August 18, 1994

DEPARTMENT OF INDUSTRY, LABOR AND
HUMAN RELATIONS

Pat Osborne
Secretary



State of Wisconsin \ Department of Industry, Labor and Human Relations

RULES in FINAL DRAFT FORM

Rule No.: ILHR 147

Relating to: Seasonal Agricultural Employers

Clearinghouse Rule No. 94 - 74

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to create Ch. ILHR 147 relating to seasonal agricultural employers.

STATUTORY AUTHORITY: ss. 101.02(1), 108.14(2) and 227.11(2), Stats.

STATUTES INTERPRETED: s. 108.066, Stats.

ANALYSIS OF PROPOSED RULE PREPARED BY THE DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS:

This rule enumerates which employers engaged in agricultural activities may be designated as seasonal employers. Such designation results in some seasonal employees of the employer being ineligible for benefits based on their seasonal employment with that employer. An employee will remain eligible for benefits based on his/her seasonal employment with that employer if s/he: works for that employer for 90 days or more, earns \$500 or more during his/her one year base period from another employer(s) covered by the unemployment compensation law of any state or the federal government, or did not receive notice before beginning work for the seasonal employer that s/he might not be eligible for benefits based on that employment.

When an employee is eligible for benefits because s/he had at least \$500 in outside earnings and received the required advance notice, but worked for the seasonal employer for under 90 days, the seasonal employer's proportional share of benefits is charged to the unemployment compensation trust fund's balancing account rather than to that employer's own account. Seasonal employers generally must pay an additional 2% solvency tax (which goes into the balancing account). Since one factor which influences an employer's basic tax rate is how much is paid out in benefits from its account, the long-term effect of being designated a seasonal employer is lower overall UC tax rates.

Section ILHR 147.01 explains the purpose of the rule as describing how the department will determine which employers engaged in agricultural activities are eligible for designation as seasonal employers and generally describes the designation process.

Under section ILHR 147.02 when an examination of an employer's business activity has resulted in that employer being assigned a Standard Industrial Classification (SIC) code contained in the chart provided in this rule section, then that employer is eligible for designation as a seasonal employer.

STATUTORY AUTHORITY. Pursuant to the authority vested in the department of industry, labor and human relations by ss. 101.02(1), 108.14(2), and 227.11(2), Stats., the department hereby proposes to create a rule relating to seasonal agricultural employers.

SECTION 1. Chapter 147 is created to read:

CHAPTER 147
SEASONAL AGRICULTURAL EMPLOYERS

ILHR 147.01 Purpose
ILHR 147.02 Affected Employers

ILHR 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 two 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 two 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.

ILHR 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 ILHR 147.02 and assigns the employer one of the Standard Industrial Classification (SIC) codes listed in that figure. [see Figure 147.02 following]

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.	Industry No.	
011		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	
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	Mint farms
Broomcorn farms	Peanut farms
Clover farms	Potato farms, sweet
Grass seed farms	Sweet potato farms
Hay farms	Timothy farms
Hop 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	Lettuce farms
Bean farms, except dry beans	Market gardens
Beet farms, except sugar beet	Melon farms
Bok choy farms	Onion farms
Broccoli farms	Pea farms, except dry peas
Cabbage farms	Pepper farms, sweet and hot (vegetables)
Cantaloupe farms	Romaine farms
Cauliflower farms	Snap bean farms (bush and pole)
Celery farms	Squash farms
Corn farms, sweet	Tomato farms
Cucumber farms	Truck farms
English pea farms	Vegetable farms
Green lima bean farms	Watermelon farms
Green pea farms	

017

FRUITS AND TREE NUTS

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

Berry farms	Dewberry farms
Blackberry farms	Loganberry farms
Blueberry farms	Raspberry farms
Cranberry bogs	Strawberry farms
Currant 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	Pecan groves and farms
Filbert groves and farms	Pistachio groves and farms
Macadamia groves and farms	Walnut groves and farms

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

Citrus groves and farms	Lime groves and farms
Grapefruit groves and farms	Orange groves and farms
Lemon 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	Persimmon orchards and farms
Apricot orchards and farms	Plum orchards and farms
Cherry orchards and farms	Pomegranate orchards and farms
Nectarine orchards and farms	Prune orchards and farms
Peach orchards and farms	Quince orchards and farms
Pear 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

0212 Beef Cattle, Except Feedlots
Establishments primarily engaged in the production of feeding of beef cattle, except feedlots. Those primarily raising dairy cattle are in 0241.

Beef cattle farms, except feedlots
Cattle raising farms

Cattle ranches

0213 Hogs
Establishments primarily engaged in the production or feeding of hogs on their own account or on a contract or fee basis.

Feedlots, hog

Hog farms

0214 Sheep and Goats
Establishments primarily engaged in the production of sheep, lambs, goats, goats' milk, wool, and mohair, including the operation of lamb feedlots, on their own account or on a contract or fee basis.

Feedlots, lamb
Goat farms
Goats' milk production
Mohair

Sheep feeding farms and ranches
Sheep raising farms and ranches
Wool production

0219 General Livestock, Except Dairy and Poultry
Establishments deriving a majority of their total value of sales of agricultural products from livestock and livestock products but not from products of any single industry.

024

DAIRY FARMS

0241 Dairy Farms
Establishments primarily engaged in the production of cows' milk and other dairy products and in raising dairy heifer replacements. Such farms may process and bottle milk on the farm and sell at wholesale or retail. However, the processing and/or distribution of milk from a separate establishment not on the farm is in manufacturing or trade. Those primarily producing goats' milk are in 0214.

Dairy farms
Milk production, dairy cattle farm

Dairy heifer replacement farms

025

POULTRY AND EGGS

0251 Broiler, Fryer, and Roaster Chickens
Establishments primarily engaged in the production of chickens for slaughter, including those grown under contract.

Broiler chickens, raising of
Chicken farms or ranches, raising for slaughter

Cornish hen farms
Frying chickens, raising of
Roasting chickens, raising of

0252 Chicken Eggs
Establishments primarily engaged in the production of chicken eggs, including table eggs and hatching eggs, and in the sale of cull hens.

Chicken egg farms

Started pullet farms

0253 Turkeys and Turkey Eggs
Establishments primarily engaged in the production of turkeys and turkey eggs.

Turkey egg farms and ranches

Turkey farms and ranches

0254 Poultry Hatcheries
Establishments primarily engaged in operating poultry hatcheries on their own account or on a contract or fee basis.

Chicken hatcheries
Poultry hatcheries

Egg hatcheries, poultry

0259 Poultry and Eggs, Not Elsewhere Classified
Establishments primarily engaged in the production of poultry and eggs, not elsewhere classified.

Duck farms
Egg farms, poultry: except chicken and turkey
Geese farms

Pheasant farms
Pigeon farms
Quail farms
Squab farms

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

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.

<ul style="list-style-type: none"> 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 Hoeing Insect control for crops, with or without fertilizing Irrigation system operation services (not providing water) Orchard cultivation services 	<ul style="list-style-type: none"> 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.

<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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.

<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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.

<ul style="list-style-type: none"> Cotton ginning Gins, cotton: operation of 	<ul style="list-style-type: none"> 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.

<ul style="list-style-type: none"> Animal hospitals for livestock Veterinary services for livestock 	<ul style="list-style-type: none"> 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

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

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	Forestry services
Estimating timber	Pest control, forest
Fire prevention, forest	Reforestation
Firefighting, forest	Timber valuation
Forest management plans, preparation of	

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	Pollack, catching of
Cod, catching of	Rays, catching of
Eels, catching of	Salmon, catching of
Finfish, catching of	Sea herring, catching of
Fisheries, finfish	Sharks, catching of
Haddock, catching of	Tuna, catching of
Mackerel, catching of	Whiting, catching of
Menhaden, catching of	
Pilchard, catching of	

0913

Shellfish

Establishments primarily engaged in the catching or taking of shellfish.

Clams, digging of	Oysters, dredging or tonging of
Crabs, catching of	Shellfish, catching of
Crayfish, catching of	Shrimp, catching of
Fisheries, shellfish	Squid, catching of
Lobsters, catching of	
Mussels, taking of	
Oyster beds	

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	Terrapins, catching of
Frogs, catching of	Turtles, catching of
Sea urchins, catching of	
Seaweed, gathering of	
Sponges, gathering 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

Note: The information and codes in figure 147.02 are taken from the Standard Industrial Classification (SIC) Manual which is furnished by the federal Executive Office of the President, Office of Management and Budget.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Tommy G. Thompson
Governor

Carol Skornicka
Secretary



Mailing Address:
201 E. Washington Avenue
Post Office Box 7946
Madison, WI 53707-7946

Telephone (608) 266-7552

State of Wisconsin Department of Industry, Labor and Human Relations

August 18, 1994

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 94-74

RULE NO.: ILHR 147

RELATING TO: Seasonal Agricultural Employers

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carol Skornicka".

Carol Skornicka
Secretary