

**Colorado Department of Agriculture**  
**Agriculture Commissioners Office**

**Rules Pertaining to the Agricultural Workforce Development Program**

**8 CCR 1207-3**

**Part 1. Definitions**

- 1.1. "Beginning Farmer" means a farmer, rancher, or operator of non-industrial private forestland who is in the first ten (10) years of operation, or a person intending or aspiring to begin such an operation.
- 1.2. "Department" means the Colorado Department of Agriculture.
- 1.3. "Intern" means a student or beginning farmer or rancher to be employed by an agricultural business participating in the Program.
- 1.4. "Program" means the Agricultural Workforce Development Program created with passage of Senate Bill 18-042 and intended to build a talent pipeline and career pathway to align education, training, and work-based learning.
- 1.5. "Qualifying Internship" means an internship meeting the requirements as necessary for the partial reimbursement of costs to employ the intern(s).
- 1.6. "Student" means an individual that is enrolled in a secondary school, adult education, college, or certificate program.

**Part 2. General Eligibility**

- 2.1. Businesses of an agricultural nature are eligible to participate in the Program.
  - 2.1.1. Preference shall be provided to businesses engaged in the production of agricultural crops, livestock, dairy, timber or greenhouse and nursery products.
- 2.2. A business may be reimbursed for not more than three (3) interns annually.
- 2.3. Internships must not displace a current employee(s) of the participating business.
- 2.4. The maximum amount a business may be reimbursed per internship is \$5,000.
  - 2.4.1. Participating businesses may be reimbursed up to fifty (50) percent of the actual cost to the business to employ the intern. Actual costs include the wages paid to the intern and workers compensation insurance, an allocation of fixed overhead expenses not to exceed ten (10) percent of the costs to employ the intern, and any incidental costs directly related to the internship. Incidental costs may include tuition reimbursement related to the intern receiving academic credit for the internship.
  - 2.4.2. At least seventy-five (75) percent of the total reimbursement amount shall be paid to the intern.

- 2.5. To be reimbursed, a business must receive approval for the reimbursement from the Department prior to the start of the qualifying internship.
- 2.6. The Department will pay employers up to the preapproved amount for a qualifying internship when the internship is completed.

### **Part 3. Internship Requirements**

- 3.1. To be considered a qualifying internship and eligible for reimbursement, an internship must:
  - 3.1.1. Include an educational focus preparing interns for a career in one or more occupational areas including, but not limited to, agribusiness, animal husbandry, crop production, farm management, agronomy, natural resources, forestry, research and development, marketing and sales, food safety, and/or maintenance and repair of machinery and equipment.
  - 3.1.2. Provide for an educational experience of at least 130 hours and not exceed six (6) months in duration per intern.
  - 3.1.3. Pay the intern at a rate at least consistent with the State's prevailing minimum wage to be paid in accordance with the participating businesses normal payroll processes but paid at least monthly.
  - 3.1.4. Provide a supervisor for the intern.
  - 3.1.5. Provide worker's compensation insurance coverage for the intern.
- 3.2. To be eligible to participate in the Program, intern applicants must:
  - 3.2.1. Be a student; or
  - 3.2.2. Be a graduate from a secondary school, adult education, college, or certificate program within six (6) months post-graduation; or
  - 3.2.3. Be a beginning farmer, rancher or forester; and
  - 3.2.4. Be a resident of the state of Colorado; and
  - 3.2.5. Not be a current or past employee; and
  - 3.2.6. Not be a relative of the owner or operator of the participating business.

### **Part 4. Participating Business Requirements**

- 4.1. To be eligible for reimbursement of intern costs, participating businesses must:
  - 4.1.1. Have business operations of an agricultural nature.
  - 4.1.2. Have a physical operation(s) in the state of Colorado which would be considered the place of work for the intern(s).
  - 4.1.3. Adhere to all provisions of the Fair Labor Standards Act, Colorado Youth Employment Opportunity Act, and any other applicable labor and/or occupational safety laws and

regulations, unless otherwise exempted. In such instances when both federal and state laws apply, the more stringent standard must be observed.

- 4.1.4. Be compliant with all federal, state and local laws.
- 4.1.5. Begin the internship within 30 days of the projected start date identified in the Business Application.

## **Part 5. Qualification of Participating Businesses and Interns**

- 5.1. Approval by the Department of both the participating business and intern are required for qualifying internship(s) to be eligible for reimbursement.
  - 5.1.1. Businesses interested in participating may apply only during an open application period as established by the Department.
    - 5.1.1.1. For internships to be completed April 1 – June 30, 2019, the open application period shall be January 2, 2019 to February 15, 2019 with award notifications provided via email by March 15, 2019. Applications for internships beginning July 1, 2019 and for each fiscal year thereafter will be accepted from January to mid-February of the prior fiscal year with award notifications provided via email by mid-March.
    - 5.1.1.2. The Business Application will include general eligibility information about the type and size of business, availability of a mentor or supervisor, the location of the place of work for the internship, a description of the work to be performed by the intern, any educational and/or knowledge and skill requirements, the skills and/or competencies to be attained by the intern, estimated total cost of the internship, and projected start and end dates for the intern.
    - 5.1.1.3. Business applications will be reviewed at the close of the open application period by a panel inclusive of Department staff and industry stakeholders approved by the Commissioner or designee. Decisions will be based on the needs of the Program, legislative intent, applicable statute, and these Rules.
    - 5.1.1.4. Businesses not selected for award will receive notification via email by the end of March following the open application period.
    - 5.1.1.5. One (1) Business Application is required for every internship position the applicant is requesting.
  - 5.1.2. Upon approval of the Business Application, the candidate selected by the participating business for the internship must complete the Intern Application.
    - 5.1.2.1. The Intern Application includes information to ensure the individual selected for the internship by the participating business meets eligibility requirements. Applications will also include a statement of career goal(s).
    - 5.1.2.2. Intern applications will be reviewed by the Department and a determination of eligibility sent via email to the participating business within ten (10) business days of receipt of a fully completed Intern Application.

## **Part 6. Reimbursement**

- 6.1. Participating businesses will be reimbursed up to the agreed upon amount at the conclusion of the internship upon presentation of an invoice, provided by the Department, and supporting documentation.
  - 6.1.1. The invoice requesting reimbursement is to be submitted to the Department within fifteen (15) business days of concluding the internship.
  - 6.1.2. The invoice will include information about the costs incurred by the business to employ the intern and the reimbursement amount requested.
  - 6.1.3. Along with the invoice, the participating business shall include copies of time sheets and pay stubs verifying the total amount paid to the intern during the internship. If the invoice includes costs for incidental expenses, those costs must be supported with proof of payment by the participating business.
  - 6.1.4. The participating business shall also, as a requirement of reimbursement, complete a post-internship evaluation.
  - 6.1.5. In the event an internship ends prior to its scheduled completion, participating businesses may still be partially reimbursed for costs incurred.

**Part 7 through 9 Reserved**

**Part 10. Statements of Basis, Specific Statutory Authority and Purpose**

10.1. Adopted November 7, 2018 – Effective December 30, 2018

**Statutory Authority**

These Rules are proposed for adoption by the Commissioner of the Colorado Department of Agriculture as provided for with passage of SB 18-042 and pursuant to § 35-1-104.5(2), C.R.S.

**Purpose**

1. To create an agricultural workforce development program providing incentives to agricultural businesses to hire interns.
2. To establish general eligibility requirements of the Program.
3. To establish requirements qualifying an internship for reimbursement under the Program.
4. To establish requirements for agricultural businesses to be eligible to participate in the Program.
5. To establish application processes for agricultural businesses to seek approval to become a Program participant.
6. To establish application processes for internship candidates to determine eligibility to participate in the Program.
7. To establish processes for reimbursement of costs to the participating agricultural businesses to employ interns.

## Factual and Policy Issues

Legislation was passed by the Colorado General Assembly in 2018 requiring the Commissioner of Agriculture to promulgate rules creating an agricultural workforce development program. In developing these proposed Rules, the Department reviewed policies and program guidelines relating to the Innovative Industries Internship Program administered by the Colorado Department of Labor and Employment. The Department also held two meetings to solicit input from stakeholders. More than a dozen organizations provided feedback and direction during these meetings.