

U.S.

■ MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT

TERMS: The Migrant and Seasonal Agricultural Worker Protection Act provides for the registration of farm labor contractors, establishes restrictions on their activities, and prescribes requirements that farm labor contractors, agricultural employers, agricultural associations and others must follow for the protection of migrant and seasonal farmworkers.

Exception — This law *does not apply* to those who engage in farm labor contracting activity only within 25 miles of their permanent place of residence, only within their home state, and for not more than 13 weeks a year.

Registration — In general, anyone who charges a fee to recruit, hire, furnish or transport any migrant or seasonal agricultural worker must have a certificate of registration issued by the U.S. Department of Labor, specifying which farm labor contracting activities the person is authorized to perform. Registered farm labor contractors and their registered assistants must carry their certificates at all times while performing contracting activities and must, when requested, show the certificate to everyone they deal with as a farm labor contractor.

Confirmation of Registration — No one may use the services of a farm labor contractor to supply any migrant or seasonal agricultural worker without first determining that the contractor has a valid registration certificate which authorizes the activity for which the contractor would be utilized.

Migrant Worker Protections — Every farm labor contractor, agricultural employer and agricultural association that employs any migrant agricultural worker (those who work seasonally or temporarily and who are required to be absent overnight from their permanent place of residence) must comply with specific duties and responsibilities, some of which are summarized here:

Disclosure of Information — Any contractor, employer or association that recruits any migrant worker for employment must, at the time of recruitment, provide the worker with a written statement specifying (1) the place of employment, (2) the wage rates to be paid, (3) the crops and crop activities the worker may be involved in, (4) the period of employment, (5) the transportation, housing and any other benefits to be provided, as well as the cost to be charged for each of them, (6) the existence of any strike or similar labor activity at the workplace, (7) whether or not the contractor or the employer will receive a commission or other benefit from any store or other business that may provide goods or services to the workers, and (8) any workers' compensation coverage to be provided.

Posting — Contractors, employers and associations that employ migrant workers must post in plain sight at the place of employment a poster outlining the rights and protections afforded by this law. Whenever housing is provided to the workers, the contractor, employer or association must post or furnish each worker a written statement of the terms and conditions of occupancy.

Payroll Records — Farm labor contractors, farm employers and farm associations that employ migrant workers must keep detailed records of each worker's pay rate, piecework units earned (if paid on a piecework basis), hours worked, total pay period earnings, the purpose and amount of each deduction made from the worker's pay, and net pay. Payroll records must be preserved for at least 3 years.

Payment of Wages — Migrant farmworkers must receive their wages when due, but in no case less often than every 2 weeks or twice a month. At the time of payment, each migrant worker employed must receive an itemized written pay statement for the period covered, showing the worker's pay rate, piecework units earned (if paid on a piecework basis), hours worked, total earnings for the pay period, the purpose and amount of each deduction made from the worker's pay, and the net amount of pay.

Compulsory Purchases — No farm labor contractor, agricultural employer, or agricultural association may require any migrant worker to purchase goods or services solely from the contractor, employer or association.

Safety and Health of Housing — The Act prescribes specific conditions for the provision of housing to migrant farmworkers, including requirements for pre-occupancy inspection and certification (*see entry, U.S. — Housing — Farm Labor Housing Standards*).

Seasonal Worker Protections — Farm labor contractors, agricultural employers and agricultural associations that employ seasonal farmworkers (those who work seasonally or temporarily, but are not required to be absent overnight from their permanent residence) must comply with essentially the same information, posting and wage payment requirements, and observe the ban on forced purchases, that apply to the employment of migrant farmworkers, as outlined above.

False or Misleading Information — No contractor, employer or association may knowingly provide false or misleading information to any migrant or seasonal worker concerning the terms, conditions or availability of employment.

Language Requirements — The information required to be disclosed to migrant and seasonal workers under this law must be furnished in writing, either in English or in the language most easily understood by the workers involved.

Motor Vehicle Safety — The transportation of migrant and seasonal farmworkers by farm labor contractors, agricultural employers and agricultural associations must comply with safety standards prescribed in the Act, including requirements for insurance coverage (*see entry, U.S.— Transportation — Farmworker Transportation Safety*).

ENFORCEMENT: *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072).* Local offices of the Wage and Hour Division may be located on the agency's website, at www.dol.gov/whd/america2.htm.

Apart from any enforcement action by the Department, a worker who has been harmed as a result of a violation of this law may take legal action against the contractor, employer or other person responsible for the violation directly, using a private attorney or a public legal services program.

SPECIAL NOTE: An employer or farm labor contractor may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law. Any such act of retaliation should be reported to the Wage and Hour Division within 180 days after it occurs.

California

■ FARM LABOR CONTRACTOR LAW

TERMS:

Contractor Licensing — In general, it is illegal for a person to charge a fee to recruit, supply or hire workers to perform agricultural services for a farm operator, unless the person is licensed as a farm labor contractor by the state. Labor contractors must carry their license with them at all times and must show the license to each individual with whom they deal as a contractor.

Contractor Responsibilities — Among other legal responsibilities imposed on them by this law, farm labor contractors are required to comply with all contracts and agreements entered into in connection with their contracting activity, allow workers and growers to inspect a written statement showing the amount of compensation being received from each grower and the corresponding amount being paid to the workers, and post a notice at the worksite and on all vehicles used to transport workers showing the workers' pay rate.

Prohibited Acts — Labor contractors are prohibited from making any false or misleading statement, or issuing any false or misleading information, concerning the availability of employment or the terms and conditions of the job. Contractors are forbidden from sending or transporting any worker to any place where they know a strike or similar labor dispute exists, without notifying the worker first.

Transportation — Farm labor contractors and their employees who operate a bus or truck for the transportation of workers must be licensed in accordance with state laws governing farm labor vehicles (*see entries, California — Transportation — Farmworker Transportation Safety*) and must obtain liability insurance covering any damages resulting from the vehicle's use. At the entrance to all vehicles used by a contractor to transport workers, there must be a sign or notice showing the contractor's name and contractor license number.

Wage Statements — At the time of each payment of wages (which must be not less often than once a week), a farm labor contractor must provide each worker with an itemized written statement showing each and every deduction made from the worker's earnings.

ENFORCEMENT: *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118).* Workers who need information about these provisions, or who wish to file a claim or complaint, should contact the nearest district office of the Division, a list of which may be found online at www.dir.ca.gov/dlse/DistrictOffices.htm, or may email the Division at DLSE2@dir.ca.gov. The law also gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions.

Colorado

■ **WAGE PAYMENT LAWS (*FIELD LABOR CONTRACTORS*)**

TERMS:

Registration — No one may operate as a field labor contractor in Colorado without first obtaining a certificate of registration from the state. Among other conditions on issuance of a certificate, contractors must provide proof that they have met workers' compensation coverage requirements for their workers. Field labor contractors must carry the certificate of registration at all times and show the certificate to everyone with whom they deal while conducting contracting activities.

Disclosures to Workers — At the time of recruitment, a contractor must provide each migrant farmworker with a written statement, in understandable language, indicating the area of intended employment, the crops and operations involved, the transportation, housing and insurance to be provided, the wage rate to be paid, and the amount the worker will be charged for the contractor's services.

Prohibited Acts — Among other prohibited activities, it is illegal for a labor contractor (1) to give false or misleading information to migrant workers concerning the terms, conditions or availability of agricultural employment, (2) to fail without good reason to perform agreements with farm operators or to comply with the terms of any working arrangements made with workers, or (3) to allow any required workers' compensation insurance to lapse or become inoperative.

ENFORCEMENT: *Division of Labor Standards and Statistics, Colorado Department of Labor and Employment, Denver, Colorado 80202 (303-318-8441).*

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Delaware

■ **STATE LABOR LAWS (*AGRICULTURAL LABOR CONTRACTORS*)**

TERMS: It is illegal for a farm operator or other agricultural employer in Delaware to enter into a work contract or agreement with a farm labor contractor who recruits farmworkers from outside the state, without first making a reasonable effort to assure that the contractor is registered with the U.S. Department of Labor (*see entry, U.S. — Labor Contractors & Worker Recruitment — Farm Labor Contractor Registration*).

ENFORCEMENT: *Office of Labor Law Enforcement, Division of Industrial Affairs, Delaware Department of Labor, Wilmington, Delaware 19802 (302-761-8200).*

Florida

■ FARM LABOR CONTRACTOR REGISTRATION LAW

TERMS:

Contractor Registration — In general, it is illegal for any individual, for a fee, to recruit, transport, supply or hire any farmworker to work for or under the direction of someone else, or to recruit, transport, supply or hire any farmworker and supervise the worker for profit, unless the individual has a valid farm labor contractor registration certificate issued by the state. Farm labor contractors must carry their registration certificate at all times while engaging in such activities, and no one may contract with any farm labor contractor for the employment of farmworkers until the contractor presents a current certificate.

Exceptions — This law *does not apply* to farm owners or operators, or to owners or operators of packinghouses or food processing plants, who employ workers in planting, cultivating, harvesting or preparing agricultural products for delivery to such packinghouses or food processing plants. The law also does not apply to anyone who transports workers solely by means of a carpool.

Prohibited Acts — The state may revoke, suspend or refuse to renew a certificate of registration when there is evidence that the farm labor contractor has (1) violated any provision of the Farm Labor Contractor Registration Law, (2) made any false or misleading statement in the application for the certificate, (3) given false or misleading information concerning the terms, conditions or existence of employment to persons recruited or hired to work on a farm, or (4) failed to pay unemployment insurance taxes or federal employment taxes, if required by law.

Contractor Responsibilities — Among other duties, every farm labor contractor must display at the worksite, and on all vehicles used by the contractor to transport workers, a copy of the registration certificate and a statement — in English and in the language of the majority of the non-English-speaking workers — showing the pay rate the contractor is receiving from the grower for whom the work is being performed and the pay rate the contractor is paying to the workers for their services. Twice a month or at the time of each payment of wages, the contractor must furnish each worker with an itemized written statement showing each and every deduction made from the worker's pay.

Insurance — Farm labor contractors are required to have adequate insurance against injury or damage resulting from operation or ownership of any vehicle used to transport farmworkers that they recruit or hire. Furthermore, contractors must provide evidence to the state agency that each vehicle they use for worker transportation meets state and federal safety requirements, or has a valid inspection sticker indicating that the vehicle has passed inspection in the state where it is registered.

ENFORCEMENT: *Farm Labor Program, Division of Regulation, Department of Business and Professional Regulation, Tallahassee, Florida 32399 (850-488-6603).*

SPECIAL NOTE: Under a signed agreement with the U.S. Department of Labor, this agency is also authorized to receive and process applications for, and to issue, farm labor contractor registration certificates under the federal Migrant and Seasonal Agricultural Worker Protection Act (*see entry, U.S. — Labor Contractors & Worker Recruitment — Farm Labor Contractor Registration*).

SPECIAL NOTE: It is illegal for a farm labor contractor to retaliate against anyone who has filed a complaint or aided an investigation under this law.

Idaho

■ FARM LABOR CONTRACTOR LICENSING LAW

TERMS: Individuals who charge a fee or receive other compensation for recruiting, soliciting, hiring, employing, furnishing or transporting any migrant or seasonal agricultural worker, must obtain a farm labor contractor license from the state and comply with other requirements and restrictions.

Licensing — No one may act as a farm labor contractor without obtaining a license to do so from the state labor department. As conditions for issuing the license, the applicant must provide information that will enable the department to confirm the person's fitness, competency and qualifications to engage in the farm labor contracting business.

Financial Responsibility — Farm labor contractors must have insurance or post a bond of at least \$10,000 (\$30,000 if they employ more than 20 workers), to cover liability to the workers for any unpaid wages or other damages.

Duties — Among many other duties, farm labor contractors must:

- (1) Carry their contractor license with them at all times.
- (2) Promptly pay their workers and others with whom they do business as a contractor.
- (3) Provide their workers — at the time they are recruited, hired or sent to a worksite — a written statement detailing the wage or piece rate to be paid, the terms and conditions of the job, any housing or other facilities to be provided, and the workers' rights, including the right to make a claim against the contractor's insurance or bond.
- (4) Provide the workers with a written pay statement — at the time of each payment — itemizing the total amount of pay, the amount and purpose of each deduction, the hours worked, and the number of units of production if paid on a piecework basis.

Recordkeeping — Contractors must make a record, and keep it for at least 3 years, of each worker's wages, hours, total earnings, pay deductions, and work locations.

Prohibited Acts — Among other things, it is illegal for a farm labor contractor, or an applicant for a contractor license, to:

- (1) Make false or misleading statements on the license application.
- (2) Make a false, fraudulent or misleading statement to any person, or to circulate or publish false or misleading information concerning the terms, conditions or existence of any employment.
- (3) Use force, intimidation or a threat — including a threat of deportation — to induce workers to give up any part of the wages to which they are entitled.

ENFORCEMENT: *Idaho Department of Labor, Boise, Idaho 83735 (208-332-3570).*

SPECIAL NOTE: It is illegal for a farm labor contractor to fire or discriminate in any other way against a worker because the worker made a claim against the contractor, testified in a proceeding, or discussed or consulted with anyone concerning the worker's rights under this law.

Kansas

■ **EMPLOYEE PROTECTION LAWS (*CREW CHIEF REGISTRATION*)**

TERMS: Any person (other than an employer or custom combine operator) who brings any migrant farmworker into Kansas, or who is responsible for finding them employment, must register with a local office of the state employment service. At the time of registration, the crew leader must furnish the agency with a list of the names and Social Security numbers of all migrant workers the crew leader serves and the names of the farm operators for whom worker recruitment services are being performed.

Farm operators and businesses that employ migrant agricultural workers in Kansas must make wage payments directly to each individual worker, and no such payment may be made to a crew leader.

ENFORCEMENT: *Workforce Services Division, Kansas Department of Commerce, Topeka, Kansas 66612 (785-296-3481).*

Maine

■ **EMPLOYMENT STANDARDS IN FORESTRY AND FARMING (*FARM LABOR CONTRACTOR REGISTRATION*)**

TERMS: Every farm labor contractor who employs migrant or seasonal farmworkers in Maine is required to file a copy of his or her federal contractor registration certificate with the state labor department. The filing must include in-state contact information for the contractor or the contractor's representative.

ENFORCEMENT: *Bureau of Labor Standards, Maine Department of Labor, Augusta, Maine 04333 (207-623-7900).*

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Maryland

■ FARM LABOR CONTRACTORS LAW

TERMS:

Licensing — With the exceptions noted below, no person may charge money to recruit, solicit, hire, employ, supply, transport or house migrant farmworkers in Maryland unless the person holds a valid certificate of registration issued by the state. Registered farm labor contractors must carry their certificate at all times while performing contracting activities in the state and must show the certificate to everyone they deal with in that capacity.

Exceptions — The licensing requirement does not apply to farm operators or agricultural processors who perform farm labor contracting activities exclusively for their own operations, or to anyone (other than a farm labor contractor) who has been supplied with no more than 10 migrant workers at any one time during both the current and preceding years. Likewise, the law does not apply to any person who performs farm labor contracting activity only within Maryland, only within 25 miles of the person's permanent place of residence, and for not more than 13 weeks a year.

Duties and Responsibilities —

Disclosures — Before bringing migrant farmworkers into Maryland to work, or before recruiting migrant farmworkers within the state, every farm labor contractor must give each worker a statement showing (1) the places where employment will take place and a description of the crop operations involved, (2) the terms and conditions of employment at each location, including what wage rates will be paid, who will be making payment, and when wages will be paid, (3) the transportation, housing and insurance (if any) to be provided and the costs to be charged for each such service or benefit, and (4) the existence of any strike or other labor dispute at each worksite.

Housing — If a labor contractor provides any housing for the workers, the contractor must post the terms and conditions of occupancy in a clearly visible place at the housing site throughout the time the workers are living there.

Form of Disclosure — All information required to be provided to the workers by a labor contractor must be given in writing, in English or, as necessary and reasonable, in Spanish or any other language understandable by those workers not fluent or literate in English.

Vehicles — Farm labor contractors who use vehicles for transporting migrant agricultural workers in Maryland, or who cause vehicles to be used for that purpose, must (1) assure that each such vehicle conforms to applicable federal and state safety standards, (2) ensure that each driver has a valid and appropriate class of license to operate the vehicle, and (3) have the required level of insurance coverage against liability for injury to persons or property arising from the ownership or operation of any such vehicle.

Verification of License — It is illegal for a farm operator or any other person to use the services of a farm labor contractor unless the person first verifies that the contractor has a valid registration certificate. Furthermore, no one may use or continue to use a contractor once he or she is notified by the state enforcement agency or otherwise becomes aware that the contractor lacks a certificate or that the certificate has been suspended or revoked.

ENFORCEMENT: *Employment Standards Service Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Baltimore, Maryland 21201 (410-767-2357).*

Michigan

■ **STATE AGRICULTURE LAWS (*EMIGRANT AGENTS*)**

TERMS: With few exceptions, it is illegal for a person to recruit or hire workers in Michigan to work in farm labor outside the state unless the person first obtains an emigrant agent's license from the state. An application for a license must be accompanied by a \$75 license fee and a \$2,000 bond. A licensed agent must carry the license at all times while engaged in labor recruitment activities.

ENFORCEMENT: *Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (517-373-1820).*

Nebraska

■ FARM LABOR CONTRACTORS ACT

TERMS:

Licensing — Except for agricultural employers, agricultural associations and their employees, no one may — for pay — recruit, hire or supply migrant or seasonal farmworkers without having a valid farm labor contractor's license issued by the state. Contractors with a workforce at least 80 percent of whom are under the age of 18 may be exempted from the licensing requirement.

Bonding — Before a contractor's license can be issued, the applicant must obtain a bond in an amount not less than \$5,000 as security for full payment of any wage claims filed by workers. Every farm labor contractor covered by this law must post a notice at each workplace advising the workers of the terms of the bond and showing the name and address of the bonding agent.

Notification — At the time of recruitment, hiring or assignment to the job, each worker employed through a licensed farm labor contractor must be given a written statement showing (1) the rate of pay and the method of calculating pay, (2) the terms and conditions of any bonus to be paid, (3) the terms and conditions of any housing, health or daycare services to be provided, (4) the expected length of the job and the estimated start and end dates, (5) the terms and conditions under which the worker will be provided with clothing or equipment, if any, (6) the name and address of the owner of all operations where the worker will be working, and (7) the worker's rights in plain and simple language.

Pay Statements — With each payment of wages, workers employed through a labor contractor must receive a written statement showing total earnings, the amount and purpose of each deduction from wages, the number of hours worked, and the amount of work performed (if paid on a piecework basis).

Bilingual Assistance — A farm labor contractor who has a workforce of 10 or more non-English-speaking workers who speak the same language is required to provide a bilingual employee at the worksite for each shift during which a non-English-speaking worker is on the job.

ENFORCEMENT: *Office of Labor Standards, Nebraska Department of Labor, Lincoln, Nebraska 68508 (402-471-2239).*

New Jersey

■ FARM LABOR CREW LEADER LAW

TERMS:

Crew Leader Registration — Except for farmers and food processing plant operators who do so for their own operations, it is generally illegal for any person to recruit, supply or hire farm or food processing workers, or transport and direct any part of their work, for a fee or profit, unless the person has a valid certificate of registration issued by the state. Likewise, it is unlawful for a farm operator to use the services of a crew leader who does not have a valid registration certificate.

Information to Workers — At the time a farmworker is recruited, the crew leader must inform the worker regarding the location of employment, the crops and operations involved, the transportation, housing and insurance to be provided, the wage rates to be paid, and the fees the worker will have to pay for the crew leader's services. The crew leader is required to post a notice in plain sight summarizing this information in Spanish and English, and showing the name and address of the crew leader, the name and address of the farm operator where the work is to be performed, the expected duration of the job, and a schedule of the minimum pay for each hour of employment. A written copy of this information must also be offered to each worker, or to the head of each farmworker household under the crew leader's supervision.

Wage Payments — Whenever crew leaders are involved in the payment or distribution of wages, they are required to pay each worker, in full, on the same property where the work was performed and as soon as the work period is over.

ENFORCEMENT: *Agricultural Compliance Section, Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-984-3004).*

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law. Anyone who has suffered any such retaliation should consult with a private attorney or public legal services program about possible legal action in civil court.

New York

■ MIGRANT REGISTRATION LAW

TERMS:

Contractor Registration — Before any individual, for a fee, recruits, transports, or hires farm or food processing workers on another person's behalf, or recruits, transports, or hires such workers and, for a fee, directs, supervises or controls their work, the individual must obtain a certificate of registration from the state. On the registration application, the contractor must provide information on wages, working conditions, housing and other aspects of the agricultural services to be performed. The application must be co-signed by each grower or food processor who utilizes those services.

Disclosure to Workers — A registered labor contractor is required to give a copy of the registration application, or a summary of the job specifications included in the application, to each worker recruited or employed. This must be done no later than the worker's time of arrival in New York or, if the worker is not from out of state, no later than the time the job begins. A copy must also be kept posted at any camp in which the workers are housed.

Pay Statements — Each worker employed, supervised or paid by a farm labor contractor is entitled to receive a written statement from the contractor with every payment of wages, showing the employer's name and address, the worker's name, the wage rate, the wages earned, the number of hours worked, units of production, all deductions fully itemized and explained, and net pay.

Growers and Processors — No farm operator or food processing plant may use the services of a farm labor contractor unless the grower or processor has a certificate for that purpose issued by the state and the contractor is properly registered. If the contractor fails to comply with the information and wage statement requirements outlined above, the state enforcement agency will notify the grower or processor, who will then be responsible for compliance. Likewise, any grower or processor who, without assistance from a farm labor contractor, brings 5 or more migrant farmworkers or food processing workers into New York must register with the state and comply with essentially the same requirements that apply to registered labor contractors.

ENFORCEMENT: *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).*

SPECIAL NOTE: An employer or farm labor contractor may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by this provision. A worker subjected to any such retaliation may file a complaint with the Department.

Oregon

■ LABOR CONTRACTOR LAW

TERMS:

Licensing — It is unlawful for anyone, for a fee, (1) to recruit, supply or employ workers to perform farm labor for another person, (2) to engage in such activities on behalf of a farm employer, or (3) to provide meals or housing in connection with the recruitment or employment of farmworkers, without having a valid farm labor contractor's license issued by the state. .

Insurance and Bonding — Among other conditions which must be met before a license is issued, the applicant must submit proof of adequate insurance for any vehicles to be used to transport workers, along with a \$5,000 bond or other evidence of the contractor's ability to promptly pay workers' wages and other specified obligations.

Disclosure to Workers — At the time of recruitment or hiring, farm labor contractors are required to furnish each worker with a written statement, in English and any other language used by the contractor to communicate with the workers, describing:

- (1) The method for figuring pay.
- (2) The terms and conditions of any bonus offered.
- (3) The terms of any loans made to the worker.
- (4) The conditions on any housing, health or daycare services to be provided.
- (5) The terms and conditions of employment, including the approximate start and end dates.
- (6) The terms of any clothing or equipment to be furnished to the worker.
- (7) The name and address of the owner of all operations where the worker will be working.
- (8) The existence of any labor dispute at the worksite.
- (9) The worker's employment rights under state and federal law.

Pay Statements — Each time a contractor makes a payment of wages, the contractor must give each worker a written statement itemizing total wages, the amount and purpose of each deduction from wages, and the hours worked (or piecework production) and rate of pay.

Prohibited Activities — Among other unlawful acts, no one acting as a farm labor contractor may intentionally make any false or misleading statement to any person, or circulate any false information concerning employment. It is also illegal for a farm labor contractor to force a worker, or use threats of firing or deportation to persuade a worker, to give up any part of the worker's earnings.

Use of Contractor Services — A farm operator or anyone else who uses the services of an unlicensed labor contractor is personally, jointly and severally liable with the contractor for any damages awarded to a worker who prevails in a civil suit against the contractor for non-compliance or retaliation.

ENFORCEMENT: *Labor Contracting Unit, Wage and Hour Division, Oregon Bureau of Labor and Industries, Salem, Oregon 97305 (503-373-1463).* A worker who has evidence of a violation may submit a complaint to this agency, which may suspend, revoke or refuse to renew the license of the contractor if the investigation supports the allegations.

SPECIAL NOTE: A farm labor contractor may not fire or discriminate in any other manner against a person because the person has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Pennsylvania

■ SEASONAL FARM LABOR ACT (*FARM LABOR CONTRACTOR REGISTRATION*)

TERMS:

Registration — In general, no one may act as a farm labor contractor without first obtaining a certificate of registration from the state. In brief, the law defines a farm labor contractor as any person who, for pay or profit, recruits, hires, supplies or transports 5 or more seasonal farmworkers in any calendar year for employment in agriculture or in an agriculture-related industry.

Recordkeeping — Every farm labor contractor must keep payroll records on each worker recruited, employed or supervised, including such information as the worker's name and Social Security number, total wages earned, the number of hours worked, and hourly or piecework wage rates.

Prohibited Acts — Among other unlawful acts defined in the law, it is illegal for a farm labor contractor:

- (1) To knowingly give a worker any false or misleading information, or to withhold important information, concerning the availability of work, wages, any arrangements for the furnishing of meals, housing and transportation, or other terms of employment, in order to get the worker to accept or reject a job offer.
- (2) To receive, distribute or withhold any wages or other compensation for the services of a worker, except as authorized by the law's wage payment provisions (*see entry, Pennsylvania — Wages & Hours — Wage Payment and Collection*).
- (3) To charge a worker for goods or services provided by the contractor, except (a) a reasonable charge for transporting the worker, the worker's family and their possessions between the place of residence or recruitment and a job site, or from one job site to another, and (b) a reasonable charge for meals.
- (4) To fail to correctly notify the worker, at the time of recruitment or negotiation of any contract, regarding transportation and meal charges.
- (5) To sell or distribute any alcoholic beverage without a state license or permit.

ENFORCEMENT: *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).*

SPECIAL NOTE: Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a complaint under the Seasonal Farm Labor Act is punishable as a criminal offense.

Washington

■ FARM LABOR CONTRACTOR LAW

TERMS:

Licensing — With few exceptions, no one may act as a farm labor contractor in Washington without a contractor's license issued by the state.

Bonding and Insurance — Among other requirements, the state licensing agency may not issue a license unless the applicant (1) posts a bond to ensure compliance with the farm labor contractor law, and (2) obtains a liability insurance policy covering potential injury or damage to people and property as a result of the contractor's business activities and use of any vehicles to transport workers.

Disclosures to Workers — At the time of hiring, recruiting, soliciting or supplying any worker (whichever occurs first), a farm labor contractor must give the worker a written statement showing all of the following information:

- (1) The rate of compensation to be paid and the method for calculating earnings.
- (2) The terms and conditions of any bonus to be paid.
- (3) The terms and conditions of any loan to be made to the worker.
- (4) The conditions and costs of any transportation, housing, meals, health or daycare services, or other benefits to be provided by the contractor.
- (5) The expected length of employment, the approximate start and end dates, and the crops and crop operations involved.
- (6) The terms and conditions under which the worker will be provided with clothing or equipment.
- (7) The location or locations of the job.
- (8) The name and address of the owner of all operations where the worker will be working.
- (9) The existence of any strike or labor dispute at the worksite.
- (10) The name and address of the farm labor contractor.
- (11) The existence of an arrangement with any store or other establishment at the place of employment under which the contractor is to receive a fee or other benefit from any sales by the establishment to the workers.
- (12) The name and address of the contractor's bonding company, and a statement explaining the worker's right to claim against the bond.

This information must be in English and in any other language understood by the worker if the worker does not easily read or understand English.

Pay Statements — Each time a worker is paid by or through a farm labor contractor, the contractor must provide the worker with a written statement itemizing the worker's total earnings, the amount and purpose of each deduction from pay, the number of hours worked, the rate of pay, and the number of units of production if work was done on a piece-rate basis.

Recordkeeping — Farm labor contractors are required to keep a record for each pay period showing the basis of each worker's wages, the number of piecework units performed (if paid piecework), the number of hours worked, the total earnings, the amounts withheld from wages and the purpose of each such deduction, and the amount of net pay. A copy of the record must be given to each farm operator or other user of the worker's labor, who in turn is required to keep the record for no less than 3 years after the end of the period of employment.

Prohibited Acts — Among other violations, it is illegal for anyone acting as a farm labor contractor to engage in any of the following practices:

- (1) Making a misrepresentation or false statement in an application for a license.
- (2) Giving false or misleading information concerning the availability, terms or conditions of employment.
- (3) Sending or transporting a worker to any job site where the contractor knows a strike or lockout is in progress.

ENFORCEMENT: *Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321).*

After notifying the Department of the claim, a worker affected by a violation of the farm labor contractor law may sue the contractor involved directly, using a private attorney or a public legal services program. A suit may not be filed any later than 3 years after the violation occurred.

A worker may also take legal action against the contractor's bond to recover unpaid wages or other damages, at any time within 3 years after the expiration of the bond or the contractor's license, whichever occurs first.

SPECIAL NOTE: An employer or farm labor contractor may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

SPECIAL NOTE: A farm operator or other person who uses the services of an unlicensed farm labor contractor is legally responsible — along with the person acting as a contractor — for any damages resulting from the contractor's operation.

Wisconsin

■ MIGRANT LABOR LAW (*MIGRANT LABOR CONTRACTORS*)

TERMS: Wisconsin's migrant labor law regulates the activities of migrant labor contractors, briefly defined as anyone (other than an employer acting on his or her own behalf) who recruits, solicits, hires or furnishes migrant workers for employment in Wisconsin. A "migrant worker" is anyone who temporarily leaves a principal residence in another state and comes to Wisconsin for not more than 10 months in a year to accept seasonal agricultural employment.

Registration — No one may operate as a migrant labor contractor without first obtaining a registration certificate from the state. Registered labor contractors must carry their certificate at all times while performing contracting activities, and must show the certificate to everyone with whom they deal in that role. Likewise, agents employed by registered contractors to assist them in contracting work must carry identification indicating their status as agents of a registered contractor.

Duties — Among other responsibilities, every migrant labor contractor and every contractor's agent is required (1) to file an official change of address within 10 days after each such change, (2) to promptly pay or deliver to the appropriate recipient anything of value entrusted to the contractor by someone else, (3) to comply with all contracts or agreements entered into, and (4) to keep and preserve prescribed records.

Prohibited Activities — Migrant labor contractors and their agents are forbidden from (1) knowingly giving a worker any false or misleading information, or failing to fully disclose any information, concerning the terms, conditions or existence of employment, (2) receiving, paying or withholding a worker's wages, except to distribute a check payable to the worker, (3) charging a worker for goods or services when the amount charged is more than the actual cost of providing the goods or services, or (4) violating the migrant labor law's recruitment and contract provisions (*see next entry*).

ENFORCEMENT: *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002)*. This agency is responsible for issuing migrant contractor registration certificates, and for assuring registrants' compliance with the migrant labor law and the associated rules and regulations.

A migrant worker affected by a violation of the migrant labor law by a migrant labor contractor has a right to file suit against the contractor in civil court, using a private attorney or public legal service provider.

SPECIAL NOTE: A labor contractor may not fire, discipline or discriminate in any way against a migrant worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to unlawful retaliation may file suit against the contractor involved, using a private attorney or public legal service provider.