

■ **STATE LABOR LAWS (*MIGRANT LABOR GUARANTEED MINIMUM HOURS*)**

TERMS:

**Guaranteed Hours** — Every processor of fruits and vegetables that recruits and employs more than 30 migrant workers per day for more than 7 days in a calendar year must guarantee to each such worker a minimum of 70 hours' pay for work in any 2 consecutive weeks. If a worker's pay for the hours actually worked amounts to less than the minimum guarantee, the employer must pay the worker the difference within 3 days after the regular payday for the pay period involved. Payment for the guaranteed hours must be at the hourly wage rate, if any, specified in the employment statement required at the time of recruitment (*see entry, Minnesota — Labor Contractors & Worker Recruitment — Recruitment Standards*), or at the federal minimum wage, whichever is higher.

**Period of Guarantee** — The pay guarantee applies for the minimum period of work specified in the employment statement, beginning on the date on which the work is supposed to begin.

**Reduction of Guaranteed Hours** — When weather or some other uncontrollable force causes loss of employment for a period of 7 or more consecutive days during any two-week period after the work begins, the guarantee will be reduced by 5 hours a day for each such day, provided that each worker is paid the sum of \$5 for each such day.

**Termination of Employment** — Whenever a worker quits or is fired for good reason before completing the job for which he or she was hired, the worker is not entitled to any further guarantee of hours from that employer. If termination occurs before the end of the two-week pay period, the worker is not entitled to a guarantee for that period.

**Refusal or Inability to Work** — If on any day for which work is offered a worker refuses to work, or is unable to work due to illness or disability, the employer may reduce the pay period's guarantee by the number of hours of work actually offered by the employer that day.

**ENFORCEMENT:** Using a private attorney or a public legal services program, a migrant farmworker affected by a violation of these provisions may file a lawsuit against the processor involved for damages and other corrective action.