

■ MINIMUM FAIR WAGE STANDARDS LAW

TERMS:

Minimum Wage — In general, a farm operator or other agricultural establishment that (1) has total annual sales of more than \$297,000 and (2) used more than 500 worker-days of agricultural labor in any calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination), must pay each agricultural employee no less than \$8.15 an hour.

Farmworkers employed by an agricultural establishment that meets the 500 worker-day test, but whose sales amount to \$297,000 or less, are entitled to at least \$7.25 per hour for every hour of work.

Exceptions — The minimum wage requirements *do not apply* to:

- (1) Workers employed by a farm operation whose volume of sales and agricultural employment is below the coverage thresholds cited above.
- (2) Hand-harvest laborers who (a) are paid on a piece-rate basis, in an operation generally recognized as a piecework job in the local region, (b) commute daily from their permanent residence to the farm workplace, and (c) were employed in agriculture less than 13 weeks during the preceding year.
- (3) Hand-harvest laborers 16 years of age or younger who (a) are paid on a piece-rate basis in a recognized piecework operation, (b) are employed on the same farm as their parent or guardian, and (c) are paid the same piecework wage as workers over the age of 16 employed on the same farm.

Recordkeeping — Every agricultural employer subject to the state minimum wage must make a record of the name, address and occupation of each worker, the worker's pay rate, and the worker's total pay. Payroll records must be kept for at least 3 years.

Posting — Employers are required to keep a summary of the minimum fair wage standards law and the related regulations posted in an easily accessible place where workers covered by the law can see it.

ENFORCEMENT: *Bureau of Labor and Worker Safety, Division of Industrial Compliance and Labor, Ohio Department of Commerce, Reynoldsburg, Ohio 43068 (614-644-2223).*

Instead of filing a wage claim with the state commerce department, a worker who does not receive the pay he or she is entitled to under this law may take legal action against the employer directly, using a private attorney or a public legal service provider. Court action must be started no later than 3 years after the date of the violation, or within one year after final action on a complaint by the commerce department for the same violation, whichever is later.

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.