

U.S.

■ IMMIGRATION AND NATIONALITY ACT (*TEMPORARY AGRICULTURAL WORKERS*)

TERMS: Both the job offer and the work contract required when a farming establishment applies for temporary foreign agricultural workers under the so-called "H-2A" program must contain certain minimum standards and guarantees, including requirements related to worker transportation.

Transportation to the Place of Employment — Each foreign or domestic worker hired under an H-2A work contract who completes 50 percent of the contract period is entitled to transportation and meal expenses between the worker's previous location and the place of employment. Transportation and meal costs must be advanced to the worker before the trip whenever it is common practice for non-users of foreign labor in the same occupation and the same area to do so.

Daily Transportation to the Worksite — During the course of the contract, the employer must provide transportation between the worker's living quarters and the worksite, without cost, but only to the extent that the worker is unable to return to his or her own home within the same day.

Return Transportation — Provided the worker completes the contract period, the employer is obligated to furnish or pay for the worker's transportation and daily living costs back to the place of origin or to the next place of employment, if such travel costs are not covered by the next employer.

ENFORCEMENT: *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072).* The Wage and Hour Division is responsible for enforcing the required work contract — including the obligation to provide employee transportation — between employers who use foreign workers under the H-2A program, and the foreign and U.S. workers recruited under the H-2A application. Local offices of the Wage and Hour Division may be located on the agency's website, at www.dol.gov/whd/america2.htm.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has consulted with an attorney or legal services program, filed a complaint, participated in an investigation or other enforcement action, or made use of any other right under this law. Reports of unlawful retaliation should be filed with the Wage and Hour Division.

Alaska

■ STATE LABOR LAWS (*RETURN TRANSPORTATION*)

TERMS: An employer who agrees to provide transportation to a person from the place of hire to a point inside or outside the state for purposes of employment must provide the worker with return transportation to the place of hire when the job ends or the employment is terminated for good cause. Request for return transportation must be made within 45 days after termination of employment, and return transportation must be provided within 10 days after termination or whenever transportation is available, whichever occurs first.

If a worker quits for good cause, or is terminated for any cause during the agreed-upon period of employment, and if immediate transportation is not available upon termination, the worker is entitled to subsistence pay to cover temporary living expenses. Subsistence pay — currently \$100 per day — may not continue for longer than 10 days after termination, or until transportation becomes available, whichever occurs first.

ENFORCEMENT: *Wage and Hour Administration, Division of Labor Standards and Safety, Department of Labor and Workforce Development, Juneau, Alaska 99811 (907-465-4842).*

Arizona

■ STATE LABOR LAWS (*AGRICULTURAL OPERATIONS*)

TERMS: In general, a person transporting agricultural crops or farm supplies may not drive more than 16 hours straight, and must remain off-duty for at least 8 consecutive hours before starting another shift. Likewise, no such driver may drive more than 112 hours in any consecutive 7-day period.

Exception — During a period of not more than 28 consecutive days (or two periods totaling 28 days in a calendar year), a driver transporting "special situation" farm products from the field to cooling facilities may drive for not more than 12 hours during any 16-hour workday.

ENFORCEMENT: *State Labor Department, Industrial Commission of Arizona, Phoenix, Arizona 85007 (602-542-4515).*

Florida

■ DRIVER LICENSE LAWS (*NON-RESIDENTS*)

TERMS: Unlike most other non-residents who accept employment or enroll their children in the public schools in Florida, migrant and seasonal farmworkers who are not legal residents of Florida and who have a valid driver's license issued by another state are not required to obtain a Florida license.

ENFORCEMENT: *Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Tallahassee, Florida 32399 (850-617-2300)*. These provisions are also enforced by city and county law enforcement officers.

■ MOTOR VEHICLE LICENSE LAWS (*NON-RESIDENTS*)

TERMS: While most other non-residents who accept employment in Florida must promptly register their vehicles in the state, migrant farmworkers who are not legal residents of Florida and whose vehicles are properly registered or licensed under the laws of some other state are not required to register their vehicles in Florida.

ENFORCEMENT: *Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Tallahassee, Florida 32399 (850-617-2300)*. These provisions are also enforced by county sheriffs' offices and city police departments.

Indiana

■ SCHOOL TRANSPORTATION LAWS (*USE OF SCHOOL BUSES*)

TERMS: Any local school board may permit the use of its school buses for the transportation of agricultural workers who are involved in producing or harvesting crops, but any bus used for that purpose may transport only school children, enrolled college students, a supervisor, and the bus driver. When used to transport farmworkers, a bus must display a sign with the words "Agricultural Workers" in large letters, at the front and rear of the vehicle.

Each school bus used to transport agricultural workers must meet specified insurance and safety requirements.

ENFORCEMENT: These provisions are enforced by local school districts, and by state and local law enforcement agencies.

Minnesota

■ STATE LABOR LAWS (*TRANSPORTATION FOR CORN DETASSELERS*)

TERMS: Whenever an employer fires or lays off a worker employed to detassel corn, or such a worker is injured or becomes ill on the job, the employer must provide the worker with transportation from the workplace to the location where the worker was picked up that day. Furthermore, the employer is required to pay the worker, at the individual's regular wage rate, for the time period between the moment the worker was dismissed or became injured or ill, and the time of arrival back at the pick-up point.

ENFORCEMENT: A corn detasseler who has not been paid for return travel time after termination, injury or illness should see a lawyer about possible legal action against the employer to collect the unpaid wages.

Nebraska

■ **MOTOR VEHICLE OPERATOR'S LICENSE ACT (*TEMPORARY IMMUNITY FOR NON-RESIDENTS*)**

TERMS: Individuals who are not residents of Nebraska (including migrant farmworkers from out of state), but who are licensed to drive in their home state, are generally entitled to operate a motor vehicle on the streets and highways of Nebraska for up to 30 days without obtaining a Nebraska driver's license.

Furthermore, a person who is certified by the state labor department as being temporarily employed in agriculture in Nebraska for no more than 60 days may drive a vehicle for an additional 30 days without a Nebraska license if the worker's home state offers similar privileges to residents of Nebraska while temporarily employed in agriculture in that other state.

ENFORCEMENT: *Office of Labor Standards, Nebraska Department of Labor, Lincoln, Nebraska 68508 (402-471-2239)*. This agency is authorized to provide the certification of temporary farm employment necessary for extended exemption from the driver's license requirement.

Nevada

■ **MOTOR CARRIER REGULATION AND LICENSING LAWS (*PERMIT FOR EMPLOYEE TRANSPORTATION*)**

TERMS: A farm operator or other employer who transports workers between their work location and their home or central parking area must obtain a permit from the state to do so, or else comply with the licensing and inspection laws that apply to commercial motor carriers.

The permit application must show the employer's name, the places where workers will be picked up and dropped off, the location of the workplace or job sites, identification of the vehicles to be used, and the amount (if any) to be charged the workers for providing transportation service.

An employer transporting employees to and from the workplace may not charge more than the amount required to cover the cost of the vehicle and its operation.

ENFORCEMENT: *Van Pool Registrar, Nevada Transportation Authority, Reno, Nevada 89502 (775-688-2800).*

New Jersey

■ FARM LABOR CREW LEADER LAW (*WORKER TRANSPORTATION*)

TERMS: A farm labor crew leader who transports migrant or seasonal farmworkers must provide the state with proof of compliance with state motor vehicle requirements that apply to the transportation of such workers. An otherwise qualified crew leader who submits a signed application affirming that he or she will not provide farmworkers with transportation may be granted a registration certificate inscribed with the words "Not Authorized To Transport."

At the time each worker is recruited, the crew leader must explain the transportation services, if any, the crew leader intends to provide in connection with the worker's employment.

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).*

In addition to reporting it to the Department, a migrant or seasonal farmworker affected by a violation of these provisions may take legal action against the crew leader in civil court, using a private attorney or public legal service provider.

SPECIAL NOTE: A crew leader may not fire, discipline or discriminate in any manner against a migrant or seasonal farmworker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded under state or federal law. The anti-retaliation protection is enforceable in civil court, using a private attorney or public legal service provider.