

## ■ FAIR LABOR STANDARDS ACT OF 1938

### TERMS:

**Minimum Wage** — Farm operators and other agricultural employers who used more than 500 worker-days of agricultural labor during any calendar quarter in the previous year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination occurring from January through March, April through June, July through September, or October through December) are required to pay their workers no less than the federal minimum wage for every hour on the job. The minimum wage is currently \$7.25 an hour.

*Exceptions* — The federal minimum wage *does not apply* to either of the following:

- (1) Workers who are paid on a piece-rate basis, travel daily from their permanent place of residence to the worksite, and were employed in agriculture less than 13 weeks during the preceding year.
- (2) Hand-harvest pieceworkers under the age of 17 who are employed on the same farm as their parents and paid the same piece rate as adult workers on the same farm.

**Non-Cash Compensation** — Agricultural employers who are required to pay the federal minimum wage may generally count as part of the worker's wages the reasonable cost of providing the worker with food, lodging or other facilities, as long as the employer customarily provides such benefits to all other employees. "Reasonable cost" does not include a profit to the employer, and the value of such items may not exceed the actual cost to the employer of the food, lodging or other facilities provided to the worker.

**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](http://www.dol.gov/whd/america2.htm).

As an alternative to filing a claim with the Wage and Hour Division, the law gives workers the right to sue the employer in civil court to enforce payment of the minimum wage, using a private attorney or a public legal services program.

**SPECIAL NOTE:** An employer may not fire 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.