

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

TERMS:

**Frequency of Wage Payments** — Employers who use temporary foreign agricultural workers under the H-2A program must pay their foreign workers, as well as U.S. workers performing substantially similar work, at least twice a month, or more often if it is common practice in the local area of employment to do so. The wage payment schedule must appear in the H-2A contract.

**Wage Deductions** — H-2A employers are permitted to withhold from a worker's pay only those deductions that are required by law or are otherwise reasonable, as long as the non-required deductions are explained in the contract. An employer may deduct the cost of providing the worker's transportation and meals between the worker's previous location and the place of employment, but the full amount of the deduction must be refunded to the worker when the worker completes half of the contract period.

**Hours and Earnings Statements** — On or before each payday, the employer must provide each worker with written documentation showing (1) the worker's total earnings for the pay period, (2) the hourly wage or piece rate, (3) the hours of employment offered to the worker and the hours actually worked, (4) each deduction from the worker's pay and its purpose, and (5) the worker's daily piecework production if paid on a piecework basis.

**ENFORCEMENT:** *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072).* This agency is responsible for enforcing the required work contracts between certified H-2A employers and their foreign and U.S. workers performing services under those agreements. 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).

**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.