

U.S.

■ 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.

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.

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

TERMS:

Hourly Workers — Every employer who uses temporary foreign agricultural workers under the so-called "H-2A" program must pay each H-2A worker paid by the hour, and any hourly-paid U.S. worker performing substantially similar work, no less than (1) the federal minimum wage, (2) the state minimum wage, (3) the prevailing hourly wage rate, or (4) the federally prescribed "adverse effect wage rate" for H-2A employment in the state, whichever of the four figures is highest.

The adverse effect wage rate is a special minimum wage updated each year by the U.S. Department of Labor and intended to assure that the use of temporary foreign workers does not lower wages for U.S. farmworkers. As computed for all states except Alaska, the following are the AEWRs established for calendar year 2017:

Alabama—\$10.62, Arizona—\$10.95, Arkansas—\$10.38, California—\$12.57, Colorado—\$11.00, Connecticut—\$12.38, Delaware—\$ 12.19, Florida—\$11.12, Georgia—\$10.62, Hawaii—\$13.14, Idaho—\$11.66, Illinois—\$13.01, Indiana—\$13.01, Iowa—\$13.12, Kansas—\$13.79, Kentucky—\$10.92, Louisiana—\$10.38, Maine—\$12.38, Maryland—\$12.19, Massachusetts—\$12.38, Michigan—\$12.75, Minnesota—\$12.75, Mississippi—\$10.38, Missouri—\$13.12, Montana—\$11.66, Nebraska—\$13.79, Nevada—\$11.00, New Hampshire—\$12.38, New Jersey—\$12.19, New Mexico—\$10.95, New York—\$12.38, North Carolina—\$11.27, North Dakota—\$13.79, Ohio—\$13.01, Oklahoma—\$11.59, Oregon—\$13.38, Pennsylvania—\$12.19, Rhode Island—\$12.38, South Carolina—\$10.62, South—Dakota \$13.79, Tennessee—\$10.92, Texas—\$11.59, Utah—\$11.00, Vermont—\$12.38, Virginia—\$11.27, Washington—\$13.38, West Virginia—\$10.92, Wisconsin—\$12.75, Wyoming—\$11.66.

Piece-Rate Workers — Workers who are paid on a piece-rate basis and whose earnings at the end of the pay period are below what they would have been had the workers been paid at the required hourly rate must be given supplemental pay at that time to make up the difference. In no case may an H-2A employer pay a piece rate for a given crop operation that is less than the prevailing piece rate in the local area for the same operation.

Guaranteed Paid Workdays — Except for workers who quit the job before the end of the contract period or are fired for good reason, each U.S. and foreign worker hired under an H-2A work contract is guaranteed employment for at least 3/4 of the workdays in all periods during which the contract is in effect. If work is not available for the minimum number of guaranteed days, and for the full number of hours of daily work time defined in the contract, the employer must pay the worker the amount that would have been earned had the individual actually worked the guaranteed number of defined workdays. In calculating the amount due under the guarantee for a worker paid by the hour, the employer must use the worker's regular hourly pay rate; in the case of a pieceworker, the guarantee is figured using the worker's average hourly piece-rate earnings or the adverse effect wage rate, whichever is higher.

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.

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.

Arizona

■ ARIZONA MINIMUM WAGE LAW

TERMS: Most employers in Arizona are required to pay no less than the state minimum wage for every hour of employment. The minimum wage is scheduled to increase in four steps:

Effective January 1, 2017: \$10.00 per hour

Effective January 1, 2018: \$10.50 per hour

Effective January 1, 2019: \$11.00 per hour

Effective January 1, 2020: \$12.00 per hour

On January 1 each year beginning in 2021, the existing minimum wage will be adjusted to account for inflation.

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

Arkansas

■ MINIMUM WAGE ACT OF THE STATE OF ARKANSAS

TERMS:

Minimum Wage — With some important exceptions, farm employers in Arkansas are required to pay their employees no less than \$8.50 an hour for every hour of work.

Exceptions — The Minimum Wage Act *does not apply* to workers in any of the following categories:

- (1) Workers employed by a farming operation that did not use more than 500 worker-days of farm labor in any calendar quarter of the preceding year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination).
- (2) Workers employed as hand-harvest laborers who are paid on a piecework basis, travel daily from their permanent home to the farm where they work, and were employed in agriculture less than 13 weeks during the preceding calendar year.
- (3) Migrant workers 16 years old or younger who are employed as hand-harvest laborers, paid on a piecework basis, work on the same farm as their parents, and are paid the same piecework wage as workers over the age of 16 on the same farm.

Special Wage Certificate for Students — An employer who is otherwise required to pay the state minimum wage may apply to the state labor department for a certificate authorizing the employer to pay no less than 85 percent of the minimum wage to full-time students, for not more than 20 hours a week when school is in session and not more than 40 hours a week when school is not in session.

ENFORCEMENT: *Labor Standards Division, Arkansas Department of Labor, Little Rock, Arkansas 72205 (501-682-4500).* Workers who believe that they have not received the wages they are entitled to under the state minimum wage law may file a claim with this agency, which has authority to investigate and take action against the employer to collect any unpaid wages.

Instead of filing a wage claim with the state labor department, a worker may take legal action against the employer directly, using a private attorney or a public legal service provider.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

California

■ WAGE AND HOUR LAWS (*MINIMUM WAGE*)

TERMS:

Minimum Wage —

Employers with 25 Employees or Fewer — Workers employed by an establishment with no more than 25 employees must be paid no less than the following during the indicated time period:

January 1, 2017—December 31, 2017: \$10.00 per hour

January 1, 2018—December 31, 2018: \$10.50 per hour

January 1, 2019—December 31, 2019: \$11.00 per hour

January 1, 2020—December 31, 2020: \$12.00 per hour

January 1, 2021—December 31, 2021: \$13.00 per hour

January 1, 2022—December 31, 2022: \$14.00 per hour

January 1, 2023—December 31, 2023: \$15.00 per hour

Employers with 26 Employees or More — Workers employed by an establishment with more than 25 employees must be paid no less than the following during the indicated time period:

January 1, 2017—December 31, 2017: \$10.50 per hour

January 1, 2018—December 31, 2018: \$11.00 per hour

January 1, 2019—December 31, 2019: \$12.00 per hour

January 1, 2020—December 31, 2020: \$13.00 per hour

January 1, 2021—December 31, 2021: \$14.00 per hour

January 1, 2022—December 31, 2023: \$15.00 per hour

Beginning in 2023, the state minimum wage will be adjusted on or before August 1 each year, to reflect increases in the cost of living. The adjusted minimum wage will become effective the following January 1.

Meals and Lodging — As long as there is a voluntary written agreement between the employer and the worker, agricultural employers may count against the minimum wage the cost of adequate, well-balanced meals and decent, sanitary housing that they provide to and that are actually received by their workers. However, the credit for each meal may not exceed \$2.45 for breakfast, \$3.35 for lunch, or \$4.50 for dinner, and the housing credit is limited to \$31.75 per week for a room occupied alone, \$26.20 a week for a shared room, and 2/3 of the ordinary rental value for an apartment. The maximum rental credit for an apartment is \$563.90 per month where a couple are both employed by the employer, and \$381.20 for all others.

Piece-Rate Workers — Workers who are paid on a piece-rate basis must be paid for rest periods and other non-productive time separate from their piece-rate compensation. The required pay statement must show the total number of hours of rest periods and other non-productive time, the pay rate for those hours, and the amount of pay for those hours. In general, the pay rate for rest periods cannot be less than (1) the average hourly rate determined by dividing the total amount of non-overtime pay for the workweek by the total hours worked not counting rest periods, or (2) the current minimum wage, whichever is higher.

ENFORCEMENT: *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118).* Workers who require information concerning these provisions, or who wish to file a claim or complaint, should contact the nearest district office of the Division, or email DLSE2@dir.ca.gov. The law also gives workers the right to sue the employer in civil court to enforce the minimum wage provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions.

Colorado

■ MINIMUM WAGE LAW

TERMS: Farmworkers who work for a farm operator that used more than 500 worker-days of agricultural labor during 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 be paid no less than the state minimum wage, as follows:

Effective January 1, 2017: \$9.30 per hour

Effective January 1, 2018: \$10.20 per hour

Effective January 1, 2019: \$11.10 per hour

Effective January 1, 2020: \$12.00 per hour

Beginning in 2021, the existing minimum wage will be adjusted each year to reflect changes in the cost of living.

ENFORCEMENT: *Division of Labor Standards and Statistics, Colorado Department of Labor and Employment, Denver, Colorado 80202 (303-318-8441)*. A worker who is entitled to the state minimum wage and who has not been paid accordingly may file a complaint with the Division, which is required to investigate and take action to enforce payment if the charge is determined valid.

Under this law, a worker may also take legal action in civil court against an employer to collect unpaid minimum wages, using a private attorney or public legal services program.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Connecticut

■ CONNECTICUT MINIMUM WAGE ACT

TERMS:

Minimum Wage for Adults — To the same extent as most other classes of workers, adults employed in agricultural labor are entitled to receive at least \$10.10 for every hour of work.

Minors Employed in Agriculture — Workers between the ages of 14 and 18 employed in agriculture must be paid no less than (a) \$8.59 per hour when working for an agricultural employer who employed 8 or more workers at any one time during the previous year, or (b) \$7.07 an hour when working for an employer who did not employ 8 or more workers at any one time last year.

ENFORCEMENT: *Division of Wage and Workplace Standards, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791)*. A worker who receives less than the applicable minimum wage may file a complaint with the Department, which may take action against the employer to collect the unpaid wages.

As an alternative to filing a claim with the state labor department, workers may recover unpaid minimum wages through civil court action, using a private attorney or a public legal services program.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Florida

■ FLORIDA MINIMUM WAGE ACT

TERMS: Farmworkers who are employed by a farm establishment that used more than 500 worker-days of agricultural labor during 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 be paid no less than the state minimum wage.

Effective January 1, 2017, Florida's minimum wage is \$8.10 an hour. The minimum wage rate is adjusted on September 30 each year, to reflect changes in the cost of living. The revised rate goes into effect the following January 1.

ENFORCEMENT: Workers who believe they have been denied their right to receive the state minimum wage must file suit in civil court to enforce compliance, using a private attorney or public legal service provider. Before filing suit, however, a worker must notify the employer involved of the intent to sue and identify the minimum wage rate the worker believes he or she is entitled to, the dates and hours of work, and the total amount of unpaid wages claimed.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions.

Hawaii

■ **WAGE AND HOUR LAW (*MINIMUM WAGE*)**

TERMS:

Minimum Wage — During any workweek in which the employer has at least 20 employees, a worker performing agricultural services generally must receive no less than the state minimum wage for every hour of work that week. The state minimum wage for calendar year 2017 is \$9.25 an hour, and will rise to \$10.10 beginning January 1, 2018.

Exception — The wage and hour law *does not apply* to workers employed in the harvest of coffee.

ENFORCEMENT: *Wage Standards Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-8777).*

As an alternative to filing a claim with the Department, the law gives workers the right to sue the employer in civil court to collect the minimum wage, using a private attorney or a public legal services program.

SPECIAL NOTE: If and when the federal minimum wage, which is currently \$7.25 an hour, becomes higher than the state minimum, the state minimum wage will not apply to farmworkers who are covered by the federal minimum wage (*see entry, U.S. — Wages & Hours — Minimum Wage*).

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Idaho

■ MINIMUM WAGE LAW

TERMS:

Minimum Wage — With some exceptions, agricultural workers in Idaho are entitled to be paid no less than the state minimum wage, which is currently \$7.25 an hour.

Exceptions — The Idaho minimum wage *does not apply* to:

(1) Workers over the age of 16 who (a) are employed as hand harvest workers, (b) are paid on a piecework basis, in an operation customarily paid on a piecework basis in the region of employment, (c) commute to the farm daily from their permanent residence, and (d) were employed in agriculture less than 13 weeks during the preceding calendar year.

(2) Hand-harvest workers 16 years old or younger who are working piecework on the same farm as their parents, and on the same piecework basis as workers over age 16.

ENFORCEMENT: *Wage and Hour Bureau, Idaho Department of Labor, Boise, Idaho 83735 (208-332-3570)*. Workers who have not received the minimum wage to which they believe they are entitled should contact the Department's nearest labor compliance officer.

SPECIAL NOTE: It is illegal for an employer to fire or discriminate in any other way against a worker because the worker made a claim, testified in a proceeding, or discussed or consulted with anyone concerning the worker's rights under this law.

Illinois

■ MINIMUM WAGE LAW

TERMS:

Minimum Wage — With certain exceptions, agricultural employers who used more than 500 worker-days of agricultural labor in any calendar quarter during the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any similar combination) are required to pay adult workers no less than \$8.25 for every hour of labor.

Likewise, most workers under 18 years of age employed by such an employer are entitled to receive at least \$7.75 an hour.

Exceptions — The Minimum Wage Law *does not apply* to agricultural workers in the following categories:

- (1) Workers who (a) are employed as hand-harvest laborers on a piece-rate basis, in an operation historically regarded as a piecework operation in the region, (b) commute daily from their permanent place of residence to the worksite, and (c) were employed in agriculture less than 13 weeks during the preceding calendar year.
- (2) Workers 16 years of age or younger who (a) are employed as hand-harvest laborers on a piece-rate basis, in an operation historically regarded as a piecework operation in the region, (b) are employed on the same farm as their parents or guardian, and (c) are paid the same piece rate as workers over the age of 16 are paid on the same farm.

Recordkeeping — Illinois employers are required to keep accurate payroll records on each worker covered by the minimum wage. Records must include, at a minimum, (1) the name, address and occupation of each worker, (2) the wage rate, (3) the amount paid each pay period to each worker, and (4) the hours worked each day in each workweek by each worker.

Posting — Employers subject to the Minimum Wage Law must post a summary of the law and the associated regulations in a prominent location accessible to the workers.

ENFORCEMENT: *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2810).*

As an alternative to filing a wage claim with the Department, 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.

Iowa

■ MINIMUM WAGE LAW

TERMS:

Minimum Wage Coverage — Agricultural workers in Iowa are entitled to the state or federal minimum wage, whichever is higher, only if the employer meets *both* of the following conditions:

- (1) The employer used more than 500 worker-days of agricultural labor during 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 occurring from January through March, April through June, July through September, or October through December).
- (2) The employer has annual sales of at least \$300,000.

Minimum Wage Rate — Both the state and federal minimum wages are currently \$7.25 per hour.

ENFORCEMENT: *Division of Labor, Iowa Workforce Development, Des Moines, Iowa 50319 (515-281-3606; toll free 800-562-4692).*

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any manner against worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Maryland

■ MARYLAND WAGE AND HOUR LAW (*MINIMUM WAGE*)

TERMS: The Wage and Hour Law establishes a state minimum wage of \$8.75 an hour beginning July 1, 2016. The minimum wage is scheduled to rise to \$9.25 on July 1, 2017, and \$10.10 on July 1, 2018.

Coverage in Agriculture — Farm operators and other agricultural establishments that used more than 500 worker-days of agricultural labor in any calendar quarter during the preceding 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 generally required to pay their agricultural workers no less than the state minimum wage for every hour of employment.

Exceptions — The minimum wage *does not apply* to workers in either of the following categories:

(1) Individuals who (a) are employed as hand-harvest workers, (b) are paid on a piece-rate basis in an operation generally recognized as a piecework operation in the region, (c) commute to the farm daily from their permanent residence, and (d) were employed in agriculture for less than 13 weeks in the preceding calendar year.

(2) Workers 16 years of age or younger who (a) are employed as hand-harvest workers, (b) are paid on a piecework basis in a recognized piecework operation, (c) are employed on the same farm as their parent or guardian, and (d) are paid at the same piece rate paid to workers over age 16 on the same farm.

Recordkeeping and Posting — Farm employers covered by the Wage and Hour Law must keep a record of the name, address and occupation of each worker, the worker's rate of pay, the amount paid each pay period, and the hours worked each day and each workweek. The employer is also required to post a summary of the law and its associated regulations in a place easily accessible by the workers.

ENFORCEMENT: *Employment Standards Service Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Baltimore, Maryland 21201 (410-767-2357).* A worker who has not received full wages in accordance with the law may file a wage claim with the Department.

As an alternative to filing a claim with the Department, the law gives workers the right to sue the employer in civil court to enforce payment of the wages, using a private attorney or a public legal services program.

SPECIAL NOTE: An employer 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.

Massachusetts

■ MINIMUM FAIR WAGE LAW

TERMS:

Agricultural Minimum Wage — Farm operators and other agricultural employers are required to pay their agricultural employees at least \$8.00 an hour.

Exception — The agricultural minimum wage *does not apply* to workers 17 years of age or under.

ENFORCEMENT: *Massachusetts Department of Labor Standards, Boston, Massachusetts 02114 (617-626-6952)*. A farmworker who has not received the agricultural minimum wage may file a complaint with the Department.

As an alternative to filing a claim with the Department, 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: A person may not fire, punish or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions.

Michigan

■ WORKFORCE OPPORTUNITY WAGE ACT

TERMS:

Minimum Wage — Agricultural employers who (a) have 2 or more workers, and (b) used more than 500 worker-days of agricultural labor during 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 — are generally required to pay their workers no less than the state minimum wage. The minimum wage is \$8.90 an hour beginning January 1, 2017, and \$9.25 an hour beginning January 1, 2018.

Exceptions — The state minimum wage *does not apply* to workers in either of these categories:

(1) Local hand harvest laborers who commute daily from their permanent residence, are paid on a piece-rate basis in traditionally piece-rate occupations, and worked in agriculture less than 13 weeks during the preceding calendar year.

(2) Workers from outside the area who are 16 years of age or under and who are hand harvesters, paid on a piece-rate basis in traditionally piece-rate occupations, employed on the same farm as their parent, and paid the same piece rate as those over 16.

Piece Rate Workers — Piecework wage rates in the harvesting of fruits and vegetables must yield the equivalent of the state hourly minimum wage for a worker of average ability and effort.

Pay Statements — Employers required to pay the state minimum wage must furnish each worker with a statement of hours worked, wages paid and deductions for each pay period.

ENFORCEMENT: *Wage and Hour Division, Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (517-284-7800; toll-free 855-464-9243).*

Instead of filing a complaint with the Department, the law gives workers the right to sue the employer in civil court for unpaid minimum wages, using a private attorney or a public legal services program. In either case, the complaint or suit must be filed within 3 years after the violation occurred.

Minnesota

■ MINNESOTA FAIR LABOR STANDARDS ACT

TERMS:

Minimum Wage —

Large Employers — Farm operators and other agricultural establishments that have annual sales of \$500,000 or more must pay their workers age 20 and over no less than \$9.50 for every hour of work. For the first 90 consecutive days of employment, workers under the age of 20 may be paid no less than \$7.75 an hour.

Small Employers — Farm employers with annual sales of less than \$500,000 must pay all their workers no less than \$7.75 for every hour of work.

Beginning in 2017, these rates are expected to be increased annually, to reflect changes in the cost of living.

Exceptions — The state minimum wage *does not apply* to workers in the following categories:

- (1) Farmworkers who receive a salary (that is, the worker is not paid by the hour) and work on a farming unit or operation where no more than 2 such workers are employed.
- (2) Farmworkers who receive a weekly salary (not hourly wages) greater than a certain prescribed minimum — currently \$698 or more on a large farm, \$569 or more on a small farm.
- (3) Workers under 18 years of age who are employed to perform hand field work when one or both of the worker's parents are also hand field workers.
- (4) Workers under 18 who are employed to detassel corn.

Deductions — No direct or indirect deductions may be made for any of the following items if the deduction would lower the worker's pay to below the applicable minimum wage:

- (1) Special clothing required by the employer and generally not appropriate for use except on that job.
- (2) Purchased or rented equipment used on the job.
- (3) Consumable supplies required in the course of work.
- (4) Job-related transportation, other than travel between the worker's residence and the workplace.

Recordkeeping — Every employer subject to the Act must keep a record of (1) the name, address and occupation of each worker, (2) the rate of pay and amount paid each pay period to each worker, and (3) the hours worked each day and each workweek by the worker.

Posting — Every employer subject to the Minnesota Fair Labor Standards Act must post a summary of the law and the associated regulations in a conspicuous location easily accessible to the workers.

ENFORCEMENT: *Labor Standards Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-284-5070).*

As an alternative to filing a claim with the state agency, the law gives workers the right to sue the employer in civil court to collect unpaid minimum wages, using a private attorney or a public legal services program.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Missouri

■ MINIMUM WAGE LAW

TERMS:

Minimum Wage — Agricultural workers are entitled to the state minimum wage only if they are employed by an agricultural establishment that used more than 500 worker-days of agricultural labor during a calendar quarter in the current or preceding calendar year. That volume of labor is equivalent to, 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.

The current minimum wage rate in Missouri is \$7.70 an hour.

Exceptions — In addition to excluding farmworkers on smaller farms that do not meet the 500 worker-day threshold, the state minimum wage law generally *does not apply* to workers in either of these two categories:

(1) Workers who (a) are employed as hand harvest laborers, (b) are paid on a piecework basis in a traditionally piecework-paid operation in the local area, (c) commute daily from their permanent residence to the farm, and (d) were employed in agriculture less than 13 weeks during the preceding calendar year.

(2) Workers 16 years of age or younger who (a) are employed as hand harvest laborers, (b) are paid on a piecework basis in a traditionally piecework-paid operation in the local area, (c) are employed on the same farm as their parents, and (d) are paid the same piece rate as workers over the age of 16 are paid on the same farm.

ENFORCEMENT: *Division of Labor Standards, Missouri Department of Labor and Industrial Relations, Jefferson City, Missouri 65102 (573-751-3403).* A worker who believes he or she is entitled to the state minimum wage and who has not been paid accordingly may file a claim with the Department.

A worker may also take legal action against an employer in court to collect unpaid minimum wages, using a private attorney or public legal service provider.

SPECIAL NOTE: An employer 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.

Montana

■ MONTANA MINIMUM WAGE AND OVERTIME COMPENSATION ACT

TERMS:

Minimum Wage — Agricultural and non-agricultural employers who have annual gross sales over \$110,000 must pay their employees no less than either the state minimum wage (currently \$8.05 an hour) or the federal minimum wage (\$7.25), whichever is higher. Employers with sales not exceeding \$110,000 are generally required to pay their employees no less than \$4.00 an hour.

The state minimum wage rate may be adjusted each year, to reflect changes in the cost of living.

Seasonal Farm Employment — For farm employees who work seasonal periods for more than 8 hours a day and other seasonal periods for substantially less than 8 hours a day, an employer covered this law has three options:

- (1) Pay the worker by the hour, at or above the minimum wage rate specified above.
- (2) Pay the worker a fixed weekly or monthly amount, but guarantee the minimum wage for every hour on the job by keeping a record of the hours worked. The total wages paid to the worker may not be less than the minimum rate that applies, multiplied by the total number of hours worked.
- (3) Pay a monthly salary instead of the minimum wage, but in no case less than \$635 a month. The employer may include as part of the worker's salary the reasonable cost of providing housing or other facilities, as long as such benefits are customarily furnished by the employer to his or her workers, and that the costs for those benefits do not exceed 40 percent of the worker's total salary.

ENFORCEMENT: *Wage and Hour Unit, Labor Standards Bureau, Employment Relations Division, Montana Department of Labor and Industry, Helena, Montana 59604 (406-444-5600).* A worker who has been paid less than the wage or salary required under the minimum wage law may file a complaint with the Department.

As an alternative to filing a minimum wage claim with the Department, the law gives workers the right to sue the employer in civil court, using a private attorney or a public legal services program.

Nevada

■ MINIMUM WAGE LAWS

TERMS:

Minimum Wage — Farm operators and other agricultural employers who used more than 500 worker-days of agricultural labor in any calendar quarter during 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 adult agricultural workers no less than the state minimum wage.

Currently the state minimum wage is \$7.25 in the case of employers who provide their employees with health benefits, and \$8.25 for employers who do not provide health benefits.

Exception — The minimum wage *does not apply* to workers under the age of 18.

ENFORCEMENT: *Office of the Labor Commissioner, Nevada Department of Business and Industry, Carson City, Nevada 89706 (775-684-1890).*

As an alternative to filing a wage claim with the state agency, the law gives workers the right to sue the employer in civil court to collect unpaid minimum wages, using a private attorney or a public legal services program. A lawsuit to collect unpaid minimum wages must be filed within 2 years after the wages were first due.

SPECIAL NOTE: Employers are prohibited from firing a worker, reducing a worker's wages, or otherwise discriminating against a worker for filing an administrative or civil court complaint to enforce payment of the minimum wage.

New Jersey

■ NEW JERSEY STATE WAGE AND HOUR LAW

TERMS: Like most other employees, farmworkers in New Jersey who are 18 years of age and older are generally entitled to at least \$8.44 for every hour on the job. Workers paid on a piecework basis must receive for their labor no less than the minimum hourly wage rate multiplied by the total number of hours worked.

The state minimum wage rate is adjusted each year, to reflect changes in the cost of living.

ENFORCEMENT: *Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-292-2305).*

As an alternative to filing a claim with the state agency, 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: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law. Anyone who has suffered any such retaliation should consult with a private attorney or public legal services program about possible legal action in civil court.

New Mexico

■ MINIMUM WAGE ACT

TERMS: In general, farmworkers employed on a farm or other establishment that used more than 500 worker-days of agricultural labor during any calendar quarter in the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination) are entitled to the state minimum wage of \$7.50 an hour.

Employers who provide food, supplies, housing or utilities to a worker may count the reasonable value of those items as wages in meeting their minimum wage obligation.

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

- (1) Workers who are employed as hand-harvest laborers paid on a piecework basis in a crop activity traditionally considered a piecework operation in the local region.
- (2) Workers who commute daily from home to the worksite.
- (3) Workers who were employed in agriculture for less than 13 weeks during the preceding year.
- (4) Workers 16 years of age or younger who are employed as hand-harvest workers in traditionally piecework operations, employed on the same farm as their parents or guardian, and paid the same piece rate as adult workers on the same farm.

ENFORCEMENT: *Wage and Hour Section, New Mexico Department of Workforce Solutions, Albuquerque, New Mexico 87103 (505-841-4400).*

Instead of filing a claim with the Department, a worker may recover wages, damages, court costs and reasonable attorney's fees in a private civil suit against the employer, using a private attorney or public legal service provider.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

New York

■ LABOR LAW (*FARM WORKER MINIMUM WAGE*)

TERMS:

Coverage and Minimum Wage — Farm employers that paid at least \$3,000 in farm wages during the preceding calendar year are required to pay their workers no less than \$9.70 for every hour of work in the current calendar year.

Basis for Payment — The minimum wage applies whether the wage is paid on an hourly, piecework, commission or some other basis. For any given workweek or pay period, the worker's gross pay may not be less than the minimum hourly rate, multiplied by the number of hours the worker was on the job during that period.

Allowances for Meals, Housing and Utilities — With some exceptions, employers who provide meals to a worker may deduct \$1.70 per meal from the worker's gross wages, provided the worker earns no less than \$254 in a two-week period. Likewise, an employer who provides housing and utilities may deduct up to \$12.65 per week for multiple-occupancy housing, up to \$5.00 per day for an individual worker living alone, or \$8.00 a day for an individual worker residing with his or her family.

Prohibited Deductions — A covered employer is not allowed to make any deduction from a worker's pay for breakage, spoilage, cash shortages or losses, or fines or penalties for tardiness, misconduct or quitting without notice.

Pay Statements — For each pay period, the employer is required to furnish each worker a statement showing (1) the number of hours worked, (2) the worker's hourly or piece-rate wage, (3) the piece-rate unit and number of units produced, if applicable, (4) gross wages, (5) allowances and deductions, and (6) net wages.

Final Pay — Workers who are terminated must receive their full, final pay no later than the next regular payday after termination, along with a written statement showing total gross and net earnings and listing all deductions from gross pay.

Notifications — At the time of hire, a farm employer subject to these provisions must give each worker a written statement outlining the conditions of employment, including among other items (1) the employer's name, address and phone number, (2) the location and type of work, (3) the housing arrangements, including costs, (4) allowances, if any, to be deducted for meals and housing, (5) any benefits to be provided by the employer, (6) the wages to be paid and the pay schedule, (7) the period of employment, (8) all other planned payroll deductions, and (9) any overtime provisions. This same information must be posted by the employer in plain sight on the farm.

Employer Records — Every covered employer must keep a record of the name, address and Social Security number of each farm employee, the worker's total hours per day and week, the number of piecework units produced (if applicable), the wage rate paid, gross wages, deductions and allowances claimed, and any cash advances made to the worker. For any worker under the age of 18 that they employ, employers must document the child's name, address, birthdate, parent or guardian's name and address, and the number of the farm work permit issued to the minor if required.

Farm Labor Contractors — For purposes of the minimum wage, if a farm labor contractor recruits or supplies farmworkers for work on a farm, the workers are considered employees of the owner or operator of the farm.

ENFORCEMENT: *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).*

As an alternative to filing a wage claim with the Department, 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 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 this provision. A worker subjected to any such retaliation may file a complaint with the Department.

North Dakota

■ **MINIMUM WAGE AND HOUR LAW**

TERMS: With virtually no exceptions, agricultural workers are entitled to the \$7.25 state hourly minimum wage.

ENFORCEMENT: *Wage and Hour Division, North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505 (701-328-2660; toll-free 800-582-8032).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Ohio

■ 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.

Oregon

■ MINIMUM WAGE LAW

TERMS:

Minimum Wage — Unless excluded by one of the exceptions noted below, farmworkers and most other workers in Oregon are entitled to receive no less than the state minimum wage for every hour of labor. The minimum wage rate varies according to location:

Effective July 1, 2017: \$10.00 in non-urban counties, \$10.25 in standard counties, \$11.25 in Portland Metro

Effective July 1, 2018: \$10.50 in non-urban counties, \$10.75 in standard counties, \$12.00 in Portland Metro

Effective July 1, 2019: \$11.00 in non-urban counties, \$11.25 in standard counties, \$12.50 in Portland Metro

Effective July 1, 2020: \$11.50 in non-urban counties, \$12.00 in standard counties, \$13.25 in Portland Metro

Effective July 1, 2021: \$12.00 in non-urban counties, \$12.75 in standard counties, \$14.00 in Portland Metro

Effective July 1, 2022: \$12.50 in non-urban counties, \$13.50 in standard counties, \$14.75 in Portland Metro

Beginning July 1, 2023, and on July 1 each year after that, the standard-county minimum wage will be adjusted to reflect any annual increase in the cost of living. The non-urban minimum will be set at \$1.00 per hour less than the standard rate, and the Portland Metro rate will be \$1.25 over the standard rate.

In applying the minimum wage, employers may deduct the fair-market value of lodging, meals or other facilities or services furnished for the private benefit of their workers.

Exceptions — The state minimum wage *does not apply* to the following categories of farmworkers:

(1) Workers employed as hand harvest or pruning laborers who are (a) paid on a piecework basis in an operation generally recognized as a piecework operation in the region of employment, and (b) working for an employer who did not use more than 500 worker-days of piecework-paid farm labor during any calendar quarter of the preceding calendar year.

(2) Hand-harvest or pruning workers who (a) are paid on a piecework basis in an operation generally recognized as a piecework operation in the region of employment, (b) commute daily from their permanent residence to the farm job site, and (c) were employed in agricultural labor less than 13 weeks during the preceding calendar year.

(3) Hand-harvest workers who (a) are 16 years of age or younger, (b) are paid on a piece-rate basis in a recognized piecework operation, and (c) are paid at the same piece rate as workers over the age of 16 on the same farm.

ENFORCEMENT: *Wage and Hour Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Pennsylvania

■ SEASONAL FARM LABOR ACT (*WAGES AND HOURS*)

TERMS:

Minimum Wage — Every employer of seasonal farmworkers must pay each such worker at least \$7.25 for every hour of labor. In any given workweek, the earnings of each seasonal farmworker paid on a piece-rate basis must amount to no less than \$7.25 multiplied by the number of hours the worker was employed during the week.

The minimum wage applies to minors to the same extent as adult workers, and piecework-paid workers under the age of 18 must be paid at the same piece rates paid to adults performing the same operations.

Coverage — As used here, the term "seasonal farmworker" refers mainly to workers employed on a seasonal or temporary basis in the planting, cultivation, harvest, sorting or packing of farm crops before processing. It also includes workers who live in housing owned, rented or operated by an employer or farm labor contractor and occupied by 4 or more unrelated persons.

Exception — These provisions *do not apply* to workers who commute daily from their permanent residence to the worksite, unless transportation is provided to such individuals by a farm labor contractor.

ENFORCEMENT: *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).*

SPECIAL NOTE: Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a complaint under the Seasonal Farm Labor Act is punishable as a criminal offense.

Puerto Rico

■ PUERTO RICO MINIMUM WAGE, VACATION AND SICK LEAVE ACT

TERMS:

Minimum Wage — The minimum wage set by the U.S. Congress under the Fair Labor Standards Act (FLSA) applies to workers in Puerto Rico, subject to the same exemptions, exclusions and exceptions. The current minimum wage is \$7.25 an hour.

Workers Covered by FLSA — Farmworkers are entitled to the \$7.25 minimum wage only if they work for an agricultural establishment that used more than 500 worker-days of agricultural labor during 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).

Workers Not Covered by FLSA — Farmworkers who are employed by an agricultural establishment that does not meet the 500 worker-day test described above must generally be paid no less than 70 percent of the current minimum wage, or \$5.08 an hour.

Vacation and Sick Leave —

Workers Covered by FLSA — Farmworkers employed by an agricultural establishment that used more than 500 worker-days of agricultural labor during any calendar quarter of the preceding calendar year are generally entitled to accrue vacation and sick leave, provided they work no less than 130 hours a month. Vacation leave accrues at a rate of 1/2 day per month during the first year of employment, 3/4 day per month from the second through the fifth year, 1 day per month from the sixth through the 15th year, and 1 1/4 days each month thereafter. Sick leave accrues at a rate of one day each month.

Exception — In the case of employers who are residents of Puerto Rico and who employ no more than 12 workers, vacation leave accrues at the rate of 1/2 day per month for as long as the employer's workforce does not exceed 12 employees.

Workers Not Covered by FLSA — Farmworkers who are employed by an agricultural establishment that does not meet the 500 worker-day test described above are not entitled to accrue vacation and sick leave.

ENFORCEMENT: *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100)*. A worker who does not receive the required minimum wage, or is not credited with vacation or sick leave as required, may file a claim with the Department.

A worker has the option of collecting unpaid minimum wages by taking legal action against the employer in civil court, using a private attorney or a public legal service provider. Such an action must be initiated within one year after the unpaid wages were due.

SPECIAL NOTE: The summary above includes certain changes in the law brought about by the Labor Transformation and Flexibility Act. Some of the changes apply only to workers hired after the new law went into effect, on January 26, 2017, but workers hired before that date generally are entitled to the same rights and benefits that applied to them before.

SPECIAL NOTE: The minimum wage rates indicated above may be effectively preempted by Puerto Rico's "guaranteed income," described in the next entry. Where the guaranteed income is higher than the minimum wage, the farm operator pays the guaranteed income to the worker and the government reimburses the employer for the difference between the guaranteed income and the minimum wage.

■ GUARANTEED INCOME LAWS

TERMS: The Commonwealth of Puerto Rico guarantees farmworkers an hourly income of at least \$5.25, but only after employers have met their obligations under Puerto Rico's minimum wage and overtime laws and the requirements of any existing labor contract. Whenever a worker's pay for a given hour's work amounts to less than the guaranteed hourly income, the employer must pay the worker the guaranteed income for that hour of labor.

The difference between the guaranteed income and any lesser amount required to be paid by the employer is reimbursed to the employer by the government of Puerto Rico within 90 days after the employer has submitted the required reporting forms.

ENFORCEMENT: *Agricultural Development Administration, Puerto Rico Department of Agriculture, San Juan, Puerto Rico 00908 (787-304-5350)*. This agency is responsible for seeing that agricultural workers receive the guaranteed income that applies to their work, and may investigate the claim of any worker who has not been properly paid.

Enforcement of Puerto Rico's labor laws, and investigation of employers who fail to pay their workers what they are entitled to, is the responsibility of the *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100)*.

Rhode Island

■ RHODE ISLAND MINIMUM WAGE ACT

TERMS: The Rhode Island Minimum Wage Act entitles most employees in the state — including farmworkers — to a wage no lower than \$9.60 an hour. All employers subject to any provision of the Act are required to keep a record of the wage rates, hours, earnings and related payroll data on each of their employees and to post a summary of the law at the workplace.

ENFORCEMENT: *Labor Standards Program, Workforce Regulation and Safety Division, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920 (401-462-8550).*

As an alternative to filing a wage claim with the Department, a person who has not received the minimum wage may take action against the employer involved in civil court, using a private attorney or public legal service provider.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

South Dakota

■ **WAGE AND HOUR LAWS (*MINIMUM WAGE*)**

TERMS: With few exceptions, employers in South Dakota must pay each employee who is 18 years of age or older no less than the state minimum wage. The current minimum wage is \$8.65 per hour.

The state minimum wage may be adjusted each year to account for increases in the cost of living. Any adjustment in the minimum wage is published on October 15 and becomes effective the following January 1.

ENFORCEMENT: *Wage and Hour Office, Division of Labor and Management, South Dakota Department of Labor and Regulation, Pierre, South Dakota 57501 (605-773-3681).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Texas

■ TEXAS MINIMUM WAGE ACT

TERMS:

Minimum Wage — Texas agricultural workers (other than those engaged in livestock production and dairy farming) are entitled to pay at a rate no less than the federal minimum wage, currently \$7.25 an hour.

Exceptions — The state minimum wage law *does not apply* to:

- (1) Workers who are under 18 years of age and have not graduated from high school or a vocational training program.
- (2) Workers under 20 who are regularly enrolled in high school, college or a vocational training program.

Pieceworkers — Regardless of age, agricultural workers paid on a piece-rate basis are covered by the minimum wage.

Valuation of Meals and Lodging — An employer who provides a farmworker with meals or housing may count the reasonable cost of providing those benefits as part of the minimum wage, but only if the employer customarily furnishes meals or housing to the workers and only if the costs are itemized in the worker's earnings statement, described below.

Earnings Statements — At the end of each pay period, employers are required to give each worker a signed written statement showing (1) the worker's name, (2) the rate of pay, (3) the worker's total earnings for the pay period, (4) any deductions made from the worker's earnings, (5) the net wages paid, and (6) the total number of hours worked if paid by the hour, or the number of units of production if paid on a piecework basis.

ENFORCEMENT: *Labor Law Section, Texas Workforce Commission, Austin, Texas 78778 (512-475-3027).* A worker who does not receive the minimum wage, if required, may file a claim for unpaid wages with the Texas Workforce Commission, on a form available online at www.twc.state.tx.us/jobseekers/how-submit-wage-claim-under-texas-payday-law.

Utah

■ UTAH MINIMUM WAGE ACT

TERMS: Farm employers in Utah that did not use more than 500 worker-days of agricultural labor during 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) are generally required to pay their adult workers at least \$7.25 for every hour of labor.

Their workers who are under age 18 must receive at least \$4.25 an hour during their first 90 days on the job, and \$7.25 thereafter.

Exceptions — The state minimum wage *does not apply* to any farmworker who (1) is employed as a piecework-paid harvest laborer in an operation customarily paid on a piecework basis in the region of employment, or (2) was employed in agriculture for less than 13 weeks during the preceding year.

ENFORCEMENT: *Antidiscrimination and Labor Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6801; toll-free 800-222-1238).* The Division has authority to accept and investigate complaints of non-payment of the state minimum wage, and to work with local and state prosecuting attorneys to enforce compliance.

As an alternative to filing a claim with the Division, a worker may take legal action in civil court against the employer involved, using a private attorney or public legal service provider. A civil suit may be filed no later than 2 years after the alleged violation.

Washington

■ WASHINGTON MINIMUM WAGE ACT

TERMS:

Adult Workers — With some exceptions, agricultural workers 18 years of age and older are entitled to the state minimum wage, which is scheduled to increase over the next several years:

Effective January 1, 2017: \$11.00 per hour

Effective January 1, 2018: \$11.50 per hour

Effective January 1, 2019: \$12.00 per hour

Effective January 1, 2020: \$13.50 per hour

Effective January 1, 2021: \$13.86 per hour

Effective January 1, 2022: \$14.23 per hour

Exception — The state minimum wage *does not apply* to anyone employed as a hand harvest worker and who (1) is paid on a piecework basis in an operation customarily recognized as a piecework operation in the local region, (2) commutes to the farm daily from his or her permanent residence, and (3) was employed in agriculture less than 13 weeks during the preceding calendar year.

Minor Workers —

Workers Age 16 and 17 — Farmworkers 16 and 17 years of age are entitled to the same minimum wage that applies to covered adult workers.

Workers Under Age 16 — Farmworkers under 16 must generally receive no less than 85 percent of the adult minimum wage (or \$9.35 an hour in 2017).

Recordkeeping — Employers subject to any provision of the Act must keep a record of each worker's name, address, occupation, rate of pay, earnings for each pay period, and hours worked each day and each workweek.

ENFORCEMENT: *Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321).* This agency is authorized to investigate any complaint alleging non-payment of the state minimum wage, and to take action to collect unpaid wages on the worker's behalf.

SPECIAL NOTE: It is illegal for an employer to fire or to discriminate in any other way against a worker who has made a complaint to the employer or to the enforcement agency regarding wages or other rights under the Minimum Wage Act, or has testified in a related proceeding.

Wisconsin

■ MINIMUM WAGE LAW

TERMS:

Minimum Wage — Agricultural workers are generally entitled to the state minimum wage, currently \$7.25 an hour.

Allowance for Meals and Housing — Within the limits indicated below, agricultural employers are allowed to deduct the fair value of any meals and housing provided to their workers, but only to the extent that (1) the meals and housing are accepted and actually received by the workers, (2) the meals are adequate and well-balanced, and (3) the housing is decent and sanitary.

Meals — Farm employers may not deduct more than \$4.15 per meal, or \$87 per week for furnishing meals.

Housing — The value of any lodging provided to farmworkers may not exceed \$8.30 per day or \$58 per week.

Exception — Room and board may not be deducted from the wages of a seasonal non-resident agricultural employee if the deduction would result in receipt of less than the state minimum wage.

Recordkeeping — Like employers in other industries, farm employers are required to keep payroll and related records on each worker. The record must include (1) the worker's name and address, (2) date of birth, (3) the start- and end-date of employment, (4) the start- and end-time of each workday and each meal period, (5) the total number of hours worked per day and per week, (6) the rate of pay and wages paid each payroll period, (7) the amount and purpose of each deduction from wages, and (8) the amount of production, if paid on other than a time basis.

ENFORCEMENT: *Labor Standards Bureau, Equal Rights Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53703 (608-266-6860).*

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.