

## Arkansas

### ■ **MINIMUM WAGE ACT OF THE STATE OF ARKANSAS (*HOURS AND OVERTIME*)**

**TERMS:** With certain major exceptions, farm employers may not employ a worker for more than 40 hours a week unless the worker receives overtime compensation at a rate not less than 1½ times the worker's regular rate of pay.

*Exceptions* — This law *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.

**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 these provisions 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 claim for unpaid wages 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 (*HOURS AND OVERTIME*)

#### TERMS:

**Overtime in Planting, Cultivation, and Harvest Operations** — In the planting, cultivation and harvest of agricultural crops, and in the preparation of cropland, no one 18 years of age or older (other than certain irrigators) may work more than 10 hours in any one day, or more than 6 days in any one workweek, unless the worker is paid  $1\frac{1}{2}$  times his or her regular rate of pay for each hour of work after 10 in any one day and for the first 8 hours of work on the seventh day, and *2 times* the regular rate of pay for each hour of work after 8 on the seventh day.

These same overtime rules apply to workers who are 16 or 17 years old and are not required by law to attend school. The overtime provision *does not apply* to workers employed on 7 workdays in a particular week when the worker's total hours that week do not exceed 30 and the worker's hours on any one workday do not exceed 6.

**Overtime in On-Farm Preparation of Crops for Market** — In general, no worker 18 years old or over may work in on-farm packing operations for more than 40 hours in any workweek, unless the worker receives  $1\frac{1}{2}$  times the regular rate of pay for all hours worked in excess of 40 that week. Workers are also entitled to time-and-a-half for up to 4 hours after the first 8 hours of work on any day, and for the first 8 hours of work on the seventh day of the workweek. Employers must pay *double time* for all hours in excess of 12 in any one day, and in excess of 8 on the seventh day.

**Meal Periods** — Except when a work period of 6 hours or less will complete the day's work, all farm employers must permit their employees to take a meal break of at least 30 minutes after each work period of not more than 5 hours. If the employer requires a worker to remain on duty during a meal period, the arrangement must be in writing and the meal period must be counted as paid work time.

**Rest Periods** — All farmworkers who are on the job for at least  $3\frac{1}{2}$  hours on a given day are entitled to 10 minutes of rest for every 4 hours of work time that day. The rest period counts as paid work time.

**ENFORCEMENT:** *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118).*

The law also gives workers the right to sue the employer in civil court to enforce the overtime provisions, using a private attorney or a public legal services program.

**SPECIAL NOTE:** The overtime protections for workers who plant, cultivate and harvest farm crops were expanded significantly by a law passed in September 2016. The new provisions are being phased in, according to the following schedule:

#### **Farms That Employ More Than 25 Workers —**

*Beginning January 1, 2019 — Planting, cultivation and harvest workers may not be employed for more than  $9\frac{1}{2}$  hours a day, or for more than 55 hours a week, unless they receive at least  $1\frac{1}{2}$  times their regular rate of pay for the excess hours.*

*Beginning January 1, 2020 — Planting, cultivation and harvest workers may not be employed for more than 9 hours a day, or for more than 50 hours a week, unless they receive at least  $1\frac{1}{2}$  times their regular rate of pay for the excess hours.*

*Beginning January 1, 2021 — Planting, cultivation and harvest workers may not be employed for more than  $8\frac{1}{2}$  hours a day, or for more than 45 hours a week, unless they receive at least  $1\frac{1}{2}$  times their regular rate of pay for the excess hours.*

*Beginning January 1, 2022 — Planting, cultivation and harvest workers may not be employed for more than 8 hours a day, or for more than 40 hours a week, unless they receive at least  $1\frac{1}{2}$  times their regular rate of pay for the excess hours, nor for more than 12 hours in one day unless they receive twice their regular pay rate for all hours over 12.*

#### **Farms That Employ 25 Workers or Fewer —**

*Beginning January 1, 2022 — Planting, cultivation and harvest workers may not be employed for more than  $9\frac{1}{2}$  hours a day, or for more than 55 hours a week, unless they receive at least  $1\frac{1}{2}$  times their regular rate of pay for the excess hours.*

*Beginning January 1, 2023 — Planting, cultivation and harvest workers may not be employed for more than 9 hours a day, or for more than 50 hours a week, unless they receive at least  $1\frac{1}{2}$  times their regular rate of pay for the excess hours.*

*Beginning January 1, 2024 — Planting, cultivation and harvest workers may not be employed for more than  $8\frac{1}{2}$  hours a day, or for more than 45 hours a week, unless they receive at least  $1\frac{1}{2}$  times their regular rate of pay for the excess hours.*

*Beginning January 1, 2025 — Planting, cultivation and harvest workers may not be employed for more than 8 hours a day, or for more than 40 hours a week, unless they receive at least  $1\frac{1}{2}$  times their regular rate of pay for the excess hours, nor for more than 12 hours in one day unless they receive twice their regular pay rate for all hours over 12.*

**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.

## Florida

### ■ **GENERAL LABOR REGULATIONS (*LEGAL DAY'S WORK*)**

TERMS: Unless specified otherwise in a written contract, a worker employed to perform manual labor of any kind by the day, week, month or year is considered to have performed a legal day's work when the worker puts in 10 hours of labor. Any worker required by the employer to work more than 10 hours in a single day must receive extra pay, unless there is a written contract to the contrary.

ENFORCEMENT: A worker who has not received overtime pay in accordance with these provisions may take legal action against the employer to collect the unpaid wages, using a private attorney or a public legal services program.

## Hawaii

### ■ WAGE AND HOUR LAW (*HOURS AND OVERTIME*)

TERMS: Except in the harvest of coffee, which is not covered by the wage and hour law, the following overtime pay requirements apply to agricultural employment:

**Full Overtime Coverage** — Except during a 20-week period of partial exemption each year, explained below, agricultural employers who employ 20 or more workers in a workweek are required to pay their workers at least 1½ times their regular rate of pay for every hour of work in excess of 40 that week.

**Partial Overtime Exemption** — During any 20 weeks selected by the employer each year, instead of the usual 40-hour workweek and overtime requirement, an agricultural employer with at least 20 employees in any week must pay time-and-a-half only after the worker's first 48 hours on the job that week.

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

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 overtime pay, 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.

## Kentucky

### ■ WAGE PAYMENT LAWS (*SEVENTH-DAY OVERTIME*)

TERMS: Farm operators and other employers in the state who allow an employee to work 7 days in any one week must pay the worker time-and-a-half for hours worked on the seventh day, but only if the worker has been allowed to work more than 40 hours during that week.

ENFORCEMENT: *Division of Employment Standards, Apprenticeship, and Mediation, Department of Workplace Standards, Frankfort, Kentucky 40601 (502-564-1524).*

## Maryland

### ■ MARYLAND WAGE AND HOUR LAW (*HOURS AND OVERTIME*)

TERMS:

**Overtime Pay** — A farm employer who used more than 500 worker-days of agricultural labor in each calendar quarter of the preceding calendar year must pay each covered worker overtime wages equal to 1½ times the worker's usual hourly wage rate, but only for any time worked in excess of 60 hours during any workweek.

**Exceptions** — The overtime pay requirement *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.

**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 is employed by an employer subject to the Wage and Hour Law and who does not receive overtime pay as required 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 overtime and other unpaid 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.

## Minnesota

### ■ MINNESOTA FAIR LABOR STANDARDS ACT (*HOURS AND OVERTIME*)

TERMS:

**Overtime Pay** — With the exceptions listed below, farmworkers in Minnesota must be paid at least 1½ times their regular rate of pay for every hour of employment after 48 hours in any workweek.

**Exceptions** — The overtime requirement *does not apply* to:

- (1) A farmworker who receives a salary (that is, the worker is not paid by the hour) and works on a farming unit or operation where no more than 2 such workers are employed.
- (2) A farmworker who receives 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) A worker under 18 who is employed to perform hand field work when one or both of the worker's parents are also hand field workers.
- (4) A sugarbeet hand laborer who is employed on a piecework basis and earns the equivalent of at least 40 cents an hour above the required state minimum wage.

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

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 overtime pay, 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.

## Puerto Rico

### ■ HOUR LAWS

TERMS:

**Working Hours** — In all workplaces, 8 hours constitute a legal workday and 40 hours a legal workweek.

**Overtime Pay** — In general, an employer who permits a worker to work more than 8 hours on any workday or more than 40 hours in any workweek generally must pay the worker no less than 1½ times the worker's regular rate of pay for each hour of overtime.

*Exception* — Through a written agreement between the employee and the worker, an alternate weekly work schedule may be established that allows the worker to complete a workweek of up to 40 hours, with daily shifts that may not exceed 10 hours per work day. But if the worker works more than 10 hours in a workday, the extra hours must be paid at a rate of 1½ times the regular pay rate.

**Meal Periods** — An employer may not require employees to work more than 5 consecutive hours without a meal break of at least one hour, but an employer and a worker may agree, in writing, to meal periods of no less than 30 minutes. Any authorized work during a meal period must be compensated at 1½ times the worker's regular pay rate.

*Exception* — The meal break *does not apply* to workers employed for no more than 6 hours on a given day.

**Day of Rest** — Except for workers employed on a piecework basis, agricultural and most other workers are entitled to one day of rest for every 6 workdays. Any authorized work on the day of rest must be compensated at 1½ times the worker's regular pay rate.

**ENFORCEMENT:** *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100).*

As an alternative to filing a claim with the Bureau of Labor Standards, a worker who does not receive full pay for regular or overtime hours has the option of recovering the unpaid amount in a civil suit against the employer, using a private attorney or a public legal services program.

**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.



## Wisconsin

### ■ MIGRANT LABOR LAW (*HOURS OF LABOR AND OVERTIME*)

TERMS: Migrant workers in Wisconsin are protected by hour and overtime standards in the state's migrant labor law.

#### **Workers Employed Solely in Agricultural Labor —**

**Maximum Hours** — Except in an emergency, no migrant worker who performs only agricultural labor for a particular employer may be forced by the employer to work, or be penalized for failing to work, for more than 6 days or 60 hours in any one week, or more than 12 hours in any one day.

**Meal Periods** — It is illegal to employ a migrant worker for more than 6 hours straight without a meal period of at least 30 minutes, unless the work can be completed within one additional hour. Employers do not have to pay workers for meal periods.

#### **Other Migrant Agricultural Workers —**

**Overtime Pay on Sunday** — A migrant worker who is not employed solely in agricultural operations is entitled to receive no less than 1½ times the worker's regular rate of pay for any hours worked on Sunday, unless the worker is allowed another day of rest that week.

**Rest Periods** — Each migrant worker not employed exclusively in agricultural labor must be provided a paid rest period of at least 10 minutes within each 5 hours of continuous employment.

**Meal Periods** — No migrant worker may be required to work for more than 6 hours straight without a paid or unpaid meal period of at least 30 minutes, unless the work can be completed within one additional hour.

ENFORCEMENT: *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002)*. Violations of the migrant labor law's hour and overtime standards may be reported to the Department.

Without regard to action by the Department, a migrant worker affected by a violation of the migrant labor law by an employer or migrant labor contractor has a right to file suit against the violator in civil court, using a private attorney or public legal service provider.

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any way against a migrant worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to unlawful retaliation may file suit against the employer or contractor involved, using a private attorney or public legal service provider.