

## ■ **MIGRANT LABOR LAW (*MIGRANT WORK AGREEMENTS*)**

**TERMS:** Wisconsin's migrant labor law requires agricultural employers, labor contractors, and others who hire or recruit migrant farmworkers for employment in the state, to provide the workers with certain pre-employment information and with a written work agreement at the time of hiring.

**Pre-Employment Disclosure** — At the time of recruitment of any out-of-state migrant worker for temporary seasonal agricultural employment in Wisconsin, the employer or contractor involved must provide the worker with a written disclosure of the terms and conditions of employment, identical in content to the required work agreement described below. The disclosure must be in English, and in the worker's usual language if other than English.

**Written Work Agreement** — At the time of hiring, the employer or contractor must provide each migrant worker recruited or hired with a written work agreement, signed by the employer and by the worker (or the head of the family, if a family is employed). The work agreement, which must be in English and in the worker's usual language if other than English, must include the following:

**Employment Conditions** — The work agreement must specify the place of employment, the kind of work to be done, the wage rates to be paid, the length of the pay period, the approximate hours of employment and any overtime to be paid, the approximate starting and ending dates of the job, the housing to be provided and its cost to the worker, the cost of any employer-provided meals, the arrangements for transportation, the names of all family members to be employed (if any), and the charges or pay deductions to be made other than those required by law.

**Guaranteed Hours** — The work agreement must contain a guarantee of (1) at least 45 hours of work in each 2-week period for workers employed in agricultural field work only, or (2) at least 20 hours of work in each one-week period, or 64 hours in a 2-week period, if the worker is employed in both field and processing operations. The guarantee covers the entire period from the date the worker is notified to report to work (or the date the worker actually reports for work, if later) to the date of termination of employment.

**Exceptions to Guarantee** — The hours guarantee generally applies only to workers 18 years of age and older. If a worker is not available for work on a particular day during the guarantee period, the employer may reduce the minimum guarantee by an amount equal to the wages the worker would have earned had the worker been available. Furthermore, the employer is not obligated to pay the minimum guarantee if the worker reports for work as notified but is never employed due to a weather disaster or similar circumstances beyond the employer's control. Within 24 hours after reporting for work in any such case, the worker is entitled to receive pay at the agreed-upon rate for the elapsed time between the worker's departure from the point of origin and return to the point of origin, but in no event less than 3 nor more than 6 days' pay at 8 hours per day.

**ENFORCEMENT:** *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002).* A migrant worker who has not received a recruiting disclosure statement, a written work agreement, or pay in accordance with guarantees shown in the work agreement, should contact 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.