

■ **MIGRANT LABOR LAW (GUARANTEED HOURS)**

TERMS:

Guarantees Hours — The required written work agreement between an employer or contractor and an out-of-state migrant worker must contain a guarantee of (1) at least 20 hours of work in each one-week period or 45 hours of work in each 2-week period for field work, or (2) at least 64 hours in a 2-week period if the worker is employed in both field and processing operations.

The guarantee covers the entire time 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 — 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 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.