

EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

FEDERAL MINIMUM WAGE

\$7.25

 PER HOUR

BEGINNING JULY 24, 2009

AGRICULTURAL EMPLOYEES

MINIMUM WAGE The Fair Labor Standards Act requires the payment of the minimum wage listed above if you perform covered work for an employer who used more than 500 man-days of farm labor in any calendar quarter of the preceding year. A man-day means any day when an employee (except for a member of the employer's immediate family) does agricultural work for at least one hour.

Note: Under specific exemptions in the law, employers do not have to pay the minimum wage to the following:

- Members of the employer's immediate family;
- Local hand-harvest workers who are paid on a piece-rate basis and who worked fewer than 13 weeks in agriculture during the preceding calendar year;
- Migrant hand-harvest workers **16** and younger who are employed on the same farm as their parents and who receive the same piece rates as employees older than **16** working on the same farm;
- Workers mainly engaged in the range production of livestock.

CHILD LABOR At age **16**, you may work at any time in any farm job, including those declared hazardous by the Secretary of Labor. At age **14**, you may work in nonhazardous farm jobs outside school hours. Minors **12** and **13** years old may work outside school hours with written parental consent or on farms where a parent of the minor is employed, and those under **12** may work with parental consent outside school hours on farms not subject to the minimum wage. Although the FLSA authorizes the Secretary of Labor to issue waivers that would, under specified conditions, permit the employment of local minors **10** and **11** years of age to work outside school hours in the hand harvesting of crops, the Department of Labor has been enjoined from issuing such waivers since 1980.

ENFORCEMENT The Department of Labor may recover back wages either administratively or through court action for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Employers may be assessed civil money penalties of up to \$1,100 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and up to \$11,000 for each employee who is the subject of a violation of the Act's child labor provisions. In addition, a civil money penalty of up to \$50,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to \$100,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.

ADDITIONAL INFORMATION

- Some state laws provide greater employee protections; employers must comply with both.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of the Labor.
- The law requires employers to display this poster where employees can readily see it.



For additional information:

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