

## Hawaii

### ● HAWAII PREPAID HEALTH CARE ACT

*STATUTORY CITATION:* Haw. Rev. Stat. §§ 393-1 – 393-48

*RELATED REGULATIONS:* Hawaii Admin. Rules, §§ 12-12-1 – 12-12-76

*GENERAL SUMMARY:* The Hawaii Prepaid Health Care Act requires most employers in the state to provide coverage by a prepaid group health care plan to each regular employee to whom they pay monthly wages amounting to at least 86.67 times the state minimum hourly wage (the equivalent of \$802 a month, at the current minimum wage of \$9.25). Such regular employees (defined as non-seasonal workers employed by a non-seasonal employer for at least 20 hours a week) are entitled to health care coverage which includes, at a minimum, in-patient and out-patient hospital care, surgical services, physicians' visits, diagnostic laboratory and X-ray services, and maternity benefits. Employers are required to contribute no less than one-half the total cost of providing prepaid health insurance, and may withhold up to 1.5 percent of each covered employee's wages to finance the balance.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Provided they are employed in non-seasonal positions for at least 20 hours a week and receive at least \$802 a month in wages from their employer, agricultural workers are entitled to the insurance protections of the Prepaid Health Care Act to the same extent as non-agricultural workers.

*Exceptions* — Regulations adopted by the state labor department currently exempt only three categories of seasonal employment, and only during their seasonal periods: (1) cultivating, harvesting and processing of coffee, (2) cultivating, harvesting and processing of macadamia nuts, and (3) cultivating, harvesting, processing, canning and warehousing of pineapples.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY* – *Disability Compensation Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-9200).* The Department is responsible for judging the adequacy of group health care plans selected by individual employers in the state, for monitoring the payment of premiums by employers and the associated withholding of workers' wages as contributions toward those costs, and for assuring the payment of benefits and other aspects of compliance by prepaid health care plan contractors. Employers who fail to comply with any provision of the Act are subject to a fine and loss of the right to do business in the state. Likewise, non-compliance by health care plan contractors may lead to a fine of \$200 for each violation.

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY* – *None.*

## Massachusetts

### ● **MINIMUM FAIR WAGE LAW (MIGRANT WORKER COMPULSORY HEALTH INSURANCE)**

*STATUTORY CITATION:* Mass. Gen. Laws Ch. 151, § 2B

*GENERAL SUMMARY:* The Minimum Fair Wage Law includes a provision requiring certain agricultural employers to provide health insurance to migrant farmworkers in their employ. A migrant farmworker is defined in the law as an employee (other than a worker covered by a family medical plan, or a secondary- or post-secondary student) who seasonally travels between states for purposes of employment and who lives in employer-provided labor housing.

*SPECIFIC TERMS AND CONDITIONS:* Every agricultural employer in Massachusetts who employs and furnishes housing to a migrant farmworker not under a government-approved employment contract must, after 10 days of employment, provide the worker with health insurance covering hospitalization, hospital services and supplies, X-ray examination, surgical fees, and in-hospital physicians' fees. The law authorizes the employer to withhold from the worker's wages up to 40 percent of the insurance premium, with the employer required to pay at least 60 percent of the total cost. For any week during which such a policy is in effect, and during which the worker is disabled and unable to work or the employer fails to withhold the worker's weekly share of the insurance cost, the employer is liable for payment of the entire premium for that week.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *Massachusetts Department of Labor Standards, Boston, Massachusetts 02114 (617-626-6952).* As part of its wider responsibility and authority under the Minimum Fair Wage Law, the Department may enter any place of employment and inspect the employer's records to assure compliance with the compulsory health insurance provision. A migrant farmworker who is living in a housing facility provided by the employer, has been on the job for more than 10 days, and has reason to believe he or she is not covered by a required health insurance policy should contact the Department.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None.*

## Minnesota

### ● STATE LABOR LAWS (*HEALTH INSURANCE FOR MIGRANT LABOR*)

*STATUTORY CITATION:* Minn. Stat. §§ 181.73 – 181.74

*GENERAL SUMMARY:* The state labor laws include a requirement that certain employers of migrant labor provide such workers with health care insurance during their term of employment.

#### *SPECIFIC TERMS AND CONDITIONS*

**REQUIRED INSURANCE** — Any person, company or group that employs 5 or more recruited migrant workers, as defined below, must provide at its expense state-prescribed health care insurance covering such workers during the period of employment, or for illness or injury incurred while employed.

**COVERED WORKERS** — Subject employers are required to insure those workers who meet all of the following conditions:

- (1) Are not residents of Minnesota.
- (2) Are employed, or were recruited for employment, in the processing of agricultural products other than as field labor.
- (3) Are offered some type of housing or transportation benefits by an employer as an employment inducement.
- (4) Do not have comparable health care insurance.

**EXEMPTION** — No such insurance need be purchased for any worker exclusively performing on-farm services, processing agricultural products on or off the farm in a plant where more than half the commodities being processed are grown by the employer, or engaging solely in other operations defined as "agricultural labor" in the Federal Insurance Contributions Act (26 USC 3121(g)).

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *Job Service Division, Minnesota Department of Employment and Economic Development, St. Paul, Minnesota 55101 (651-259-7114; toll-free 800-657-3858)*. A migrant farmworker who is recruited for agricultural processing work and who has reason to believe he or she is not being provided the health insurance coverage required by these provisions should contact the Department, at any local WorkForce Center.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None*.