

● **STATE LABOR LAWS (*MIGRANT LABOR GUARANTEED MINIMUM HOURS*)**

STATUTORY CITATION: Minn. Stat. § 181.87

GENERAL SUMMARY: The state labor laws contain protections for out-of-state migrant workers recruited for seasonal agricultural labor in Minnesota, including guaranteed minimum hours of employment. As used in these provisions, the term "migrant worker" means an individual at least 17 years of age who travels more than 100 miles to Minnesota from some other state to perform seasonal agricultural labor in Minnesota.

SPECIFIC TERMS AND CONDITIONS

GUARANTEED HOURS — Every processor of fruits and vegetables that directly or indirectly recruits and employs more than 30 migrant workers per day for more than 7 days in a calendar year must guarantee to each such worker a minimum of 70 hours' pay for work in any 2 successive weeks. If a worker's pay for the hours actually worked amounts to less than the minimum guarantee, the employer must pay the worker the difference within 3 days after the scheduled payday for the pay period involved. Payment for the guaranteed hours must be at the hourly wage rate, if any, specified in the employment disclosure required at the time of recruitment (*see entry, Minnesota — Labor Contractors & Worker Recruitment — Recruitment Standards*), or the federal minimum wage, whichever is higher.

PERIOD OF GUARANTEE — The pay guarantee applies for the minimum period of employment specified in the employment disclosure, beginning on the date on which employment is to commence.

REDUCTION OF GUARANTEED HOURS — When, due to weather or other uncontrollable forces, there is no work available for a period of 7 or more consecutive days during any two-week period after the commencement of work, the guarantee will be reduced by 5 hours a day for each such day, provided that each worker is paid the sum of \$5 for each such day.

TERMINATION OF EMPLOYMENT — Whenever a worker quits or is fired for cause prior to completion of the job for which the worker was hired, he or she is not entitled to any further guarantee of hours from that employer. If termination occurs before the end of the two-week pay period, the worker is not entitled to a guarantee for that period.

REFUSAL OR INABILITY TO WORK — If on any day for which work is offered a worker refuses to work, or is unable to work due to illness or disability, the employer may reduce the pay period's guarantee by the number of hours of work actually offered by the employer that day.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — Using private legal counsel or a public legal service provider, a migrant worker aggrieved by a violation of these provisions may file a civil suit for damages and injunctive relief against the employer involved. A judgment in the worker's favor may include an assessment against the employer for actual damages suffered by the worker, or penalties ranging from \$50 to \$250, plus court costs and attorney's fees.