

● **MINNESOTA FAIR LABOR STANDARDS ACT (*HOURS AND OVERTIME*)**

*STATUTORY CITATION:* Minn. Stat. §§ 177.21 – 177.35

*GENERAL SUMMARY:* The Minnesota Fair Labor Standards Act generally forbids employers in the state from employing anyone for a workweek longer than 48 hours, unless the worker receives compensation for each hour in excess of 48 hours at a rate at least 1½ times the worker's regular rate of pay.

*PROVISIONS APPLICABLE TO AGRICULTURE*

**OVERTIME PAY** — Aside from the rather narrow exemptions outlined below, farmworkers in Minnesota must be paid time-and-a-half for employment in excess of 48 hours in any workweek.

**EXEMPTIONS** — The overtime requirement does not apply to:

- (1) A farmworker who receives a salary (that is, the worker is not paid by the hour) and works on a farming unit or operation where no more than 2 such workers are employed.
- (2) A farmworker who receives a weekly salary (that is, the worker is not paid by the hour), and the salary is greater than the equivalent of 48 hours at the state minimum wage plus 17 hours at time-and-a-half. At the current minimum wage, this excludes any worker who receives a weekly salary of roughly \$698 or more on a large farm, or \$569 or more on a small farm.
- (3) A worker under 18 who is employed to perform hand field work when one or both of the worker's parents are also hand field workers.
- (4) A sugarbeet hand laborer employed on a piecework basis, provided the hourly equivalent of the worker's regular pay exceeds the applicable state minimum wage by at least 40 cents.

*SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Such violations are subject to a fine of from \$700 to \$3,000.

*ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Labor Standards Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-284-5070)*. Representatives of this agency are responsible for assuring employer compliance with the state Fair Labor Standards Act, and for that purpose are authorized to examine payroll records, books and other documents related to wages, hours and working conditions at any place of business or employment. The Department may investigate wage claims or complaints by any worker against an employer if failure to pay a wage may violate state law or an agency regulation. In addition to the unpaid wages involved, an employer who pays a worker less than the required minimum wage or overtime may also be liable to the worker for an additional equal amount as liquidated damages.

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

**PRIVATE CIVIL ACTION** — As an alternative to enforcement action by the Department, a worker may take private civil action to collect unpaid overtime, using legal counsel of the worker's own choice. A judgment against the employer may include court costs and attorney's fees.