

● **STATE LABOR LAWS (*MIGRANT LABOR WAGE PAYMENTS*)**

STATUTORY CITATION: Minn. Stat. §§ 181.85 – 181.91

GENERAL SUMMARY: The state labor laws contain protections for out-of-state migrant workers recruited for seasonal agricultural employment in Minnesota, including certain wage payment and employer recordkeeping requirements.

SPECIFIC TERMS AND CONDITIONS: 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 observe the wage payment and recordkeeping provisions outlined below. A migrant worker is defined as 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.

BI-WEEKLY PAY — A subject employer must pay wages due to each migrant worker at least once every 2 weeks. Final wages are due within 3 days of termination.

STATEMENT OF DEDUCTIONS — The employer must provide a written statement with every payment of wages clearly itemizing each deduction from the worker's wages.

RECORDKEEPING — With respect to each migrant worker recruited, the employer must maintain complete and accurate payroll records for each pay period, including the worker's name, daily hours worked, rate of pay, and the amount of wages paid. Records must be preserved for a period of at least 3 years.

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.