

● FARM LABOR CONTRACTORS ACT

STATUTORY CITATION: Neb. Rev. Stat. §§ 48-1701 – 48-1714

RELATED REGULATIONS: 227 Neb. Admin. Code, Ch. 1 – 20

GENERAL SUMMARY: The Farm Labor Contractors Act regulates the activities of most individuals, firms and associations that, for a fee or other compensation, recruit, solicit, furnish, hire, employ or transport migrant or seasonal agricultural workers.

SPECIFIC TERMS AND CONDITIONS

LICENSING — With the exception of agricultural employers, agricultural associations and their employees, no one may engage in farm labor contracting activities (as described in brief above) without having a valid farm labor contractor's license issued by the state. Any contractor that has a workforce 80 percent or more of whom are 17 years of age or younger may apply to the state agency for a certificate exempting the contractor from these requirements.

BONDING — Before a contractor's license can be issued, the applicant must obtain a surety bond in an amount not less than \$5,000. The bond is conditioned, in part, on full payment of any wage claims filed by workers. Every farm labor contractor covered by the Act must post a notice at each workplace advising the workers of the terms of the bond and showing the name and address of the bonding agent.

DISCLOSURES — At the time of recruitment, hiring or assignment to the job, each worker employed through a licensed farm labor contractor must be given a written statement specifying (1) the rate of compensation to be paid and the method of computing pay, (2) the terms and conditions of any bonus to be paid, (3) the terms and conditions of any housing, health or daycare services to be provided, (4) the approximate duration and estimated start and end dates of employment, (5) the terms and conditions under which the worker will be provided with clothing or equipment, (6) the name and address of the owner of all operations where the worker will be working, and (7) the worker's rights and remedies in plain and simple language.

PAY STATEMENTS — With each payment of wages, workers must receive a written statement showing total earnings, the amount and purpose of each deduction from wages, the number of hours worked, and the amount of production (if paid on a piecework basis).

BILINGUAL ASSISTANCE — A farm labor contractor who has a workforce of 10 or more non-English-speaking workers who speak the same language is required to provide a bilingual employee at the worksite for each shift during which a non-English-speaking worker is employed.

PROHIBITED ACTS — It is illegal for a contractor, or an applicant for a contractor license, to (1) make any false statement or misrepresentation on the license application or in dealing with workers, (2) violate an existing employment contract, (3) assist anyone in the violation of the Act, or (4) use force, intimidation or a threat to induce a worker under the contractor's control or authority to give up any part of the compensation to which the worker is entitled.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Office of Labor Standards, Nebraska Department of Labor, Lincoln, Nebraska 68508 (402-471-2239).* The Department is responsible for the licensing and certification of farm labor contractors in the state and for monitoring their compliance with these provisions. The Department may cancel the license of any contractor found to have violated the terms of the license and may institute criminal proceedings to enforce prescribed penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*