

● **SEASONAL FARM LABOR ACT (WAGES AND HOURS)**

STATUTORY CITATION: 43 Pa. Stat. §§ 1301.201 – 1301.207

GENERAL SUMMARY: Under the Seasonal Farm Labor Act, seasonal farmworkers are entitled to be compensated at pay rates no less than the state hourly wage floor established by the Minimum Wage Act of 1968 (see preceding entry), and their employers must observe corresponding recordkeeping duties. As used here, the term "seasonal farmworker" generally means an individual employed on a seasonal or temporary basis in the planting, cultivation, harvest, sorting or packing of agricultural commodities in their unmanufactured state, as well as any person who resides in living quarters owned, leased or operated by an employer or farm labor contractor and occupied by 4 or more unrelated persons. Workers who commute daily from their permanent residence to the worksite are not regarded as seasonal farmworkers, unless transportation is furnished to such individuals by a farm labor contractor.

SPECIFIC TERMS AND CONDITIONS

MINIMUM WAGE — Every employer of seasonal farmworkers, as described above, must pay each such worker at least \$7.25 for every hour of labor. In any given workweek, the earnings of each worker paid on a piece-rate basis must amount to no less than \$7.25 multiplied by the number of hours the worker was employed during such week. The minimum wage applies to minors to the same extent as adult workers, and piecework-paid minors must be compensated at the same piece rate applicable to adults performing the same operation.

RECORDKEEPING — Every employer of seasonal farm labor is required to maintain a record on each worker employed, to include, among other information, the worker's name and Social Security number, total wages earned, hours worked, and the hourly or piecework wage rate.

SPECIAL NOTES OR ADVISORIES

RETALIATION — Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a civil or criminal complaint under the Seasonal Farm Labor Act is deemed a separate violation of the Act, punishable as a criminal offense.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).* Agents of the Department are authorized to inspect payroll records at any place of employment, or at any establishment maintained by an employer or farm labor contractor, in order to ascertain compliance with the minimum wage provisions of the Seasonal Farm Labor Act. A worker who has not received pay in accordance with these provisions may file a complaint with the Department, and if the claim is determined valid, the agency may take legal action on the worker's behalf to collect it.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*