

● **SEASONAL FARM LABOR ACT (WAGE PAYMENTS)**

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

*GENERAL SUMMARY:* The wage and hour provisions of the Seasonal Farm Labor Act regulate, among other matters, wage payment procedures for seasonal farm labor. The term "seasonal farmworker" includes any 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*

**PAYDAYS** — Notwithstanding contrary provisions in the Wage Payment and Collection Act, every employer of seasonal farm labor must pay the wages of such workers on regular paydays designated in advance by the employer, but in no case more than 7 days after the end of the calendar week in which the wages were earned. Lawful U.S. currency or check are the only allowable means of payment.

**FINAL WAGES** — All unpaid earnings must be paid in full by the end of the next business day following termination of each job for which a seasonal farmworker was hired.

**DEDUCTIONS FROM WAGES** — Employers of seasonal farm labor are permitted to deduct or withhold from a worker's wages only (1) payroll-related taxes required to be deducted or withheld under state or federal law, (2) authorized union dues, (3) payments for employee benefits approved in writing by the worker, (4) reasonable charges for housing and meals provided by the employer, and (5) amounts for repayment of advances by the employer pursuant to a contract or prior agreement with the worker.

**PAY STATEMENTS** — At the time of payment, employers must provide each seasonal farmworker with a written statement showing the hourly or piecework wage rate, the number of hours worked, the units of work performed (if applicable), the amount of gross compensation, and any amounts deducted or withheld for any purpose whatever.

**WAGE PAYMENT THROUGH A LABOR CONTRACTOR** — An employer of seasonal farm labor may not permit a farm labor contractor to act as the employer's agent in the payment of wages unless the employer furnishes to each worker, and posts at an accessible location at the workplace, a statement showing the wage rates to be paid and other terms of employment agreed upon prior to hiring. Provided this condition is met, the employer may utilize a contractor as an agent for wage payment purposes, and the contractor becomes responsible for complying with the requirements outlined above.

*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).* Any seasonal farmworker who does not receive compensation in accordance with these provisions may file a complaint with the Department. If investigation of the complaint confirms a violation, the Department has authority to take action against the employer or labor contractor involved to enforce compliance.

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