

● **MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT (*PAYMENT OF WAGES*)**

STATUTORY CITATION: 29 USC §§ 1801 – 1872

RELATED REGULATIONS: 29 CFR Part 500, Subpt. C

GENERAL SUMMARY: In addition to its contractor registration, housing and transportation provisions, the Migrant and Seasonal Agricultural Worker Protection Act requires farm labor contractors, agricultural employers and agricultural associations to comply with certain prescribed wage payment procedures.

SPECIFIC TERMS AND CONDITIONS: Each farm labor contractor, agricultural employer and agricultural association that employs any migrant or seasonal worker must pay the wages owed to the worker when due, but in no case less often than every 2 weeks or semi-monthly. For each pay period, a contractor, employer or association which employs any such worker must provide the worker with an itemized written statement showing (1) the basis on which wages are paid, (2) the number of piecework units earned, if paid on a piecework basis, (3) the number of hours worked, (4) total pay period earnings, (5) the amount and purpose of each deduction from earnings, and (6) net pay.

SPECIAL NOTES OR ADVISORIES

JOINT RESPONSIBILITY — Generally, the workers in a farm labor contractor's crew are considered jointly employed by the farm labor contractor and the farmer who is using their labor, if the farmer has the power to direct, control or supervise their work or to determine pay rates and the method of payment. In the event that a farm labor contractor fails to comply with the disclosure, posting and wage payment requirements outlined above, the farmer is legally responsible for compliance.

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 the Act. A worker who has been subjected to retaliation may file a complaint with the Wage and Hour Division, at any time within 180 days after the violation occurs.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072)*. In response to a worker complaint or on its own initiative, Wage and Hour Division personnel may enter workplaces, inspect payroll records, and interview workers, contractors and employers. In the event a violation of the Act's wage payment provisions is confirmed, the agency has authority to order and supervise payment of unpaid wages, suspend or revoke a contractor's registration certificate, and impose money penalties on contractors, employers and associations found in violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — Independent of enforcement action by the Department of Labor, a worker aggrieved by a violation of the Migrant and Seasonal Agricultural Worker Protection Act may file suit in federal court against the offending contractor or employer to recover damages sustained as a result of the violation.