

● UTAH MINIMUM WAGE ACT

STATUTORY CITATION: Utah Code §§ 34-40-101 – 34-40-205

RELATED REGULATIONS: Utah Admin. Code R. 610-1

GENERAL SUMMARY: The Utah Minimum Wage Act establishes a statewide hourly wage floor applicable to most workers who are not covered by the federal minimum wage (*see entry, U.S. — Wages & Hours — Minimum Wage*). Utah's minimum wage is set by the state labor commission, which must review it at least every 3 years, but in no case may the state rate exceed the federal minimum.

The current Utah minimum wage is \$7.25 per hour for adult workers. For the first 90 days on the job with a particular employer, workers under the age of 18 must receive no less than \$4.25 an hour, but thereafter are entitled to the full adult minimum.

PROVISIONS APPLICABLE TO AGRICULTURE: Since the state minimum wage protects workers excluded from coverage of the federal minimum wage law, farm employers in Utah that used no more than 500 worker-days of agricultural labor during any calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination) are generally required to pay their adult employees at least \$7.25 for every hour of labor. Their workers under age 18 must receive at least \$4.25 an hour during their first 90 days on the job, and \$7.25 thereafter.

Exceptions — The state minimum wage does not apply to any farmworker who (1) is employed as a piecework-paid harvest laborer in an operation customarily paid on a piecework basis in the region of employment, or (2) was employed in agriculture for less than 13 weeks during the preceding year.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Antidiscrimination and Labor Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6801; toll-free 800-222-1238)*. The Division has authority to accept and investigate complaints of non-payment of the state minimum wage, and to work with local and state prosecuting attorneys to enforce compliance. Violations of the Act are punishable by both civil and criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — As an alternative to filing an administrative claim, a worker may enforce payment of the minimum wage in civil court, using a private attorney or public legal service provider. The complainant may recover the difference between the wages paid and the minimum wage, plus interest, court costs and attorney's fees. A civil suit must be filed within 2 years of the alleged violation.