

## Connecticut

### ○ SUNDAY CLOSING LAW

*STATUTORY CITATION:* Conn. Gen. Stat. §53-302a

*GENERAL SUMMARY:* Unless specifically exempted, no person, firm or corporation may engage in work, labor or business — or employ others in work, labor or business — on Sunday. A violation of this provision is classified as an offense against public policy.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The Sunday closing law **does not apply** to agricultural operations, including nurseries and dairies.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – This provision is enforced by state and local law enforcement agencies, through prosecution in the criminal courts.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Illinois

### ○ EIGHT HOUR WORK DAY ACT

*STATUTORY CITATION:* 820 Ill. Comp. Stat. §§ 145/0.01 – 145/2

*GENERAL SUMMARY:* With some exceptions, the Eight Hour Work Day Act declares that on and after May 1, 1867, eight hours of labor between the rising and the setting of the sun constitute a legal day's work, where there is no special contract or agreement to the contrary.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The Eight Hour Work Day Act **does not apply** to farm employment.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – This provision is enforced by public prosecuting attorneys in criminal court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

### ● ONE DAY REST IN SEVEN ACT

*STATUTORY CITATION:* 820 Ill. Comp. Stat. §§ 140/1 – 140/9

*GENERAL SUMMARY:* The One Day Rest in Seven Act grants workers in Illinois at least one day of rest a week and daily meal periods.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

DAY OF REST — The section requiring most employers to allow workers at least 24 consecutive hours of rest in every calendar week **does not apply** to employment in agriculture.

MEAL PERIODS — As are most other classes of workers in the state, agricultural employees who work or are expected to work 7½ continuous hours or longer on a particular day are entitled to a meal period of at least 20 minutes, beginning no later than 5 hours after the start of the workday.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2810).* The Department has explicit authority to enforce these provisions and to prosecute violations. An employer who fails to provide for or allow a meal period as required is subject to a fine of from \$25 to \$100 for each offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Kentucky

### ● **MINIMUM WAGE LAW (LUNCH AND REST PERIODS)**

*STATUTORY CITATION:* Ky. Rev. Stat. §§ 337.355, 337.365 and 337.010

*GENERAL SUMMARY:* With no explicit agricultural exceptions, workers in the state have a right to a lunch break and compensable rest periods during working hours each workday.

*SPECIFIC TERMS AND CONDITIONS:* Employers must provide their workers with (1) a reasonable daily lunch break, no sooner than 3 hours and no later than 5 hours after the start of the workday, and (2) a rest period of at least 10 minutes during each 4 hours of work. The rest period must be treated as paid work time for hourly and salaried employees, and must be provided in addition to the regularly scheduled lunch break.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY* – *Division of Employment Standards, Apprenticeship, and Mediation, Department of Workplace Standards, Frankfort, Kentucky 40601 (502-564-1524).* The Department is authorized to investigate any complaint charging a violation of these provisions, and for that purpose may enter any place of employment, inspect payroll records and interview workers. A finding by the Department of a violation and any subsequent order for corrective action may be enforced in the state courts.

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

*PRIVATE CIVIL ACTION* — Using a private attorney or public legal service provider, a worker who has been denied lunch breaks or compensable rest periods on the job may enforce compliance directly, by filing a civil action against the offending employer.

## Massachusetts

### PUBLIC SAFETY LAWS (*SUNDAY CLOSING*)

*STATUTORY CITATION:* Mass. Gen. Laws Ch. 136, §§ 5 – 6

*GENERAL SUMMARY:* Chapter 136 of the state statutes provides that whoever on Sunday does any manner of labor, business or work (other than works of necessity and charity) shall be punished by a fine ranging from \$20 to \$100 for a first offense, and a fine of between \$50 and \$200 for each subsequent offense.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Among other exceptions, the prohibition of work on Sunday **does not apply** to the cultivation of land, the raising and harvesting of agricultural products, or the making of cheese and butter.

*ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – This provision is enforced by public prosecuting attorneys in criminal court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

### STATE LABOR LAWS (*ONE DAY'S REST IN SEVEN*)

*STATUTORY CITATION:* Mass. Gen. Laws Ch. 149, §§ 47 – 52

*GENERAL SUMMARY:* Except at the request of the employee, no employer may require any employee engaged in a covered commercial occupation to work on Sunday, unless the employee is allowed 24 consecutive hours off during the ensuing six-day period.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The general requirement of one day's rest in seven **does not apply** to farm services.

*ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Massachusetts Department of Labor Standards, Boston, Massachusetts 02114.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

### STATE LABOR LAWS (*MEAL PERIODS*)

*STATUTORY CITATION:* Mass. Gen. Laws Ch. 149, §§ 100 – 102

*GENERAL SUMMARY:* With very few exceptions, no one may be required to work for more than 6 hours during a calendar day without a period of at least 30 minutes for a meal.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The meal period requirement applies implicitly to agricultural workers and agricultural employers, to the same extent as their counterparts in other covered industries.

*ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Office of the Massachusetts Attorney General, Boston, Massachusetts 02108 (617-727-2200; Fair Labor Hotline 617-727-3465).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Michigan

### ○ STATE LABOR LAWS (*LEGAL DAY'S WORK*)

*STATUTORY CITATION:* Mich. Comp. Laws §§ 408.401 – 408.405

*GENERAL SUMMARY:* Under most circumstances, 10 hours per day constitutes a legal day's work in Michigan. An employer who requires a covered worker to labor more than 10 hours a day is compelled to compensate the worker at the regular rate of pay for all such overtime service.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The legal day's work provision **does not apply** to farm laborers.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — These provisions are enforceable only in the civil courts.

## Minnesota

### ● STATE LABOR LAWS (*MIGRANT LABOR GUARANTEED MINIMUM HOURS*)

*STATUTORY CITATION:* Minn. Stat. § 181.87

*GENERAL SUMMARY:* The state labor laws contain protections for out-of-state migrant workers recruited for seasonal agricultural labor in Minnesota, including guaranteed minimum hours of employment. As used in these provisions, the term "migrant worker" means an individual at least 17 years of age who travels more than 100 miles to Minnesota from some other state to perform seasonal agricultural labor in Minnesota.

#### *SPECIFIC TERMS AND CONDITIONS*

**GUARANTEED HOURS** — Every processor of fruits and vegetables that directly or indirectly recruits and employs more than 30 migrant workers per day for more than 7 days in a calendar year must guarantee to each such worker a minimum of 70 hours' pay for work in any 2 successive weeks. If a worker's pay for the hours actually worked amounts to less than the minimum guarantee, the employer must pay the worker the difference within 3 days after the scheduled payday for the pay period involved. Payment for the guaranteed hours must be at the hourly wage rate, if any, specified in the employment disclosure required at the time of recruitment (*see entry, Minnesota — Labor Contractors & Worker Recruitment — Recruitment Standards*), or the federal minimum wage, whichever is higher.

**PERIOD OF GUARANTEE** — The pay guarantee applies for the minimum period of employment specified in the employment disclosure, beginning on the date on which employment is to commence.

**REDUCTION OF GUARANTEED HOURS** — When, due to weather or other uncontrollable forces, there is no work available for a period of 7 or more consecutive days during any two-week period after the commencement of work, the guarantee will be reduced by 5 hours a day for each such day, provided that each worker is paid the sum of \$5 for each such day.

**TERMINATION OF EMPLOYMENT** — Whenever a worker quits or is fired for cause prior to completion of the job for which the worker was hired, he or she is not entitled to any further guarantee of hours from that employer. If termination occurs before the end of the two-week pay period, the worker is not entitled to a guarantee for that period.

**REFUSAL OR INABILITY TO WORK** — If on any day for which work is offered a worker refuses to work, or is unable to work due to illness or disability, the employer may reduce the pay period's guarantee by the number of hours of work actually offered by the employer that day.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *None.*

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

**PRIVATE CIVIL ACTION** — Using private legal counsel or a public legal service provider, a migrant worker aggrieved by a violation of these provisions may file a civil suit for damages and injunctive relief against the employer involved. A judgment in the worker's favor may include an assessment against the employer for actual damages suffered by the worker, or penalties ranging from \$50 to \$250, plus court costs and attorney's fees.

## Missouri

### ○ WAGE AND HOUR LAWS (*LEGAL DAY'S WORK*)

*STATUTORY CITATION:* Mo. Rev. Stat. § 290.010

*GENERAL SUMMARY:* On May 1, 1867, and thereafter, 8 hours is deemed to be a legal day's work in most trades and industries in Missouri.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The 8-hour day **does not apply** to laborers in the service of farmers or others engaged in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – This provision is enforced by public prosecuting attorneys in criminal court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Montana

### ○ CONSTITUTION OF THE STATE OF MONTANA (*DAY'S WORK*)

*STATUTORY CITATION:* Mont. Const. Art. XII, § 2

*GENERAL SUMMARY:* Article XII, Section 2 of the state constitution generally defines a regular day's work as 8 hours on the job.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The constitutional provision for an 8-hour day **does not apply** to agriculture.

*SPECIAL NOTES OR ADVISORIES*

INTERPRETATION OF EXCLUSION — Although the state constitution excludes agriculture from the 8-hour day, questions regarding the scope of the term "agriculture" are resolved by the Commissioner of Labor and Industry. Such decisions may be reviewed by the state courts.

*ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY — *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — This provision is enforceable only in civil court.



## Nevada

### ● WAGE, HOUR, AND WAGE PAYMENT LAWS (*MEAL AND REST PERIODS*)

*STATUTORY CITATION:* Nev. Rev. Stat. § 608.019

*RELATED REGULATIONS:* Nev. Admin. Code § 608.145

*GENERAL SUMMARY:* Unless exempted either individually or by regulation applicable to a defined category of employers, an employer who has more than one worker at any job site may not employ such workers for a continuous period of 8 hours without providing a meal period of at least a half-hour; no span of less than 30 minutes interrupts a continuous period of work for purposes of this provision. Likewise, each such worker who is employed for 3½ hours or more on any given day is entitled to a compensated rest break of 10 minutes for every 4 hours or fraction thereof on the job.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The right to meal and rest periods extends to agricultural workers on the same terms as workers in all other industries in the state.

#### *SPECIAL NOTES OR ADVISORIES*

**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 these provisions.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *Office of the Labor Commissioner, Nevada Department of Business and Industry, Carson City, Nevada 89706 (775-684-1890).* A worker who is denied a meal period or a paid rest break as required under these provisions may file a complaint with the Commissioner, who is authorized to prosecute for enforcement through the local district attorney.

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

## New Hampshire

### ● EMPLOYEE PROTECTIVE LEGISLATION (*DAY'S WORK AND DAY OF REST*)

*STATUTORY CITATION:* N.H. Rev. Stat. §§ 275:30 – 275:35

*GENERAL SUMMARY:* Chapter 275 of the state statutes contains provisions defining a day's work, granting employees a right to meal periods, and limiting employment on Sundays.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

**DAY'S WORK** — In all contracts relating to labor (including agricultural services), 8 hours is deemed a day's work, unless otherwise agreed to by the parties.

**MEAL PERIODS** — In general, no farm operator or any other employer in New Hampshire may require an employee to work more than 5 consecutive hours without a half-hour lunch or eating period.

**MAKING UP LOST TIME** — An employer may not require an employee in any occupation to work more hours in any one day than allowed by law, in order to make up time lost to a legal holiday.

**SUNDAY WORK** — The provision which generally prohibits forcing an employee to work on Sunday, unless the employee is allowed 24 hours off in the ensuing six-day interval, **does not apply** to employees engaged in farm services.

**DAY OF REST** — The provision requiring employers to post at the workplace a list of the employees who are required or allowed to work on Sunday, and to designate an alternative day of rest for those employees, **does not apply** to employees engaged in farm services.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *Inspection Division, New Hampshire Department of Labor, Concord, New Hampshire 03301 (603-271-3176).*

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

## New Mexico

### ○ MINIMUM WAGE ACT (*MAXIMUM HOURS*)

*STATUTORY CITATION:* N.M. Stat. § 50-4-30

*GENERAL SUMMARY:* A provision in the Minimum Wage Act makes it a misdemeanor for most employers in New Mexico to require an employee to work more than 16 hours in any one day of 24 hours, except in emergency situations.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The 16-hour maximum day provision **does not apply** to farm and ranch workers whose duties necessitate working longer hours.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Section, New Mexico Department of Workforce Solutions, Albuquerque, New Mexico 87103.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## New York

### ○ LABOR LAW (*LEGAL DAY'S WORK*)

*STATUTORY CITATION:* N.Y. Labor Law § 160

*GENERAL SUMMARY:* Article 5 of the state labor statutes includes a provision making 8 hours a legal day's work in most trades and occupations in New York, but permitting longer workdays as long as employees are provided with increased compensation for overtime hours.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The legal day's work provision **does not apply** to workers engaged in farmwork.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Pennsylvania

### ● SEASONAL FARM LABOR ACT (*HOURS OF LABOR*)

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

*GENERAL SUMMARY:* The wage and hour provisions of the Seasonal Farm Labor Act contain limitations on the working hours of seasonal farmworkers and guarantee such workers a right to meal or rest periods. 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*

**MAXIMUM HOURS** — No seasonal farmworker may be compelled to work, or penalized for failing to work, for more than 6 days or more than 48 hours in any one week, or for more than 10 hours in any one day. Where a worker is employed by more than one employer on any day or in any week, the aggregate number of hours during which the individual may be required to work may not exceed 48 hours in any one week or 10 hours in any one day.

**MEAL OR REST PERIODS** — An employer of seasonal farm labor is prohibited from requiring a worker to work for more than 5 continuous hours without a meal or rest period of at least 30 minutes. No time span of less than a half-hour is deemed to interrupt a continuous period of work. The meal or rest break need not be treated by the employer as compensable work time.

#### *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).* A person who has been compelled by a farm operator or other seasonal agricultural employer to work more than the prescribed maximum hours, who has been penalized for refusing to do so, or who has been denied a meal or rest period in violation of the Act, may file a complaint with the Department.

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

## South Carolina

### ○ SUNDAY LABOR LAWS

*STATUTORY CITATION:* S.C. Code §§ 53-1-5 – 53-1-160

*GENERAL SUMMARY:* With various and sundry exceptions, it is unlawful and deemed a public nuisance for anyone to engage in work or labor, or to employ others to engage in work or labor, on Sunday before the hour of 1:30 p.m.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The Sunday labor laws **do not apply** to farming operations necessary for the preservation of agricultural commodities.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – This provision is enforced by state and local law enforcement agencies, through prosecution in the criminal courts.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*