

New Hampshire

● WAGE PAYMENT LAWS (*REQUIRED PAY*)

STATUTORY CITATION: N.H. Rev. Stat. § 275:43-a

GENERAL SUMMARY: On any day in which an employee reports to work at the employer's request, the worker is generally entitled to not less than 2 hours' pay at the worker's regular rate, unless the employer made a good-faith effort to notify the worker not to report that day. With certain exceptions, this provision applies to employers with at least one employee.

PROVISIONS APPLICABLE TO AGRICULTURE: The guaranteed pay provision applies to agricultural employers only to the extent that they have 5 or more employees performing agricultural labor.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Inspection Division, New Hampshire Department of Labor, Concord, New Hampshire 03301 (603-271-3176).* An employer's failure to pay the compensation required under this provision is treated as failure to pay any other wages due an employee. A worker who does not receive his or her pay may file a wage claim with the Department.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As with any other claim for unpaid wages, the pay guarantee may be recovered in a civil suit against the employer involved, through a private attorney or public legal service provider.

Puerto Rico

○ WORKERS AND EMPLOYEES BONUS LAW

STATUTORY CITATION: 29 Laws P.R. Ann. §§ 501 – 507

GENERAL SUMMARY: Most employers who employ more than 20 workers for more than 26 weeks during the annual period ending September 30 each year are obligated to grant every employee who has worked at least 1,350 hours a bonus equal to 2 percent of the employee's wages over the annual period, up to a maximum bonus of \$600. For employers who employ 20 workers or fewer for more than 26 weeks, the bonus is equal to 2 percent of the worker's annual earnings, up to a maximum of \$300.

Exception — During the first year of a worker's employment, the employer is required to pay only 50 percent of the bonus amount noted above.

The total amount of an employer's liability for payment of the employee bonuses may not exceed 15 percent of the employer's net annual profit.

The bonus, which is in addition to any other wages or benefits to which the worker is entitled, must normally be paid between November 15 and December 15 following the end of the annual period. The law prescribes a penalty — from 50 to 100 percent of the amount of the bonus, payable to the worker — if an employer fails to pay the bonus during this timeframe.

PROVISIONS APPLICABLE TO AGRICULTURE: These provisions **do not apply** to persons employed in farm activities.

SPECIAL NOTES OR ADVISORIES

RECENT AMENDMENTS — The summary above reflects significant amendments enacted in the Puerto Rico Labor Transformation and Flexibility Act, a measure intended to address chronic troubles plaguing the economy of Puerto Rico. Some provisions of the Labor Transformation and Flexibility Act apply only to workers hired after the law went into effect, on January 26, 2017. In general, however, employees hired before that date are entitled to the same rights and benefits that applied to them before.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● AGRICULTURAL WORKERS ANNUAL BONUS LAW

STATUTORY CITATION: 29 Laws P.R. Ann. §§ 510 – 510k

GENERAL SUMMARY: Chapter 23 of the Puerto Rico labor laws authorizes payment of an annual bonus to workers whose agricultural earnings or work time meets or exceeds a specified annual level.

SPECIFIC TERMS AND CONDITIONS

BONUS PAYMENT — Every agricultural worker who has performed at least 200 hours of agricultural services or earned at least \$200 in agricultural wages in Puerto Rico over the annual period starting July 1 of each year and ending June 30 of the subsequent year is entitled to a bonus equal to 4 percent of total agricultural income, but in no case less than \$165 or more than \$235. The agricultural bonus, financed by the Commonwealth of Puerto Rico, is payable by December 20 following the end of the corresponding annual period.

EMPLOYER REPORTING — For the purpose of determining eligibility for and the amount of each worker's annual bonus, no later than August 31 of each year all agricultural employers must report to the administering agency the name of each worker employed, the worker's Social Security number, total hours worked, and the amount of earnings over the annual reporting period.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Agricultural Development Administration, Puerto Rico Department of Agriculture, San Juan, Puerto Rico 00908 (787-304-5350).* This agency is responsible for receiving the employment reports submitted by subject agricultural employers, determining the eligibility of workers for the annual agricultural bonus, computing the amount of the bonus, and disbursing payments to the workers. The agency may also investigate claims for unpaid annual bonuses. If a worker is eligible for the bonus but fails to receive all or part of the amount to which he or she is entitled due to non-compliance by one or more farmers with their reporting duty under these provisions, the worker may claim *double* the amount of the difference between the total bonus payable and the bonus actually received.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100).* This agency is responsible for furnishing the wage and hour information required to determine eligibility of workers employed in the agricultural phase of the sugar industry, and for prosecuting claims for unpaid annual bonuses on behalf of any agricultural worker.

Wisconsin

● **MIGRANT LABOR LAW (GUARANTEED HOURS)**

STATUTORY CITATION: Wis. Stat. §§ 103.915(4) – 103.915(7)

RELATED REGULATIONS: Wis. Admin. Code § DWD 301.06(8)

GENERAL SUMMARY: Wisconsin's migrant labor law requires agricultural employers, labor contractors, and other entities that hire or recruit migrant agricultural workers for employment in the state, to provide the workers with a written work agreement, which, among other provisions, must contain certain assurances regarding minimum hours of work. The term "migrant worker" generally means anyone who temporarily leaves a principal place of residence in another state and comes to Wisconsin for not more than 10 months in a year to accept seasonal agricultural employment.

SPECIFIC TERMS AND CONDITIONS

GUARANTEED HOURS — Every required work agreement between an employer or contractor and a migrant worker must contain a guarantee of (1) at least 45 hours of work in each 2-week period for workers employed in agricultural field work only, or (2) at least 20 hours of work in each one-week period, or 64 hours in a 2-week period, if the worker is employed in both field and processing operations. The guarantee covers the entire interval from the date the worker is notified to report to work (or the date the worker actually reports for work, if later) to the date of termination of employment.

EXCEPTIONS — The hours guarantee generally applies only to workers 18 years of age and older. If a worker is not available for work on a particular day during the guarantee period, the employer may reduce the minimum guarantee by an amount equal to the wages the worker would have earned had the worker been available. Furthermore, the employer is not obligated to pay the minimum guarantee if the worker reports for work as notified but is never employed due to seriously adverse circumstances beyond the employer's control; within 24 hours after reporting for work in any such case, the worker is entitled to receive pay at the agreed-upon rate for the elapsed time between the worker's departure from the point of origin and return to the point of origin, but in no event less than 3 nor more than 6 days' pay at 8 hours per day.

SPECIAL NOTES OR ADVISORIES

RETALIATION — An employer or labor contractor may not discharge, discipline or discriminate in any manner against a migrant worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to unlawful retaliation may file suit against the employer or contractor involved, who, in addition to any other damages, may be liable to the worker for reinstatement and accumulated back wages.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002)*. A migrant worker who has not received pay in accordance with guarantees shown in the work agreement should contact the Department.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — Without regard to any administrative action by the Department, a migrant worker aggrieved by a violation of the migrant labor law by an employer or migrant labor contractor has a right to bring suit against the violator in civil court, using a private attorney or public legal service provider.