

## U.S.

### ○ FAIR LABOR STANDARDS ACT OF 1938 (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* 29 USC §§ 201 – 219

*RELATED REGULATIONS:* 29 CFR Part 780

*GENERAL SUMMARY:* The Fair Labor Standards Act generally requires subject employers to pay each covered employee no less than 1½ times the employee's regular pay rate for all employment in any workweek after 40 hours. Apart from restrictions on minors, there is no absolute limitation on the number of hours an employee may work in a week, as long as the worker receives time-and-a-half for all overtime hours or is excepted from the overtime pay provision.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

**AGRICULTURAL EXEMPTION** — The entitlement to receive overtime compensation **does not apply** to any worker employed in farming, by a farmer, or on a farm, or to employees engaged in the transportation and preparation for transportation of fruits and vegetables from the farm to the place of first processing or first marketing within the same state.

#### **RELATED EXEMPTIONS** —

**Sugarcane and Sugarbeet Processing** — The Act exempts for up to 14 weeks in a calendar year employees employed exclusively to provide services necessary and incidental to processing sugarcane or sugarbeets, and for up to 14 weeks in a consecutive 52-week period employees engaged in processing sugarbeets, sugarbeet molasses or sugarcane into non-refined sugar or syrup, provided in both cases they receive at least 1½ times their regular pay for hours worked in excess of 10 hours a day and 48 hours a week.

**Cotton Ginning** — The Act exempts for up to 14 weeks in a calendar year any employee employed exclusively to provide services necessary and incidental to ginning cotton in the gin, and for up to 14 weeks in any consecutive 52-week period any employee engaged in ginning of cotton in any county where cotton is grown in commercial quantities, provided in both cases that employees receive during those exempt periods at least 1½ times their regular rate of pay after 10 hours in any workday and after 48 hours in any workweek.

**Cotton Compressing and Cottonseed Processing** — The Act exempts for up to 14 weeks in a calendar year any employee employed exclusively to provide services necessary and incidental to receiving, handling and storing raw cotton and compressing raw cotton when performed at a cotton warehouse or compress, and any employee providing similar services with respect to cottonseed in an establishment primarily engaged in receiving, handling, storing and processing of cottonseed, provided they are paid at least 1½ times their regular wage after 10 hours a day and 48 hours a week.

**Country Elevators** — Workers at certain country elevators with no more than 5 employees are totally exempted from the Act's overtime requirements.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210.*

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

## Alaska

### ○ ALASKA WAGE AND HOUR ACT (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Alaska Stat. §§ 23.10.050 – 23.10.150

*GENERAL SUMMARY:* Among other provisions, the Alaska Wage and Hour Act establishes certain limitations on hours of employment by employees engaged in commerce or other business, or in the production of goods or materials. In general, employers may not employ workers for more than 40 hours a week or 8 hours a day, unless each such worker is compensated for the overtime at the rate of 1½ times the worker's regular pay rate.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The Alaska Wage and Hour Act **does not apply** to individuals employed in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Administration, Division of Labor Standards and Safety, Department of Labor and Workforce Development, Juneau, Alaska 99811.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Arkansas

### ● MINIMUM WAGE ACT OF THE STATE OF ARKANSAS (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Ark. Code §§ 11-4-201 – 11-4-220

*RELATED REGULATIONS:* Ark. Code R. 010.14-001 – 010.14-113

*GENERAL SUMMARY:* In addition to establishing an hourly wage floor, the Minimum Wage Act bars most employers of 4 or more workers from employing any such worker for more than 40 hours a week unless the worker receives overtime compensation at a rate not less than 1½ times the regular rate of pay.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The state minimum wage law — and thus the overtime pay protection — applies only to large agricultural establishments, **excluding from coverage** the following categories of employees:

- (1) Workers employed by an agricultural establishment which did not use more than 500 worker-days of farm labor in any calendar quarter during the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination).
- (2) Workers employed as hand-harvest laborers who are paid on a piecework basis, commute daily from their permanent residence to the farm where they work, and have been employed in agriculture less than 13 weeks during the preceding calendar year.
- (3) Migrant workers 16 years old or younger who are employed as hand-harvest laborers, paid on a piecework basis, work on the same farm as their parents, and are paid the same piecework wage as employees over the age of 16 on the same farm.

#### *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** – *Labor Standards Division, Arkansas Department of Labor, Little Rock, Arkansas 72205 (501-682-4500)*. Employees who believe that they have not received the wages they are entitled to under the state minimum wage law may file a claim with the Department, which is authorized to investigate and take administrative or court action against the employer to collect the unpaid wages if a violation is found to have occurred. The Department also has authority to assess civil money penalties of up to \$1,000 for each violation.

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

**PRIVATE CIVIL ACTION** — As an alternative to filing a wage claim with the Department of Labor, a worker may bring civil action against the employer directly, using a private attorney or a public legal service provider. If the worker prevails, the employer is liable for the full amount of unpaid wages, court costs and attorney's fees, and the worker may be entitled to an additional amount as liquidated damages.

## California

### ● WAGE AND HOUR LAWS (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Cal. Lab. Code §§ 1171–1206

*RELATED REGULATIONS:* Cal. Code Regs. Title 8, §§ 11130 & 11140

*GENERAL SUMMARY:* Just as it may with respect to wages, the state industrial welfare commission has authority to investigate hours and working conditions in any trade, occupation or industry in California, and to adopt appropriate orders regulating hours of employment whenever existing conditions are found prejudicial to the health or welfare of any segment of the workforce. Employment of any worker for longer hours than those specified in a formally adopted order, or under conditions of labor contrary to such an order, is prohibited.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The industrial welfare commission has adopted the following provisions governing hours and overtime in agricultural employment:

**OVERTIME IN PLANTING, CULTIVATION, AND HARVEST OPERATIONS** — In the planting, cultivation and harvest of agricultural crops, and in the preparation of cropland, no one 18 years of age or older (other than certain irrigators) may be employed more than 10 hours in any one day, or more than 6 days in any one workweek, unless the worker is paid 1½ times his or her regular rate of pay for each hour of work after 10 in any one day and for the first 8 hours of work on the seventh day, and 2 times the regular rate of pay for each hour of work after 8 on the seventh day. These same overtime rules apply to workers who are 16 or 17 years old and are not required by law to attend school.

The overtime provision does not apply to workers employed on 7 workdays in a particular week when the worker's total hours that week do not exceed 30 and the worker's hours on any one workday do not exceed 6.

**NOTE ON RECENT AMENDMENTS** — The overtime protections for workers employed in planting, cultivation and harvest operations were expanded significantly by legislation enacted in September 2016. The new provisions are being phased in, according to the following schedule:

**Farms That Employ More Than 25 Workers** —

*Beginning January 1, 2019* — Planting, cultivation and harvest workers may not be employed for more than 9½ hours a day, or for more than 55 hours a week, unless they receive at least 1½ times their regular rate of pay for the excess hours.

*Beginning January 1, 2020* — Planting, cultivation and harvest workers may not be employed for more than 9 hours a day, or for more than 50 hours a week, unless they receive at least 1½ times their regular rate of pay for the excess hours.

*Beginning January 1, 2021* — Planting, cultivation and harvest workers may not be employed for more than 8½ hours a day, or for more than 45 hours a week, unless they receive at least 1½ times their regular rate of pay for the excess hours.

*Beginning January 1, 2022* — Planting, cultivation and harvest workers may not be employed for more than 8 hours a day, or for more than 40 hours a week, unless they receive at least 1½ times their regular rate of pay for the excess hours, nor for more than 12 hours in one day unless they receive twice their regular pay rate for all hours over 12.

**Farms That Employ 25 Workers or Fewer** —

*Beginning January 1, 2022* — Planting, cultivation and harvest workers may not be employed for more than 9½ hours a day, or for more than 55 hours a week, unless they receive at least 1½ times their regular rate of pay for the excess hours.

*Beginning January 1, 2023* — Planting, cultivation and harvest workers may not be employed for more than 9 hours a day, or for more than 50 hours a week, unless they receive at least 1½ times their regular rate of pay for the excess hours.

*Beginning January 1, 2024* — Planting, cultivation and harvest workers may not be employed for more than 8½ hours a day, or for more than 45 hours a week, unless they receive at least 1½ times their regular rate of pay for the excess hours.

*Beginning January 1, 2025* — Planting, cultivation and harvest workers may not be employed for more than 8 hours a day, or for more than 40 hours a week, unless they receive at least 1½ times their regular rate of pay for the excess hours, nor for more than 12 hours in one day unless they receive twice their regular pay rate for all hours over 12.

**OVERTIME IN ON-FARM PREPARATION OF CROPS FOR MARKET** — In general, no worker 18 years old or over may be employed in on-farm packing operations for more than 40 hours in any workweek, unless the worker receives 1½ times the regular rate of pay for all hours worked in excess of 40 that week. Workers are also entitled to time-and-a-half for up to 4 hours after the first 8 hours of work on any day, and for the first 8 hours of work on the seventh day of the workweek. Employers must pay *double* time for all hours in excess of 12 in any one day, and in excess of 8 on the seventh day.

**MEAL PERIODS** — Except when a work period of 6 hours or less will complete the day's work, all farm employers must permit their employees to take a meal break of at least 30 minutes after each work period of not more than 5 hours. If the employer requires a worker to remain on duty during a meal period, the arrangement must be in writing and the meal period must be counted as paid work time.

**REST PERIODS** — All farmworkers who are on the job for at least 3½ hours on a given day are entitled to 10 minutes of rest for every 4 hours of work time that day. The rest period counts as paid work time.

**COMP TIME IN LIEU OF TIME-AND-A-HALF** — The provision elsewhere in the state labor laws that permits employers to grant time off in lieu of paying overtime pay **does not apply** to workers employed in planting, cultivation and harvest operations, or employed in on-farm preparation of crops for market.

*SPECIAL NOTES OR ADVISORIES*

**PIECE-RATE WORKERS** — In accordance with a provision in the state wage payment laws, employees who are paid on a piece-rate basis must be paid for rest periods and other non-productive time separate from their piece-rate compensation. The required pay statement must show the total number of hours of rest periods and other non-productive time, the pay rate for those hours, and the amount of pay for those hours. In general, the pay rate for rest periods cannot be less than (1) the average hourly rate determined by dividing the total amount of non-overtime pay for the workweek by the total hours worked not

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counting rest periods, or (2) the applicable minimum wage, whichever is higher.

**RETALIATION** — A person may not discharge an employee, or discriminate or retaliate 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** – *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118)*. Representatives of this agency are expressly authorized to investigate employees' hours and working conditions, and to supervise the payment of unpaid overtime compensation owed any employee under these provisions. With the consent of the employee or employees involved in a claim, the Department may take civil court action to recover unpaid overtime compensation. Violation of a wage or hour order is a misdemeanor, punishable by a fine, jail term or both.

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

**PRIVATE CIVIL ACTION** — Any employee who receives less than the legal overtime compensation applicable to his or her employment may take action to recover the unpaid earnings in a private civil suit. However, a worker's acceptance of payment of any sums found to be due on demand of the enforcement agency constitutes a waiver on the worker's part of the private right to sue.

## ● **WORKING HOURS LAW**

*STATUTORY CITATION:* Cal. Lab. Code §§ 510–558.1

*GENERAL SUMMARY:* The state labor laws regulating working hours provide that 8 hours of labor constitute a day's work, unless otherwise agreed to by the parties to a contract. Employees covered by this law are entitled to receive 1½ times their regular rate of pay for all hours worked in excess of 8 hours in one day and 40 hours in one workweek, and *twice* their regular rate of pay for work in excess of 12 hours in any one day and after 8 hours on the seventh day of a workweek.

Likewise, every person employed in any non-exempted occupation is entitled to one day's rest from the job in a 7-day period, and employers may not compel their employees to work more than 6 days in 7. Covered employees who work more than 5 hours straight also generally have the right to a meal period of at least 30 minutes.

*PROVISIONS APPLICABLE TO AGRICULTURE:* At least until 2025, the full applicability to farmworkers of the overtime protections described here is overridden by the overtime provisions summarized in the previous entry. The day-of-rest and meal period provisions currently apply to virtually all farm employees.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612*.

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

## Colorado

### ○ MINIMUM WAGE LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Colo. Rev. Stat. §§ 8-6-101 – 8-6-119

*GENERAL SUMMARY:* Apart from its authority to assess the adequacy of wage rates in Colorado, the state labor department may also investigate hours and other terms of employment in any industry or occupation, and may subsequently establish maximum hours and overtime pay requirements applicable to such employment if the agency (or a wage board convened by the agency) finds existing working conditions inadequate or detrimental to the well-being of the workforce.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Despite statutory authority to do so, the state agency has adopted **no standards** regulating hours in agricultural employment or requiring overtime pay for farmworkers.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – Division of Labor Standards and Statistics, Colorado Department of Labor and Employment, Denver, Colorado 80202.*

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.*

## Connecticut

### STATE WAGE AND HOUR LAWS (*OVERTIME*)

*STATUTORY CITATION:* Conn. Gen. Stat. §§ 31-76b – 31-76j

*GENERAL SUMMARY:* With certain exceptions, no employer in Connecticut may employ a worker for a workweek longer than 40 hours, unless the worker is paid no less than 1½ times his or her regular hourly pay rate.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime pay provisions **do not apply** to anyone employed in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – Division of Wage and Workplace Standards, Connecticut Department of Labor, Wethersfield, Connecticut 06109.*

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.*

## Florida

### ● GENERAL LABOR REGULATIONS (*LEGAL DAY'S WORK*)

*STATUTORY CITATION:* Fla. Stat. § 448.01

*GENERAL SUMMARY:* Florida's general labor regulations declare 10 hours of labor to be a legal day's work. In the absence of a written contract signed by the employer and the employee requiring a lesser or greater number of hours to be performed daily, a worker employed to perform manual labor of any kind by the day, week, month or year is considered to have performed a legal day's work when the worker renders 10 hours of labor. Any worker required by the employer to work more than 10 hours in a single day must receive extra pay, unless a written contract to the contrary has been executed.

*PROVISIONS APPLICABLE TO AGRICULTURE:* As are similarly situated non-agricultural workers, agricultural employees who perform manual labor and are compensated by the day, week, month or year are entitled to receive premium overtime pay for time worked in excess of 10 hours a day, unless specified otherwise in a written contract.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A worker claiming unpaid overtime compensation must take legal action against the employer through a private attorney or other legal service provider.

## Hawaii

### ● WAGE AND HOUR LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Haw. Rev. Stat. §§ 387-1 – 387-15

*GENERAL SUMMARY:* The state wage and hour law prohibits the employment of most workers in Hawaii for a workweek longer than 40 hours unless such workers are paid overtime compensation at a rate no less than 1½ times the regular rate of pay for every hour of employment in excess of the 40-hour limit.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

**TOTAL EXEMPTION** — The wage and hour law, and thus the overtime pay requirement, **does not apply** to any individual employed in agriculture for any workweek in which the worker's employer has fewer than 20 employees, or the worker is engaged in coffee harvesting.

**PARTIAL EXEMPTION** — An employer who is engaged in agriculture, or in the first processing, canning or packing of any agricultural commodity, is not required to pay overtime compensation for hours in excess of 40 in a workweek to any of its employees during any 20 workweeks selected by the employer in any yearly period commencing July 1. During those 20 weeks of exemption, however, the employer must pay overtime for hours in excess of 48 hours at the rate of 1½ times the covered workers' regular rate of pay.

**FULL OVERTIME COVERAGE** — Except with respect to coffee harvesters and during the 20 weeks during which such employers are exempt as outlined above, agricultural employers who employ 20 or more workers in a workweek are required to pay their workers in that workweek at least 1½ times their regular pay rate for every hour of work in excess of 40.

#### *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** – *Wage Standards Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-8777)*. It is the duty of this agency to assure compliance with the overtime requirements of the wage and hour law. In that capacity, the Department is authorized to enter any workplace in the state to inspect payroll records, question workers, and take other steps to investigate specific complaints or suspected violations. Any worker who has not received overtime pay in accordance with these provisions may file a claim with any district office of the Department. Employers who fail to pay required overtime are liable to the employee or employees affected in the amount of the unpaid compensation, and, in the case of a willful violation, in an equal amount as liquidated damages. Such employers are also subject to criminal fines and imprisonment.

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

**PRIVATE CIVIL ACTION** — As an alternative to administrative enforcement by the Department, a worker has the right to take direct civil action against an employer to recover unpaid wages and damages under the wage and hour law, utilizing a private attorney or public legal service provider.

## Illinois

### ○ MINIMUM WAGE LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* 820 Ill. Comp. Stat. §§ 105/1 – 105/15

*GENERAL SUMMARY:* In addition to its minimum wage and anti-discrimination provisions, the Minimum Wage Law requires most employers with 4 or more employees to compensate each employee at a rate not less than 1½ times the worker's regular rate of pay for every hour of employment in excess of 40 hours in any workweek.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime provision of the Minimum Wage Law **does not apply** to employers of agricultural labor with respect to agricultural employment.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

### ○ WAGES OF WOMEN AND MINORS ACT (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* 820 Ill. Comp. Stat. §§ 125/0.01 – 125/17

*GENERAL SUMMARY:* As it may with respect to wage rates, the state labor department may investigate working hours and related employment conditions in most occupations in Illinois, and, among other remedies, may adopt regulations requiring overtime pay for women and minors in any covered occupation where investigation reveals evidence of oppressive and unreasonable wages.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The Wages of Women and Minors Act **does not apply** to farm labor.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Indiana

### ○ **MINIMUM WAGE LAW OF 1965 (HOURS AND OVERTIME)**

*STATUTORY CITATION:* Ind. Code §§ 22-2-2-1 – 22-2-2-13

*GENERAL SUMMARY:* With some exceptions, the Minimum Wage Law prohibits employers with 2 or more employees from employing a worker for a workweek longer than 40 hours unless the worker receives overtime pay at a rate not less than 1½ times the worker's regular pay rate for all hours in excess of 40 that week.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The Minimum Wage Law, and hence the overtime requirement, **does not apply** to workers engaged in agricultural labor.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, Indiana Department of Labor, Indianapolis, Indiana 46204.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Kansas

### ○ MINIMUM WAGE AND MAXIMUM HOURS LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Kan. Stat. § 44-1201 – 44-1213

*GENERAL SUMMARY:* The Minimum Wage and Maximum Hours Law requires most Kansas employers to pay their covered employees no less than 1½ times their regular hourly wage for every hour of employment in excess of 46 hours in any workweek.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The Minimum Wage and Maximum Hours Law **does not apply** to individuals employed in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Employment Standards Division, Kansas Department of Labor, Topeka, Kansas 66603.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Kentucky

### MINIMUM WAGE LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Ky. Rev. Stat. §§ 337.285 and 337.010

*GENERAL SUMMARY:* With various exceptions, the state minimum wage law provides that no employer may employ any worker for a workweek longer than 40 hours, unless the worker receives compensation for employment in excess of 40 hours at a rate not less than 1½ times the worker's regular hourly wage.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime provisions of the state minimum wage law **do not apply** to employment in farmwork.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Division of Employment Standards, Apprenticeship, and Mediation, Department of Workplace Standards, Frankfort, Kentucky 40601.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

### WAGE PAYMENT LAWS (*SEVENTH-DAY OVERTIME*)

*STATUTORY CITATION:* Ky. Rev. Stat. §§ 337.050 and 337.010

*GENERAL SUMMARY:* Among other worker protections, Kentucky's wage payment laws include a provision establishing an employee's right to overtime pay for work on the seventh day of the week under certain prescribed circumstances. This provision applies to agricultural workers to the same extent as most other classes of employees.

*SPECIFIC TERMS AND CONDITIONS:* Employers in the state who permit an employee to work 7 days in any one workweek must pay the employee time-and-a-half for hours worked on the seventh day, provided the employee has been permitted to work more than 40 hours during the workweek.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Division of Employment Standards, Apprenticeship, and Mediation, Department of Workplace Standards, Frankfort, Kentucky 40601 (502-564-1524).* This agency is charged with enforcement of the wage payment laws and may bring legal action against any employer to effect compliance.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Maine

### MINIMUM WAGE LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Me. Rev. Stat. Title 26, § 664(3)

*GENERAL SUMMARY:* In addition to establishing an hourly pay floor for the state's workforce, the state minimum wage law makes it unlawful for most employers in Maine to require covered employees to work more than 40 hours in any one week, unless they receive 1½ times the regular hourly pay rate for all work over 40 hours.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The minimum wage law, and hence the overtime pay requirement, **does not apply** to individuals employed in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Bureau of Labor Standards, Maine Department of Labor, Augusta, Maine 04333.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Maryland

### ● MARYLAND WAGE AND HOUR LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Md. Code, Lab. & Empl. §§ 3-401 – 3-431

*RELATED REGULATIONS:* Md. Code Regs. 09.12.41

*GENERAL SUMMARY:* The Wage and Hour Law generally requires, among other things, that subject employers pay their non-exempt employees a wage of 1½ times their usual hourly wage rate for any hours worked in excess of 40 during any workweek. With some exceptions, the overtime requirement applies to most employers in Maryland, and the right to overtime pay applies to most employees other than children under the age of 16 who are employed no more than 20 hours in a week.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

**PREMIUM OVERTIME** — A farm employer who used more than 500 worker-days of agricultural labor in each calendar quarter of the preceding calendar year must pay each covered worker overtime wages equal to 1½ times the worker's usual hourly wage rate, but only for any time worked in excess of 60 hours during any workweek.

**EXCEPTIONS** — Subject employers, as described above, are not obligated to pay overtime to workers in either of the following exempt classifications:

(1) Individuals who (a) are employed as hand-harvest workers and paid on a piece-rate basis in an operation generally recognized as a piecework operation in the region, (b) commute to the farm daily from their permanent residence, and (c) were employed in agriculture for less than 13 weeks in the preceding calendar year.

(2) Workers 16 years of age or younger who are (a) employed as hand-harvest piece-rate workers in a recognized piecework operation, (b) employed on the same farm as their parent or a person standing in the place of their parent, and (c) paid at the same piece rate paid to workers over age 16 on the same farm.

#### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — An employer 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 Wage and Hour Law.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *Employment Standards Service Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Baltimore, Maryland 21201 (410-767-2357)*. Any non-exempt farmworker who is employed by an employer subject to the Wage and Hour Law and who does not receive overtime pay as required may file a wage claim with the Division. The agency must investigate the claim, and if the charge appears valid, may take action to collect the unpaid wages on the worker's behalf. In addition to civil liability, employers who violate the law's overtime provisions are subject to criminal prosecution and fines.

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

**PRIVATE CIVIL ACTION** — Workers have the option of bringing private suit against an employer for recovery of unpaid wages under the Wage and Hour Law, as an alternative to enforcement by the Division of Labor and Industry. A judgment in the plaintiff's favor may, in addition to the wages involved, include court costs and attorney's fees.

## Massachusetts

### ○ MINIMUM FAIR WAGE LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Mass. Gen. Laws Ch. 151, §§ 1A – 1B

*GENERAL SUMMARY:* The Minimum Fair Wage Law includes overtime provisions which generally forbid Massachusetts employers from employing anyone in a covered occupation for a workweek longer than 40 hours, unless the worker receives compensation at a rate not less than 1½ times the worker's regular rate of pay for every hour of work after 40 hours.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime requirement of the Minimum Fair Wage Law **does not apply** to farmwork, or to anyone employed as a laborer in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

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

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Michigan

### ○ WORKFORCE OPPORTUNITY WAGE ACT (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Mich. Comp. Laws §§ 408.411 – 408.424

*GENERAL SUMMARY:* With certain exceptions, the Workforce Opportunity Wage Act entitles an employee who is covered by the federal minimum wage requirements to overtime compensation at no less than 1½ times the worker's regular rate of pay for all employment in excess of 40 hours in any workweek.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime provisions of the Workforce Opportunity Wage Act **do not apply** to agricultural employees.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Minnesota

### ● MINNESOTA FAIR LABOR STANDARDS ACT (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Minn. Stat. §§ 177.21 – 177.35

*GENERAL SUMMARY:* The Minnesota Fair Labor Standards Act generally forbids employers in the state from employing anyone for a workweek longer than 48 hours, unless the worker receives compensation for each hour in excess of 48 hours at a rate at least 1½ times the worker's regular rate of pay.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

**OVERTIME PAY** — Aside from the rather narrow exemptions outlined below, farmworkers in Minnesota must be paid time-and-a-half for employment in excess of 48 hours in any workweek.

**EXEMPTIONS** — The overtime requirement does not apply to:

- (1) A farmworker who receives a salary (that is, the worker is not paid by the hour) and works on a farming unit or operation where no more than 2 such workers are employed.
- (2) A farmworker who receives a weekly salary (that is, the worker is not paid by the hour), and the salary is greater than the equivalent of 48 hours at the state minimum wage plus 17 hours at time-and-a-half. At the current minimum wage, this excludes any worker who receives a weekly salary of roughly \$698 or more on a large farm, or \$569 or more on a small farm.
- (3) A worker under 18 who is employed to perform hand field work when one or both of the worker's parents are also hand field workers.
- (4) A sugarbeet hand laborer employed on a piecework basis, provided the hourly equivalent of the worker's regular pay exceeds the applicable state minimum wage by at least 40 cents.

#### *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. Such violations are subject to a fine of from \$700 to \$3,000.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *Labor Standards Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-284-5070)*. Representatives of this agency are responsible for assuring employer compliance with the state Fair Labor Standards Act, and for that purpose are authorized to examine payroll records, books and other documents related to wages, hours and working conditions at any place of business or employment. The Department may investigate wage claims or complaints by any worker against an employer if failure to pay a wage may violate state law or an agency regulation. In addition to the unpaid wages involved, an employer who pays a worker less than the required minimum wage or overtime may also be liable to the worker for an additional equal amount as liquidated damages.

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

**PRIVATE CIVIL ACTION** — As an alternative to enforcement action by the Department, a worker may take private civil action to collect unpaid overtime, using legal counsel of the worker's own choice. A judgment against the employer may include court costs and attorney's fees.

## Missouri

### ○ **MINIMUM WAGE LAW (HOURS AND OVERTIME)**

*STATUTORY CITATION:* Mo. Rev. Stat. §§ 290.500 – 290.530

*RELATED REGULATIONS:* Mo. Code Regs. Title 8, §§ 30-4.010 – 30-4.060

*GENERAL SUMMARY:* No employer covered by the state minimum wage law may employ a worker covered by that law for a workweek longer than 40 hours unless the employee is paid at least 1½ times his or her regular hourly pay rate for every hour of work over 40 that week.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime provisions of the Minimum Wage Law **do not apply** to employees who are exempt from federal overtime requirements, and thus excludes agricultural workers from coverage (*see entry, U.S. — Wages & Hours — Overtime Pay*).

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – Division of Labor Standards, Missouri Department of Labor and Industrial Relations, Jefferson City, Missouri 65102.*

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.*

## Montana

### ○ MONTANA MINIMUM WAGE AND OVERTIME COMPENSATION ACT (*OVERTIME PAY*)

*STATUTORY CITATION:* Mont. Code §§ 39-3-401 – 39-3-409

*GENERAL SUMMARY:* Under the Minimum Wage and Overtime Compensation Act, most employees are entitled to no less than 1½ times their regular hourly rate of pay for all employment in excess of 40 hours in a workweek.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime provision in the state minimum wage law **does not apply** to farmworkers.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Unit, Labor Standards Bureau, Employment Relations Division, Montana Department of Labor and Industry, Helena, Montana 59604.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Nevada

### ○ WAGE, HOUR, AND WAGE PAYMENT LAWS (*OVERTIME*)

*STATUTORY CITATION:* Nev. Rev. Stat. § 608.018

*GENERAL SUMMARY:* Chapter 608 of the Nevada statutes includes an overtime provision which requires most employers in Nevada to pay 1½ times an employee's regular wage whenever the employee works more than 40 hours in any scheduled workweek, or more than 8 hours in any workday (unless, by mutual agreement, the employee works a scheduled 10-hour day for 4 calendar days each week).

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime pay provision **does not apply** to agricultural employees.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY* – *Office of the Labor Commissioner, Nevada Department of Business and Industry, Carson City, Nevada 89706.*

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

## New Jersey

### NEW JERSEY STATE WAGE AND HOUR LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* N.J. Rev. Stat. §§ 34:11-56a – 34:11-56a30

*GENERAL SUMMARY:* For each hour of working time in excess of 40 hours in any week, the New Jersey State Wage and Hour Law entitles most workers to overtime pay of at least 1½ times their regular hourly rate.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime provision **does not apply** to employees engaged in labor on a farm.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625.*

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.*

## New Mexico

### MINIMUM WAGE ACT (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* N.M. Stat. §§ 50-4-19 – 50-4-30

*GENERAL SUMMARY:* In addition to establishing a statewide wage floor, the Minimum Wage Act generally obliges employers in New Mexico to pay overtime compensation, at 1½ times the worker's regular hourly pay rate, for every hour an employee is required to work in excess of 40 hours in any week of seven days.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

**AGRICULTURAL WORKERS** — The overtime provision of the Minimum Wage Act **does not apply** to agricultural workers.

**COTTON GIN WORKERS** — For an aggregate period of up to 14 weeks in any calendar year, the overtime provision also **does not apply** to any employer of workers who are engaged in the ginning of cotton in any county where cotton is grown in commercial quantities.

#### *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

### ○ MINIMUM WAGE ACT (*OVERTIME PAY*)

*STATUTORY CITATION:* N.Y. Labor Law §§ 650 – 665

*RELATED REGULATIONS:* N.Y. Comp. Codes R. & Regs. Title 12, Part 142

*GENERAL SUMMARY:* The Minimum Wage Act authorizes the state labor commissioner to appoint a wage board to investigate wages and working conditions in any occupational category, and to recommend adoption of rules regulating wages, overtime pay, piece rates, meal and lodging allowances, and other matters affecting wages and hours in the occupation or occupations under study. After an opportunity for public hearing, the commissioner has authority to issue a wage order implementing any or all of the board's recommendations.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Because the Minimum Wage Act excludes workers employed in labor on a farm, the overtime pay requirements in the wage orders adopted by the labor commissioner **do not apply** to farmworkers.

#### *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.*

## North Carolina

### WAGE AND HOUR ACT (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* N.C. Gen. Stat. §§ 95-25.1 – 95-25.25

*GENERAL SUMMARY:* In addition to establishing a minimum wage and other employment standards, the Wage and Hour Act generally requires subject employers to pay each covered employee at a rate not less than 1½ times the employee's regular rate of pay for every hour of employment in excess of 40 hours in any workweek.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime provision in the Wage and Hour Act **does not apply** to anyone employed in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Bureau, Standards and Inspections Division, North Carolina Department of Labor, Raleigh, North Carolina 27699.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## North Dakota

### ○ MINIMUM WAGE AND HOUR LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* N.D. Cent. Code §§ 34-06-01 – 34-06-22

*RELATED REGULATIONS:* N.D. Admin. Code 46-02-07

*GENERAL SUMMARY:* With some exceptions, Chapter 34-06 of the state statutes makes it illegal for anyone in North Dakota to employ workers for unreasonably long hours, and authorizes the state labor commissioner to investigate working conditions in any occupation and to adopt standards regulating working hours. Using that authority, the commissioner has issued an order requiring most employers to pay their employees at least 1½ times their regular rate of pay for all work time in excess of 40 hours in any one week.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime provision in the minimum wage and work conditions order **does not apply** to any worker engaged in an agricultural occupation.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Ohio

### MINIMUM FAIR WAGE STANDARDS LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Ohio Rev. Code § 4111.03

*GENERAL SUMMARY:* Besides establishing a statewide hourly pay floor, the minimum fair wage standards law requires most employers with gross annual sales of at least \$150,000 to pay their employees overtime compensation at a rate of 1½ times the regular wage for hours worked in excess of 40 hours in any workweek.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime provision **does not apply** to workers employed in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Bureau of Labor and Worker Safety, Division of Industrial Compliance and Labor, Ohio Department of Commerce, Reynoldsburg, Ohio 43068.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Oregon

### ○ MINIMUM WAGE LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Or. Rev. Stat. §§ 653.010 – 653.269

*RELATED REGULATIONS:* Or. Admin. R. 839-020-0030

*GENERAL SUMMARY:* Chapter 653 of the state statutes contains provisions which authorize the state labor commissioner to establish maximum hours of work, overtime pay requirements, and minimum meal and rest periods in most industries and for most occupations in Oregon. Regulations adopted under that authority require most employers in the state to pay their workers no less than 1½ times their regular rate of pay for all work time in excess of 40 hours a week.

The statute explicitly extends overtime protection to employees at any cannery, drier, or packing shed *which is not on a farm*, or which processes agricultural crops produced by more than one farming operation, requiring time-and-a-half for employment in excess of 10 hours a day. Piece-rate workers at such establishments must receive 1½ times the regular piece rate for all production performed after 10 hours in any one day.

#### *PROVISIONS APPLICABLE TO AGRICULTURE*

The provision authorizing administrative adoption of overtime compensation and other hour standards **does not apply** to the production or harvesting of agricultural crops, or to the on-farm packing, curing, canning, freezing or drying of crops produced on the same farm.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Pennsylvania

### ○ MINIMUM WAGE ACT OF 1968 (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* 43 Pa. Stat. §§ 333.101 – 333.115

*GENERAL SUMMARY:* The Minimum Wage Act, aside from establishing an hourly wage floor, requires subject employers to compensate each employee at a rate no less than 1½ times the worker's regular hourly wage for overtime in excess of 40 hours in any workweek.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The Act's overtime provisions **do not apply** to farm labor.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Puerto Rico

### ● HOUR LAWS

*STATUTORY CITATION:* 29 Laws P.R. Ann. §§ 271 – 299

*GENERAL SUMMARY:* Chapter 13 of the labor statutes governs working hours and related pay conditions in Puerto Rico, including, in part, the length of the workday and workweek, overtime compensation, employee meal periods, days of rest, and employer posting and recordkeeping duties. These provisions apply generally to both agricultural and non-agricultural employment, without distinction.

#### *SPECIFIC TERMS AND CONDITIONS*

**WORKING HOURS** — In all workplaces, 8 hours constitute a legal workday and 40 hours a legal workweek.

**OVERTIME PAY** — In general, an employer who permits a worker to work more than 8 hours on any workday or more than 40 hours in any workweek generally must pay the worker no less than 1½ times the worker's regular rate of pay for each hour of overtime; as used here, the term "regular rate of pay" means the applicable wage under the minimum wage law or whatever higher rate the worker receives from the employer during regular hours, without regard to the guaranteed income underwritten by the Commonwealth of Puerto Rico.

*Exception* — Through a written agreement between the employee and the employer, an alternate weekly work schedule may be established that allows the employee to complete a workweek of up to 40 hours, with daily shifts that may not exceed 10 hours per work day. But if the employee works more than 10 hours in a workday, the extra hours must be paid at a rate of 1½ times the regular pay rate.

**MEAL PERIODS** — An employer may not require employees to work more than 5 consecutive hours without a meal break of at least one hour; an employer and an employee may agree, in writing, to meal periods of no less than 30 minutes. Any authorized work during a meal period must be compensated at 1½ times the worker's regular pay rate. The meal break does not apply to workers employed for no more than 6 hours on a given day.

**DAY OF REST** — Except for persons employed on a piecework basis, agricultural and most other workers are entitled to one day of rest for every 6 workdays. Any authorized work on the day of rest must be compensated at 1½ times the worker's regular pay rate.

**POSTING** — There must be a printed notice at each workplace specifying the length of the workday, as well as the start and end times of the workday and meal period. Moreover, in any agricultural establishment where persons are employed at differing hours during the week, the employer must post a notice stating the name of each worker and the worker's hours on each day of the week.

**RECORDKEEPING** — Every employer is required to make and preserve a record for each worker employed, showing the wages earned, the regular and overtime hours worked, and other prescribed information.

#### *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** – *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100)*. In response to a complaint by a worker or on the agency's own initiative, representatives of the Department may inspect the payroll records of any employer in Puerto Rico in order to determine compliance with the hour laws. The Department is authorized to investigate claims for unpaid overtime and may order payment of damages as part of any settlement where an employer is found to have unlawfully withheld compensation for regular or overtime hours. The law also permits criminal prosecution for any such violation.

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

**PRIVATE CIVIL ACTION** — A worker who does not receive full pay for regular or overtime hours consistent with these provisions may recover the unpaid sum, plus an additional equal amount as liquidated damages, in a civil suit against the employer. A judgment in the worker's favor may also include court costs and attorney's fees.

## Rhode Island

### ○ RHODE ISLAND MINIMUM WAGE ACT (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* 28 R.I. Gen. Laws §§ 28-12-1 – 28-12-25

*GENERAL SUMMARY:* Aside from its hourly pay guarantee, the Rhode Island Minimum Wage Act requires most employers to pay each employee not less than 1½ times the regular hourly wage for each hour of employment in excess of 40 hours in any workweek.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime pay provision of the Minimum Wage Act **does not apply** to anyone employed in agriculture, explicitly including greenhouse crops, fruit and vegetable crops, herbaceous crops, sod crops, viticulture, viniculture, floriculture, feed for livestock, forestry, dairy farming, aquaculture, the raising of livestock, fur-bearing animals, poultry and eggs, bees and honey, mushrooms, and nursery stock.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Program, Workforce Regulation and Safety Division, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Vermont

### MINIMUM WAGE LAW (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Vt. Stat. Title 21, §§ 381 – 397

*GENERAL SUMMARY:* Apart from establishing an hourly pay floor, the minimum wage law requires many employers with 2 or more employees to pay each covered worker no less than 1½ times the worker's regular rate of pay for every hour of employment in excess of 40 hours in any workweek.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The minimum wage law, and hence the overtime provision, **does not apply** to individuals employed in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Program, Vermont Department of Labor, Montpelier, Vermont 05601.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

## Washington

### ○ WASHINGTON MINIMUM WAGE ACT (*HOURS AND OVERTIME*)

*STATUTORY CITATION:* Wash. Rev. Code § 49.46.130

*GENERAL SUMMARY:* With some exceptions, employers in the state of Washington may not employ anyone for a workweek longer than 40 hours unless the worker receives compensation at a rate not less than 1<sup>1</sup>/<sub>2</sub> times the worker's regular pay rate for each hour of overtime.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The overtime provisions of the Minimum Wage Act **do not apply** to individuals employed in the production, preparation for market, commercial canning, commercial freezing, or other commercial processing of any agricultural or horticultural commodity.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504.*

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.*

## West Virginia

### ○ MINIMUM WAGE AND MAXIMUM HOURS LAW (*MAXIMUM HOURS AND OVERTIME*)

*STATUTORY CITATION:* W. Va. Code §§ 21-5C-1 – 21-5C-11

*GENERAL SUMMARY:* Apart from establishing a statewide minimum wage, Article 5C of the labor statutes prohibits employers who are not covered by the federal overtime provisions, and who have 6 or more employees at any one permanent business location, from employing anyone for a workweek longer than 40 hours, unless the worker receives compensation of at least 1½ times the worker's regular rate of pay for each hour of overtime.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The minimum wage and maximum hours law, and hence the law's overtime protection, **does not apply** to anyone employed in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – Wage and Hour Section, Division of Labor, West Virginia Department of Commerce, Charleston, West Virginia 25305.*

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.*

## Wisconsin

### ○ GENERAL LABOR LAWS (*HOURS OF LABOR AND OVERTIME*)

*STATUTORY CITATION:* Wis. Stat. §§ 103.01 – 103.03

*RELATED REGULATIONS:* Wis. Admin. Code Ch. DWD 274

*GENERAL SUMMARY:* In manufacturing, trade and numerous other classes of establishments in Wisconsin, it is unlawful to employ any person, or permit a person to work, for a period of time deemed dangerous or prejudicial to the worker's life, health, safety or welfare. The state labor department is required to promulgate rules establishing maximum working hours, or restricting the time of day during which employees in distinct occupational or industrial classifications may be employed, to the extent necessary to protect the well-being of the workforce. For each employment classification for which hour standards are adopted, the state agency must set thresholds above which employers are obligated to compensate their employees at time-and-a-half.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The regulations adopted by the state labor department requiring overtime pay for most Wisconsin employees in non-executive, non-administrative or non-professional positions, **do not apply** to employment in agriculture.

#### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY – Labor Standards Bureau, Equal Rights Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53703.*

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.*

### ● MIGRANT LABOR LAW (*HOURS OF LABOR AND OVERTIME*)

*STATUTORY CITATION:* Wis. Stat. §§ 103.93 – 103.935

*GENERAL SUMMARY:* Migrant workers in Wisconsin are covered by hour and overtime standards in the state's migrant labor law. The term "migrant worker" means any person 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 engage in seasonal agricultural employment.

#### *SPECIFIC TERMS AND CONDITIONS*

##### *WORKERS EMPLOYED SOLELY IN AGRICULTURAL LABOR —*

*Maximum Hours —* Except in an emergency, no migrant worker who performs only agricultural labor for a particular employer may be compelled by the employer to work, or be penalized for failing to work, for more than 6 days or 60 hours in any one week, or more than 12 hours in any one day.

*Meal Periods —* It is unlawful to employ any migrant worker for more than 6 hours straight without a meal period of at least 30 minutes' duration, unless the shift can be completed within one additional hour. Employers do not have to compensate workers for meal periods.

##### *OTHER MIGRANT AGRICULTURAL WORKERS —*

*Overtime Pay on Sunday —* A migrant worker who is not employed exclusively in agricultural operations for a particular employer is entitled to receive no less than 1½ times the worker's regular rate of pay for any hours worked on Sunday, unless the worker is allowed another day of rest in that calendar week.

*Rest Periods —* Each migrant worker not employed exclusively in agricultural labor must be provided a paid rest period of at least 10 minutes within each 5 hours of continuous employment.

*Meal Periods —* No migrant worker may be required to work for more than 6 hours straight without a paid or unpaid meal period of at least 30 minutes, unless the shift can be completed within one additional hour.

#### *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).* Violations of the migrant labor law's hour and overtime standards may be reported to the Department, which must investigate each such complaint and take action to secure compliance.

*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.