

U.S.

● **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.

● **IMMIGRATION AND NATIONALITY ACT (TEMPORARY AGRICULTURAL WORKERS)**

STATUTORY CITATION: 8 USC § 1101(a)(15)(H)(ii)(a) and 8 USC § 1188

RELATED REGULATIONS: 20 CFR Part 655, Subpts. B and N

GENERAL SUMMARY: In addition to paying prescribed wage rates, employers who utilize or seek to utilize the services of temporary foreign agricultural workers under the H-2A program must also observe certain procedural requirements in making wage payments to their U.S. and non-U.S. workers employed under an H-2A work contract.

SPECIFIC TERMS AND CONDITIONS

FREQUENCY OF WAGE PAYMENTS — Employers who use temporary foreign agricultural workers must pay both their foreign and U.S. workers at least twice a month, or more often if such is the prevailing practice in the area of employment. The wage payment schedule must appear in the contract.

WAGE DEDUCTIONS — Employers are permitted to withhold from a worker's pay only those deductions that are required by law or are otherwise reasonable, provided the non-mandatory deductions are spelled out in the contract. An employer may deduct the cost of providing the worker's transportation and daily subsistence expenses to the place of employment, but the full amount of the deduction must be refunded to the worker upon the worker's completion of 50 percent of the contract period.

HOURS AND EARNINGS STATEMENT — On or before each payday, the employer must provide each worker with written documentation showing (1) the worker's total earnings for the pay period, (2) the hourly wage or piece rate, (3) the hours of employment offered to the worker and the hours actually worked, (4) each deduction from the worker's pay and its purpose, and (5) the worker's daily piecework production if paid on a piecework basis.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against a worker because the worker has consulted with an attorney or legal services program personnel, filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Reports of unlawful retaliation should be filed with the Wage and Hour Division.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072).* It is the duty of the Wage and Hour Division to enforce compliance with the pay provisions and all other elements of the required

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work contract between H-2A employers and their foreign and U.S. workers. Any person may report a suspected violation of H-2A contract provisions by contacting the nearest Wage and Hour office. Each violation of the work contract committed against a worker carries a maximum civil penalty of \$1,500.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY - *Office of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20210 (202-693-3010)*. It is OFLC's role to assure that prospective H-2A employers have fulfilled their obligation to recruit and hire eligible domestic farmworkers prior to certifying the need for foreign labor, and that the wage payment terms offered to the workers and other aspects of the associated job offers comply with statutory requirements.

Alaska

● STATE WAGE CLAIM LAW

STATUTORY CITATION: Alaska Stat. §§ 23.05.140 – 23.05.280

GENERAL SUMMARY: Chapter 23.05 of the state statutes includes provisions regulating the payment of wages by the state's employers, implicitly including farm operators and other agricultural establishments.

SPECIFIC TERMS AND CONDITIONS

PAY PERIODS — Unless an employer and employee agree to monthly pay periods under an annual contract, the employee may choose between monthly or semi-monthly pay periods.

FINAL PAY — When an employee is terminated by the employer, all compensation for the employee's services becomes due immediately and must be paid within 3 working days after termination, at the place where the employee is usually paid or at a location agreed on by the employee and the employer. When an employee resigns, payment is due on the next regularly scheduled payday that occurs at least 3 days after the employer received notice of the resignation.

If an employer fails to pay wages due within the 3-day timeframe, the employer may be required to pay the employee a penalty, in the amount of the employee's regular compensation from the time of demand to the time of payment, or for 90 days, whichever is less.

NOTICE OF WAGE PAYMENTS — At the time of hiring, an employer must give employees a written notice showing the day and place of payment and the rate of pay. Any change in these terms must be announced no later than on the payday before the change goes into effect.

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 (907-465-4842)*. A worker who has not received wages duly earned may submit a claim to the Wage and Hour Administration, which is required to investigate possible infractions and to take action to impose authorized penalties against employers found in violation. In enforcing these provisions, the agency may hold hearings to investigate wage claims, may subpoena witnesses and records, and may refer cases to the state attorney general for civil prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

● STATE WAGE PAYMENT LAWS

STATUTORY CITATION: Alaska Stat. §§ 23.10.040 – 23.10.047

GENERAL SUMMARY: Chapter 23.10 of the state labor statutes imposes additional responsibilities on employers (implicitly including those engaged in agriculture) with respect to the payment of wages.

SPECIFIC TERMS AND CONDITIONS

PAYMENT AND DEPOSIT OF WAGES — Employers of workers performing labor in Alaska must compensate their employees in lawful U.S. currency or with negotiable checks or similar drafts. No wages or advances may be deposited in a bank or comparable institution without the voluntary authorization of the employee.

PAYMENTS TO BENEFIT FUNDS — If an employer agrees with an employee (or group of employees) to make payments to a health, medical, pension or other such fund for the benefit of the employees, the employer may not fail, without just cause, to make such payments. An employer who fails to make benefit payments when due is subject to a lien, in favor of each affected employee, on the employer's earnings and the property used in the operation of the employer's business.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None*.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — A worker aggrieved by an apparent violation of these provisions should consult with a private attorney or public legal service provider regarding possible civil action against the employer involved.

Arizona

● WAGE PAYMENT LAWS

STATUTORY CITATION: Ariz. Rev. Stat. §§ 23-350 – 23-361.02

GENERAL SUMMARY: Article 7 of the state labor laws regulates paydays, methods of payment, and withholding from wages by Arizona employers, implicitly including those engaged in farming and other agricultural activities.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — Every employer must designate at least two days per month, not more than 16 days apart, as fixed paydays.

WAGE PAYMENTS — All wages due an employee on each regular payday must be paid on that day, in lawful U.S. currency or by negotiable check. Wages may be paid by deposit in an insured financial institution only with the employee's voluntary prior written consent, and in such cases the employee must receive a statement of earnings and withholding.

WITHHOLDING — No employer may withhold or divert any portion of a worker's wages unless the employer is authorized to do so by federal or state law, the employer has the worker's written authorization to do so, or there is a bona fide and reasonable dispute as to the amount of wages due.

TERMINATION — When an employee is discharged from employment, final wages due must be paid within 7 working days or the end of the next regular pay period, whichever is sooner. When a worker quits the job, final wages due must be paid no later than the next regular payday for the pay period during which the worker quits. If requested by the worker, final wages must be paid by mail.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *State Labor Department, Industrial Commission of Arizona, Phoenix, Arizona 85007 (602-542-4515)*. Any worker who has not been paid in accordance with these provisions may file a claim with this agency, which is authorized to investigate and issue an order against the employer which has the same force and effect as a court judgment. The agency will act only on claims involving up to \$2,500 and only if the complaint is filed within one year of the accrual of the claim. The wage claim form may be downloaded from the agency's website, at <http://test-az-ica.pantheonsite.io/forms/labor3303>.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — As an alternative to administrative enforcement, an employee may take legal action in civil court to recover unpaid wages and in such an action is entitled to recover an amount equal to three times the amount of the unpaid wages.

Arkansas

● WAGE PAYMENT LAWS

STATUTORY CITATION: Ark. Code §§ 11-4-401 – 11-4-405 and §§ 11-4-301 – 11-4-306

RELATED REGULATIONS: Ark. Code R. 010.14-107

GENERAL SUMMARY: The Arkansas employment laws contain miscellaneous standards governing the payment of wages by employers in the state, generally including farm operators and other agricultural establishments.

SPECIFIC TERMS AND CONDITIONS

SEMI-MONTHLY PAYMENT OF WAGES — Corporations doing business in the state and employing laborers for the transaction of their business must pay their laborers' wages semi-monthly.

MEDIUM OF PAY — It is unlawful for any employer to pay wages in any medium other than lawful money, check or direct deposit into the employee's account.

PAYMENT OF WAGES ON DISCHARGE — Whenever an employer fires or otherwise terminates an employee, with or without cause, the unpaid balance of the worker's earnings becomes due immediately. If the worker has not received final wages within 7 days, as a penalty for non-payment by the employer, the worker's wages continue to accrue from the date of discharge, at the same rate until paid. Such additional wages may not continue for more than 60 days, unless an action to recover the unpaid wages and penalty is commenced within that time.

PAYMENT BY SALE OF GOODS OR SUPPLIES — It is illegal for an employer to coerce or attempt to coerce an employee to purchase goods or supplies as payment of wages.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Division, Arkansas Department of Labor, Little Rock, Arkansas 72205 (501-682-4500)*. Any disagreement between a worker and employer regarding earnings or the payment of wages may be referred to the Department for investigation and resolution, provided the amount in question does not exceed \$2,000. If a worker's claim is determined valid and the worker lacks financial ability to pursue court action to recover wages from an employer who refuses to accept the Department's findings, the agency is authorized to take legal action against the employer on the worker's behalf.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

California

● WAGE PAYMENT LAWS

STATUTORY CITATION: Cal. Lab. Code §§ 200–273

GENERAL SUMMARY: California's wage payment laws establish minimum standards regarding paydays and pay periods, termination pay, method of pay, withholding and deductions.

PROVISIONS APPLICABLE TO AGRICULTURE

PAYDAYS AND PAY PERIODS —

Agricultural Workers in General — Except for final payment on discharge or layoff, all wages earned by an agricultural employee are due and payable twice each calendar month, on days designated in advance by the employer as the regular paydays. Work performed from the 1st through the 15th day of the month must be paid between the 16th and the 22nd of that month; work performed from the 16th through the last day of the month must be paid between the 1st and the 7th of the following month.

Agricultural Workers Furnished Room and Board — When agricultural workers are boarded and lodged by the employer, wages are due and payable once each calendar month, on a day designated in advance by the employer as the regular payday. No two successive paydays may be more than 31 days apart, and payment must include all wages earned up to the regular payday.

Agricultural Workers Employed by a Farm Labor Contractor — Agricultural workers employed by a farm labor contractor or crew leader must receive their pay at least once a week, on a business day designated in advance by the contractor. Payment must include all wages earned up to and including the 4th day before such payday.

TERMINATION PAY —

Discharge or Layoff — Whenever an employer discharges a worker, wages earned and not yet paid are due and payable immediately. Workers who are seasonally employed in the curing, canning or drying of perishable fruits and vegetables and who are laid off must receive final pay within 72 hours.

Resignation — If an employee with no written contract for a definite period quits the job, the worker's wages are payable no later than 72 hours after resignation. Workers who give at least 72 hours' prior notice of their intention to quit are entitled to final pay at the time of quitting.

FORM OF PAYMENT — Wages are required to be paid in lawful currency, or by check or similar draft payable on demand in cash and without discount. Employers may not pay workers in scrip, coupons or other such medium redeemable in merchandise.

ITEMIZED PAY STATEMENTS — Every non-governmental employer must, at the time of each payment of wages or at least semi-monthly, provide each employee with an itemized written statement showing (1) gross earnings, (2) total hours worked, if compensation is based on an hourly wage, (3) all deductions from earnings, (4) net wages earned, (5) the dates of the period for which the worker is being paid, (6) the worker's name and Social Security number, and (7) the name and address of the employer. In addition, employers who pay wages in cash must make a permanent written record of the deductions made from their workers' wages and must safeguard the wage deduction data for at least 3 years.

PIECE-RATE WORKERS — 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 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 counting rest periods, or (2) the applicable minimum wage, whichever is higher.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612.* This agency is responsible for investigating reported or suspected violations of the wage payment laws and has authority to enter workplaces, interview workers and employers, and inspect payroll records. Any worker who has not received regular or final pay in accordance with these provisions may file a claim, available online at <http://www.dir.ca.gov/dlse/HowToFileWageClaim.htm>, or email DLSE2@dir.ca.gov.

After investigation and hearing, a finding by the Division that a wage claim is valid gives the employer 10 days after receipt of notice to pay the amount in question. Any employer who has the ability to pay but who willfully fails to pay wages due within the 10-day limit must pay *triple* the amount of any damages accruing to the worker as a result of the employer's failure to pay. Such employers are also subject to civil money penalties and criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Any worker aggrieved by an alleged violation of this law may take legal action in civil court to recover lost wages, interest, attorney's fees and court costs, using a private attorney or public legal service provider.

Colorado

● WAGE PAYMENT LAWS

STATUTORY CITATION: Colo. Rev. Stat. §§ 8-4-101 – 8-4-123

GENERAL SUMMARY: Article 4 of the state labor laws governs the payment of wages by Colorado employers, including farm operators, migratory field labor contractors and crew leaders.

SPECIFIC TERMS AND CONDITIONS

FORM OF PAYMENT — Employers and their agents are prohibited from paying wages in any medium other than cash or direct deposit, unless the check or draft used to pay wages is negotiable and payable immediately in cash, without discount. Earnings may not be paid in scrip or coupons redeemable in merchandise unless this form of pay is also immediately redeemable in cash, without discount.

PAY PERIODS AND PAYDAYS — Unless the employer and employee mutually agree on an alternative schedule, all compensation due (other than final wages at termination) must be paid no later than 10 days following the end of the regular pay period, which may not exceed one month or 30 days' duration, whichever is longer. With respect to agricultural workers for whom the employer furnishes board and lodging, earnings are payable for regular periods not exceeding one month, on paydays no later than 10 days after the close of each pay period.

FINAL WAGES AT TERMINATION — When employment is terminated by the employer, the worker's final wages are due and payable immediately. When an employee quits or resigns, final wages are due and payable on the next regular payday.

PAY STATEMENTS — At least once a month, or at the time of each payment of wages, every employer must provide each employee with an itemized written pay statement showing gross wages earned, all withholding and deductions, net wages earned, inclusive dates of the pay period, the employee's name and Social Security number, and the name and address of the employer.

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 – *Division of Labor Standards and Statistics, Colorado Department of Labor and Employment, Denver, Colorado 80202 (303-318-8441)*. It is the duty of this agency to respond to complaints of unpaid wages or other alleged violations of the wage payment laws, and to institute actions to recover unpaid wages and enforce penalties whenever violations are confirmed.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — Using public or private legal counsel, any worker who fails to receive wages, or who is otherwise aggrieved by an apparent violation of the state wage payment laws, may take civil action against the employer or other party at fault to recover damages. A worker who has filed a wage claim must terminate the Department's enforcement process within 35 days after the issuance of a determination, citation or assessment in the case in order to preserve the right to sue.

Connecticut

● STATE LABOR LAWS (*WAGE STATEMENTS*)

STATUTORY CITATION: Conn. Gen. Stat. § 31-13a

GENERAL SUMMARY: Except in the case of an employee with respect to whom the employer is exempt from both recordkeeping and overtime pay requirements under the federal or state minimum wage law, all employers in the state must furnish each employee with a written statement at the time of each wage payment showing hours worked, gross straight-time and overtime earnings, itemized deductions, and net earnings.

PROVISIONS APPLICABLE TO AGRICULTURE: Inasmuch as recordkeeping requirements under the state minimum wage law generally apply to agricultural employers to the same extent as to non-agricultural employers, farmworkers are entitled to receive the prescribed record of hours worked, wages earned and deductions at the time of each wage payment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Wage and Workplace Standards, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791).* Workers who do not receive a wage statement at the time of payment in accordance with this provision may file a complaint with the Department, which is responsible for enforcing the state's labor laws.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● STATE WAGE PAYMENT LAW

STATUTORY CITATION: Conn. Gen. Stat. §§ 31-71a – 31-71i

RELATED REGULATIONS: Conn. Agencies Regs. §§ 31-60-1 – 31-60-16

GENERAL SUMMARY: These provisions regulate the frequency and format of wage payments in Connecticut and apply to all employers in the state, regardless of industry.

SPECIFIC TERMS AND CONDITIONS

FREQUENCY OF PAYMENTS — Employers must generally pay their employees weekly or bi-weekly, on a regular payday designated in advance. The payday may not be more than 8 days after the end of the period for which the payment is being made; if the regular payday falls on a non-workday, wages must be paid on the preceding workday.

PAYMENT AT TERMINATION — When an employee quits, the employer must pay the employee's wages in full not later than the next regular payday. When an employer terminates an employee, the employer must pay final wages not later than the next business day after termination.

WITHHOLDING PART OF WAGES — Employers are prohibited from withholding or diverting any part of an employee's wages unless (1) the employer is authorized to do so under federal or state law, (2) the employer has written authorization to do so from the employee, or (3) the deductions are for automatic contributions to a federally recognized retirement plan.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Wage and Workplace Standards, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791).* This agency is empowered to prosecute claims for unpaid wages and to assess the fines applicable to a violation of these provisions. Employers who violate any of these provisions may also be subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As an alternative to administrative enforcement by the state labor department, workers may recover unpaid wages through civil court action, utilizing private legal counsel or a public legal service provider. In any such action, employees are entitled to recover *twice* the full amount of the unpaid wages, attorney's fees and court costs.

Delaware

● WAGE PAYMENT AND COLLECTION ACT OF THE STATE

STATUTORY CITATION: Del. Code Title 19, §§ 1101–1115

RELATED REGULATIONS: Del. Admin. Code 16-1324 §§ 1.0–2.0

GENERAL SUMMARY: The Wage Payment and Collection Act regulates the frequency and method of wage payments in the state and places limitations on the withholding of wages by employers, both agricultural and non-agricultural alike. The Act also authorizes the state labor department to adopt administrative regulations governing wage deductions.

PROVISIONS APPLICABLE TO AGRICULTURE

PAYDAYS AND PAY PERIODS — Employers in Delaware must pay their employees on regular paydays designated in advance, but in no case may paydays be less frequent than once during each calendar month. The end of the pay period for which payment is made on a regular payday may not be more than 7 days before the regular payday. If the regular payday falls on a non-workday, payment must be made on the preceding workday.

METHOD OF PAY — Wages must generally be paid in lawful U.S. money, by check, or by payroll debit card. Use of checks is allowable only if the employer makes suitable arrangements for cashing checks, without discount, at a bank or other business establishment convenient to the workplace, and payment using debit cards is subject to conditions spelled out in state regulations.

TERMINATION PAY — Whenever an employee quits or is laid off or discharged, final wages are due and payable on the next regular payday.

WITHHOLDING OF WAGES — An employer may not withhold or divert any portion of a worker's wages unless (1) the employer is required or authorized to do so by state or federal law, (2) the deductions are for documented health care or medical services, without financial benefit to the employer, or (3) the employer has a signed authorization from the worker for deductions for a lawful purpose accruing to the worker's benefit.

WAGE STATEMENTS AND RECORDKEEPING — Every employer with more than 3 employees is required (1) to notify each employee in writing, at the time of hiring, of the wage rate to be paid and the day, hour and place of payment, and (2) to furnish each employee with a written statement at the time of payment showing the wages earned, the pay period, itemized deductions from earnings, and, for employees paid at an hourly rate, the total number of hours worked. In addition, such employers must safeguard all wage and hour records at their place of business for a period of at least 3 years.

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 Labor Law Enforcement, Division of Industrial Affairs, Delaware Department of Labor, Wilmington, Delaware 19802 (302-761-8200)*. On application to superior court, the Department is authorized to enter and inspect any workplace in the state, to examine and copy books and records, to question the employer and any employee, hold hearings, and take other steps to enforce the Act. Workers who have not been paid in accordance with the Act may file a complaint with the Department, which may bring legal action against the employer involved to collect unpaid wages or otherwise enforce compliance. In general, if an employer fails without reasonable grounds to pay an employee's wages as required, the employer is liable to the employee for liquidated damages in addition to the unpaid wages, in the amount of (1) 10 percent of the unpaid wages for each day (except Sundays and legal holidays) on which the failure continues, or (2) an amount equal to the unpaid wages, whichever is smaller.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — As an alternative to enforcement by the Department of Labor, a worker may recover unpaid wages by filing suit against the employer in civil court, using a private attorney or a public legal service provider.

Georgia

○ GENERAL LABOR LAWS (*PAYMENT OF WAGES*)

STATUTORY CITATION: Ga. Code § 34-7-2

GENERAL SUMMARY: Most individuals, firms or corporations in Georgia that employ skilled or unskilled wage workers in manual, mechanical or clerical labor must make wage and salary payments in lawful U.S. money, by check, by electronic deposit to an account specified by the employee, or by credit to a payroll card account. Wage and salary payments must be scheduled no less frequently than twice a month.

PROVISIONS APPLICABLE TO AGRICULTURE: The wage payment and payday provisions in the state labor laws **do not apply** to employers engaged in farming.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

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

Hawaii

● WAGE PAYMENT LAWS

STATUTORY CITATION: Haw. Rev. Stat. §§ 388-1 – 388-52

GENERAL SUMMARY: Chapter 388 of the Hawaii statutes prescribes certain minimum standards regarding paydays, payment of wages at termination, method of payment, withholding of wages, notices and pay statements. These provisions are applicable to all non-governmental employing entities, including farm operators and other agricultural establishments.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — Every employer must pay all employees' earnings at least twice during each calendar month, on regular paydays designated in advance by the employer, unless a different arrangement is approved by the state enforcement agency or adopted by majority vote of the workers in a state-approved secret-ballot election. An employee's earnings are due and payable within 7 days after the end of each pay period.

FINAL PAY — Whenever an employer lays off or discharges a worker, with or without cause, the worker must receive final pay no later than the next regular business day following layoff or termination. A worker who quits or resigns is entitled to final pay no later than the next regular payday following termination, unless the worker gives at least one pay period's notice of intention to quit, in which case the employer must pay final wages at the time of termination.

METHOD OF PAYMENT — Employers are required to pay wages in lawful U.S. money, with checks convertible into cash on demand at full face value, by direct deposit to the worker's FDIC-insured bank account, or with a prepaid debit card; use of a debit card is subject to strict limitations. If a worker receives wages in the form of a check for which insufficient funds are available in the employer's account, the employer is liable for any bank overdraft charges or special handling fee which the worker may incur as a result of negotiating the check.

WITHHOLDING OF WAGES — No employer may deduct, retain or otherwise withhold any part of any compensation earned by a worker, except where required by federal or state law or a court order, or as authorized in writing by the worker. Certain deductions, however, are not lawful even with the worker's approval, including, among others, (1) fines, penalties, or replacement costs for breakage, (2) losses due to damage to property, and (3) expenses for medical or physical examination, if such examination is requested or required by the employer.

NOTICES AND PAY STATEMENTS — Among other notification requirements, employers must (1) notify employees at the time of hiring as to the rate of pay and the day, hour and place of payment, and (2) furnish each employee, on every payday, with a legible statement showing the employee's total gross compensation, the amount and purpose of each deduction, total net pay, the date of payment, and the pay period covered.

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)*. The Department has the right to inspect and copy any of the employer records required under the wage payment provisions, to question employees, and to investigate other facts and conditions to determine whether an employer or other individual has violated any such provision. If a judgment obtained by the Department against an employer for non-payment of wages remains unsatisfied after appeal periods have expired, the Department may commence proceedings in state circuit court to compel the employer to cease doing business until the judgment has been satisfied. Employers who violate the wage payment laws are also liable for civil damages and subject to criminal prosecution.

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.

● WAGE AND HOUR LAW (PAY STATEMENTS)

STATUTORY CITATION: Haw. Rev. Stat. §§ 387-6(c)

GENERAL SUMMARY: In addition to minimum wage and overtime provisions, the state wage and hour law includes language requiring employers to provide covered employees with itemized written pay statements at the time of each payment of wages.

PROVISIONS APPLICABLE TO AGRICULTURE

AGRICULTURE GENERALLY — Every worker who performs agricultural labor other than coffee harvesting, in any workweek in which the employer has at least 20 employees, must receive from the employer at every pay period a legible notice showing total hours worked, a breakdown of regular and overtime hours (if any), straight-time compensation, overtime compensation (if any), other compensation, total gross pay, the amount and purpose of each deduction, total net pay, the date of payment, and the pay period covered.

COFFEE HARVESTING — The wage and hour law, and thus the provision requiring pay statements, **does not apply** to agricultural workers in any workweek in which they are engaged in the harvesting of coffee.

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.

Wages & Hours — Wage Payment & Collection — Hawaii

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage Standards Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-8777)*. Any worker covered by the wage and hour law who does not receive a written pay statement at the end of a pay period, as required, may notify the Department, which is obligated to investigate the complaint and take action to assure the employer's compliance. Failure by an employer to provide required pay statements and other notifications is an offense punishable by fine, imprisonment or both.

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 the employer to enforce these provisions, utilizing a private attorney or public legal service provider.

Idaho

● STATE LIEN LAWS (*CLAIMS FOR WAGES*)

STATUTORY CITATION: Idaho Code §§ 45-601 – 45-621

GENERAL SUMMARY: Chapter 6 of the state lien laws regulates pay periods, method of pay, and the withholding of workers' wages, and prescribes a claims process for collecting unpaid wages and damages. These provisions apply to all employers and employees in the state, regardless of industry or occupation.

SPECIFIC TERMS AND CONDITIONS

PAY PERIODS — Every employer in Idaho must pay all wages due at least once each calendar month, on regular paydays designated in advance by the employer. In general, a designated payday may not be more than 15 days after the end of the pay period for which payment on that day is to be made. If the regular payday falls on a non-workday, payment must occur on the preceding workday.

METHOD OF PAY — Wages must be paid in lawful U.S. currency, by check drawn on banks where suitable arrangements are made for cashing at no charge to the employee, or by direct deposit to an account voluntarily selected by the employee.

WITHHOLDING OF WAGES — No employer may withhold or divert any portion of an employee's wages, unless the employer is required or authorized to do so by state or federal law, or the employer has written authorization from the employee to make such a deduction for a lawful purpose. For each pay period for which deductions from the worker's pay are made, the employer must provide the employee with an itemized statement of each such deduction and keep an accurate record thereof.

WAGE CLAIMS — Any worker with a claim for unpaid wages in an amount up to \$1,000 may request the state enforcement agency to take assignment of the claim in trust; the agency may then commence legal action on behalf of the worker to recover the unpaid wages and appropriate damages in court. A judgment in favor of the worker may include, in addition to the unpaid wages, reasonable attorney's fees and court costs, plus damages of up to *three times* the amount of unpaid wages.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal for an employer to fire or in any other manner discriminate against a worker because the worker made a claim, testified in a proceeding, or discussed or consulted with anyone concerning the worker's rights under this law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Bureau, Idaho Department of Labor, Boise, Idaho 83735 (208-332-3570)*. In pursuit of a wage claim or other suspected violation of these provisions, the Department may enter and inspect any workplace in the state, question employees, and investigate any matter deemed appropriate to determine if a violation has occurred. Likewise, agency personnel are authorized to hold hearings, subpoena witnesses and documents, and take depositions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — If the state labor department determines that it lacks jurisdiction over a wage claim, the claimant has the right to file the complaint in a civil suit, using a private attorney or public legal service provider.

Illinois

● ILLINOIS WAGE PAYMENT AND COLLECTION ACT

STATUTORY CITATION: 820 Ill. Comp. Stat. §§ 115/1 – 115/15

GENERAL SUMMARY: The Illinois Wage Payment and Collection Act regulates wage payments by most employers in the state (including farm operators and other agricultural establishments), prescribing standards related to pay periods, paydays, final compensation, deductions from wages, pay statements, recordkeeping and disclosures. The Act also establishes procedures for state-assisted collection of unpaid wages.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS AND PAY PERIODS — Employers in Illinois are generally required to pay their workers' wages at least twice a month. All wages earned by an employee during a semi-monthly or bi-weekly pay period must be paid no later than 13 days after the end of the pay period in which the wages are earned. Wages earned during a weekly pay period must be paid within 7 days of the close of the period. Workers paid daily should receive their wages on the same day they are earned, but in no case more than 24 hours later.

FINAL COMPENSATION — Every employer must, if possible, pay final compensation to a worker who quits, or is discharged or laid off, at the time of separation, but in no case later than the worker's next regularly scheduled payday.

MEDIUM OF PAY — Workers' wages must be paid (1) in lawful U.S. currency, (2) by check, redeemable upon demand and without discount at a bank or comparable institution readily available to the employee, (3) by direct deposit to a bank account of the employee's choosing, or (4) by a payroll card that meets strict state-prescribed requirements.

DEDUCTIONS — With very narrow exceptions, employers may not make wage deductions unless such deductions are required by law, intended for the benefit of the employee, executed in response to a valid wage assignment or wage deduction order, or made with the express written consent of the employee.

PAY STATEMENTS — Every employer is required to furnish each worker with an itemized statement of deductions made from the worker's pay for each pay period.

RECORDKEEPING — Employers must keep a record of the names and addresses of all employees and of the wages paid each payday.

DISCLOSURES AND POSTING — Employers must notify each worker, at the time of hiring, as to the rate of pay and the time and place of payment. Whenever any such condition changes, the worker must be notified thereof in advance. Employers must also keep posted at each regular place of business, at a location easily accessible to the workforce, one or more notices indicating the regular paydays and the place and time of payment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2810)*. It is the duty of the Department to monitor employer compliance with the Act and to institute penalty actions when violations are documented. A worker who has not been paid all or any part of wages earned may file a claim with the Department, which must investigate the circumstances of the case and advise the claimant of its findings. The Department is authorized to accept assignment of wage claims and prosecute collection actions for persons financially unable to do so when such claims appear valid and enforceable in the courts.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — A worker with a claim for unpaid wages may take legal action to collect the claim directly, using private counsel or a public legal service provider.

● ILLINOIS WAGE ASSIGNMENT ACT

STATUTORY CITATION: 740 Ill. Comp. Stat. §§ 170/01 – 170/11

GENERAL SUMMARY: The Illinois Wage Assignment Act prevents creditors, in concert with employers, from collecting debts through wage assignments except under conditions and procedures prescribed in the Act, which protects agricultural workers to the same extent as their non-agricultural counterparts.

SPECIFIC TERMS AND CONDITIONS

WAGE ASSIGNMENT FORMAT — Among other limitations, no assignment of wages is valid unless it is made in a written instrument signed by the wage earner and identifying the worker, the employer, the amount of money loaned or the price of the goods sold, the interest rate to be paid, and the date payments are due.

DEMANDS BY CREDITORS — A demand by a creditor may not be served on an employer for a worker's wages under a wage assignment unless (1) there has been a default of more than 40 days in payment of the indebtedness involved and the default has continued to the date of demand, (2) the demand, in prescribed form, contains a correct statement as to the amount the worker is in default, and (3) not less than 20 days before serving the demand, a notice of intent to make the demand has been served on the worker and a copy has been sent by certified mail to the employer.

LIMITATION ON AMOUNTS — The amount of wages that may be collected under a lawful wage assignment for any workweek may not exceed the lesser of (1) 15 percent of the worker's gross earnings that week, or (2) the amount by which disposable earnings that week exceed 45 times the federal or state minimum wage, whichever is greater (at the current state minimum of \$8.25, that portion of net pay above \$371).

EXCEPTIONS — The provisions of the Wage Assignment Act do not apply to court-ordered withholding of income under various state laws providing for the support of a child or maintenance of a spouse.

Wages & Hours — Wage Payment & Collection — Illinois

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is a misdemeanor for an employer to fire or suspend an employee because the employee's earnings have been subjected to assignment for indebtedness.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — Any worker who has had debts collected through wage deductions which do not conform to the process described above should consult an attorney. A person who wrongfully serves a notice of intent to make a wage assignment demand, wrongfully causes such a demand to be served, or fails to release a demand is liable to the worker and the employer for damages.

Indiana

● WAGE AND HOUR LAWS (*WAGE PAYMENTS*)

STATUTORY CITATION: Ind. Code §§ 22-2-4-1 – 22-2-8-3

GENERAL SUMMARY: With some exceptions, Chapters 4 through 8 of the state wage and hour laws require employers to pay workers' wages at least semi-monthly or biweekly if requested by a worker, restrict wage assignments and other deductions from pay, limit the sale of merchandise by employers to employees under certain conditions, and prescribe penalties for an employer's failure to pay workers for their labor.

PROVISIONS APPLICABLE TO AGRICULTURE

PAYROLL PERIODS — The semi-monthly wage payment provisions **do not apply** to farmers and others engaged in the business of agriculture or horticulture.

WORKER-REQUESTED DEDUCTIONS — Any deduction from wages directed by a worker is regarded as an assignment of the worker's wages. No wage assignment is valid unless (1) the assignment is in writing, signed by the employee, revocable by the employee at any time, and agreed to by the employer in writing, (2) an executed copy of the wage assignment instrument is given to the employer within 10 days of its execution, and (3) the assignment is for the purpose of paying insurance policy premiums, documented loans made to the employee by the employer, assessments by an employee benefit plan, or similar authorized purposes.

ASSIGNMENTS TO WAGE BROKERS — Any person, firm or association (other than the wage earner's employer) that loans money to a wage earner on the security of a wage assignment is regarded as a wage broker, and such transactions are subject to the following limitations, among others:

Amount and Term of Assignment — A wage assignment by a wage earner to any wage broker is unenforceable, and may not be recognized by an employer, unless it is for a fixed portion of the worker's earnings over a period not exceeding 30 days immediately following the date of the assignment.

Interest — No wage broker may ask, demand or receive any compensation or interest in excess of 8 percent per annum for use of money advanced or loaned to any wage earner.

Spouse's Signature — A wage assignment by a married head-of-household to any wage broker is generally invalid and unenforceable without the signature of the wage earner's spouse on the assignment instrument.

Notice to Employer — No wage assignment is valid unless written notice, along with a copy of the assignment instrument, is delivered to the wage earner's employer within 10 days of its execution.

ASSESSMENT OF FINES — It is unlawful for an employer to assess a fine on any pretext against an employee and to collect such fine from the worker's wages.

SALE OF MERCHANDISE TO EMPLOYEES — It is illegal for employers to knowingly sell to any of their employees any merchandise or supplies at a higher price than the price at which the merchandise or supplies are sold to others for cash.

FAILURE TO PAY WAGES — An employer who fails to pay an employee his or her wages within 10 days after demand for payment is liable for the unpaid wages, plus a penalty of \$1 for each succeeding day, up to double the amount of wages due, plus a reasonable attorney's fee.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, Indiana Department of Labor, Indianapolis, Indiana 46204 (317-232-2655).* A worker who has had an employer-imposed fine deducted from pay may report the violation to the Department, which is authorized to take legal action to enforce the prohibition against such practices on the worker's behalf. All other provisions summarized above are enforceable only through civil action by the worker, represented by private legal counsel or a public legal service provider.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● WAGE CLAIM LAW

STATUTORY CITATION: Ind. Code §§ 22-2-9-1 – 22-2-9-8

GENERAL SUMMARY: Article 2, Chapter 9 of the state labor laws prescribes procedures for payment of final wages upon a worker's termination from employment and establishes a process for resolving claims for unpaid wages. These provisions apply to employment in all industries and occupational classifications in Indiana.

SPECIFIC TERMS AND CONDITIONS

FINAL COMPENSATION — Whenever an employer terminates or suspends an employee, for whatever reason, the unpaid wages and other compensation are due and payable on the next regular payday for the pay period in which the separation occurs.

WAGE CLAIMS — Any worker who has not received full compensation for labor performed may file a claim for unpaid wages with the state labor department, provided the claim amounts to more than \$35 and less than \$6,000. The state agency is authorized to prosecute actions for the collection of any claim regarded by the agency as valid and enforceable in court.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, Indiana Department of Labor, Indianapolis, Indiana 46204 (317-232-2655).* In enforcing compliance with these provisions, the Department is required to investigate reported or suspected violations and may refer valid, enforceable wage claims to the state attorney general for civil action.

Wages & Hours — Wage Payment & Collection — Indiana

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY - *None.*

PRIVATE CIVIL ACTION — A worker who wishes to prosecute a wage claim on his or her own, or whose claim involves \$6,000 or more in unpaid wages, may bring legal action against the employer in civil court, using a private attorney or public legal service provider.

○ DEPARTMENT OF LABOR GENERAL LAWS (*EMPLOYER RECORDKEEPING*)

STATUTORY CITATION: Ind. Code § 22-1-1-15

GENERAL SUMMARY: The statute establishing and governing the general operation of the state labor department requires most employers in Indiana to keep true and accurate records of the name, address and occupation of each employee, the employee's daily and weekly hours, and the amount of the employee's pay.

PROVISIONS APPLICABLE TO AGRICULTURE: Except for the obligation to record the name, address and occupation of each worker employed, the general recordkeeping duty **does not apply** with respect to any worker employed in an agricultural capacity.

ADMINISTRATION AND ENFORCEMENT

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

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY - *None.*

Iowa

● IOWA WAGE PAYMENT COLLECTION LAW

STATUTORY CITATION: Iowa Code §§ 91A.1 – 91A.14

GENERAL SUMMARY: The Iowa Wage Payment Collection Law establishes minimum statewide standards concerning employee pay periods, paydays, medium of payment, final wages, wage deductions, and wage statements, applicable to most agricultural and non-agricultural employment.

SPECIFIC TERMS AND CONDITIONS

PAY PERIODS AND PAYDAYS — With few exceptions, employers must pay all wages due at least monthly, semi-monthly or bi-weekly, on regular paydays of consistent intervals designated in advance by the employer. A payday may not be more than 12 days (excluding Sundays and legal holidays) after the end of the pay period for which wages are to be paid.

MEDIUM OF PAY — Wages must normally be paid in U.S. currency, or by check or comparable draft negotiable for U.S. currency on demand and at full face value.

FINAL COMPENSATION — Whenever a worker is suspended or terminated, the employer must pay the net amount of all wages earned by the worker up to the time of suspension or termination, no later than the next regular payday.

WAGE DEDUCTIONS — An employer may not withhold or divert any portion of a worker's wages unless such deduction is required or permitted under state or federal law or by court order, or the deduction is authorized in writing by the worker for a lawful purpose and for the worker's own benefit. In no event, however, may an employer make any deduction for, among other things, losses due to breakage or damage to property, as long as such losses are not attributable to the worker's willful disregard for the employer's interests.

WAGE STATEMENTS — On each regular payday, employers must provide each worker with a statement showing the hours worked, the wages earned, and any deductions made from the worker's earnings.

DISCLOSURES AND RECORDS — Under most circumstances, any employer who has paid a claim for unpaid wages and damages, or who has been assessed a civil money penalty by the state agency for a violation of this law, may be compelled by the agency (1) to notify its employees, in writing and at the time of hiring, as to the wages to be paid and the schedule of designated paydays, (2) to notify the workers, in advance, of any changes in wages or paydays, (3) to comply with worker requests for written compensation policies, and (4) to keep payroll records showing hours worked, wages earned, and deductions made with respect to each employee and to preserve such records for at least 3 years.

LIABILITY FOR UNPAID WAGES — If a farm labor contractor contracts with a seed or feed grain producer to rogue, detassel or hand-pollinate plants and fails to pay all his or her workers' wages, the seed or feed grain producer is also liable to the workers for the unpaid wages.

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 – *Division of Labor, Iowa Workforce Development, Des Moines, Iowa 50319 (515-281-3606; toll free 800-562-4692).* This agency is charged with investigating reported or suspected violations of the Wage Payment Collection Law, and accordingly is authorized to enter any place of employment to inspect payroll records, to question the employer and employees, and to take other appropriate steps to document whether or not a violation has occurred. In the case of any enforceable claim for unpaid wages, and with the consent of the complaining employee, the Division must take assignment of the claim and, if necessary, commence action in civil court to recover the unpaid wages and liquidated damages, provided the claim has been filed within one year after the date the wages became due and payable. In addition to liability for wages and damages, employers who violate these provisions are subject to civil money penalties imposed by the Division.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A worker aggrieved by a violation of the Wage Payment Collection Law has the option of taking action to recover unpaid wages and damages in a private suit, with legal counsel of the worker's own choosing.

● MIGRATORY LABOR CAMP LAW (RENTAL CHARGES)

STATUTORY CITATION: Iowa Code § 138.17

GENERAL SUMMARY: Aside from its licensing and sanitation provisions, the migratory labor camp law puts certain restrictions on the deduction of housing costs from workers' wages.

SPECIFIC TERMS AND CONDITIONS: A rental charge or deduction from the wages of a migrant agricultural worker may not be made by a migrant labor camp operator or any other person for providing any housing facilities required under the labor camp law, unless the worker is fully informed of all such charges or deductions to be made prior to contracting for the employment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Migrant Labor Camp Program, Bureau of Environmental Health Services, Iowa Department of Public Health, Des Moines, Iowa 50319 (515-281-8561).* Any worker who has any housing-related charges deducted from pay without having been advised of the charges in advance of hiring should notify the Department or seek legal recourse through a private attorney or public legal service provider.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Kansas

● WAGE PAYMENT LAWS

STATUTORY CITATION: Kan. Stat. §§ 44-313 – 44-327

GENERAL SUMMARY: Article 3 of the state labor laws contains provisions regulating pay periods, payment of final wages, wage deductions and withholding, and certain payment notifications. The wage payment laws are applicable to employers and employees in all industries and occupational classifications.

SPECIFIC TERMS AND CONDITIONS

PAY PERIODS — Every employer must pay workers' wages at least once each calendar month, on regular paydays designated in advance by the employer. The end of the pay period for which payment is made may not be more than 15 days before such payday.

MEDIUM OF PAYMENT — Unless a bank deposit system is approved for the respective employer by the state, wages must be paid to the worker in lawful U.S. money, by check or comparable draft negotiable in the local community, by direct deposit to a banking institution designated by the worker, or by a debit-type payroll card.

FINAL PAY — Whenever an employer discharges a worker or the worker quits, the employer must pay earned wages no later than the next regular payday.

DEDUCTIONS AND WITHHOLDING — No employer may withhold, deduct or divert any portion of an employee's wages unless (1) the employer is required or authorized to do so by state or federal law, (2) the deductions are for health care or services, without financial gain to the employer, and are recorded as such in the employer's books, (3) the deductions are authorized in writing by the employee and are for a lawful purpose for the employee's own benefit, or (4) the deductions are for contributions to an approved employee retirement plan.

Exceptions — Provided there is a signed written agreement between the employer and the worker, employers are permitted to withhold any portion of a worker's wages to allow repayment of a loan made by the employer, to allow for recovery of a payroll overpayment, or to recover the cost of employer-provided items such as uniforms. Employers may also recoup such costs from a worker's final wages, as long as the employer provides written notice and explanation. However, amounts withheld under these circumstances must not result in reduction of a worker's wages to below the applicable federal or state minimum wage.

NOTIFICATIONS TO EMPLOYEES — At the request of any worker, the employer must (1) notify the worker in writing as to the rate of pay and the date and place of wage payments, (2) give the worker advance written notification of any change in these terms or conditions, (3) provide written notice of the employee benefits to which the worker is entitled, and (4) furnish the worker with an itemized statement of deductions made from the worker's wages for each pay period such deductions are made.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Employment Standards Division, Kansas Department of Labor, Topeka, Kansas 66603 (785-296-5000, extension 1068).* The Department has the duty and explicit authority to investigate alleged violations of these provisions, and may hold hearings and make workplace inspections in order to fulfill that responsibility. If the Department finds, after investigation and an opportunity for hearing, that a particular wage claim is valid, it may issue an order for payment and assess damages and interest against the offending employer. At the request of the claimant, the Department may take assignment of the claim in trust and take appropriate action to enforce payment.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● EMPLOYEE PROTECTION LAWS (*WAGE PAYMENTS TO MIGRANT WORKERS*)

STATUTORY CITATION: Kan. Stat. § 44-126

GENERAL SUMMARY: The state labor laws include explicit provisions for the protection of migrant workers in Kansas, including a provision relevant to wage payments.

SPECIFIC TERMS AND CONDITIONS: Farm operators and other agricultural establishments which employ migrant workers, and the agents of such establishments who are responsible for the payment of workers' wages, must make wage payments directly to the individual worker. Payments for the worker's labor or services may not be made or entrusted to a crew leader under any circumstances.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Workforce Services Division, Kansas Department of Commerce, Topeka, Kansas 66612 (785-296-3481).* Violations of these provisions are treated as a misdemeanor criminal offense, and any crew leader convicted of a violation is barred from doing business in Kansas for a period of 2 years.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Kentucky

● WAGE PAYMENT LAWS

STATUTORY CITATION: Ky. Rev. Stat. §§ 337.020, 337.055, 337.060, 337.070

GENERAL SUMMARY: The state wage payment laws set general standards for the payment of wages, applicable to virtually all employing establishments in Kentucky. In large part, these provisions regulate paydays, final compensation, wage withholding, and pay statements.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — Every employer doing business in Kentucky must generally pay each employee as frequently as twice a month, and each employee must receive all wages earned up to a day not more than 18 days prior to the date of payment. Any worker who is absent on the designated payday or for any other reason is not paid at that time must receive his or her earnings within 6 days after demand for payment.

FINAL PAY — Any worker who leaves or is discharged from employment must be paid all earnings in full no later than the next regular payday, or within 14 days after termination, whichever is later.

WITHHOLDING — No employer may make any deduction from a worker's wages unless the deduction is authorized by local, state or federal law or it is authorized in writing by the worker for a legitimate employee benefit. It is illegal under most circumstances, however, for an employer to make a deduction to cover fines, breakage, losses due to lost or stolen property, losses due to property damage, or other comparable occurrences.

PAY STATEMENTS — Like most other employers in the state, farm operators who employ 10 or more workers and make any deductions from their pay are required to furnish each such worker, at the time of payment, a statement showing the amount of each deduction and the general purpose for which the deduction is made.

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.*

PRIVATE CIVIL ACTION — As an alternative to enforcement by the Department of Workplace Standards, a worker who has not been paid in accordance with these provisions may take civil action against the employer directly, using private counsel or a public legal service provider.

Louisiana

● WAGE PAYMENT LAWS

STATUTORY CITATION: La. Rev. Stat. §§ 23:631 – 23:641

GENERAL SUMMARY: Among other provisions, the state wage payment laws include minimum standards for the payment of final compensation and a prohibition on the assessment of fines against employees. These provisions apply to all occupational and industry groups, including agriculture.

SPECIFIC TERMS AND CONDITIONS

FINAL COMPENSATION — Upon the discharge or resignation of an employee, it is the duty of the employer to pay the worker's final wages on or before the next regular payday or no later than 15 days following the date of discharge or resignation, whichever occurs first. An employer who fails or refuses to comply with this requirement is liable to the worker for the lesser of (1) 90 days' wages at the worker's daily pay rate, or (2) full wages from the time the worker's demand for payment is made until the employer makes final payment, this in addition to the actual unpaid wages due.

ASSESSMENT OF FINES — Except where the employee willfully or negligently damages goods or the employer's property, it is illegal for an employer to assess any fine against an employee or deduct any sum as a fine from the employee's wages.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A worker who has not received final wages within 15 days after demand for payment may file suit to recover the unpaid wages, plus damages and attorney's fees. In the case of a laborer doing work on a plantation of a non-resident proprietor, a civil action may be filed against the proprietor for recovery of unpaid wages in the parish in which the labor was performed, as long as a copy of the petition or citation is served on the agent, overseer or manager of the plantation who is in the employ of the non-resident proprietor.

Maine

● WAGE PAYMENT LAWS

STATUTORY CITATION: Me. Rev. Stat. Title 26, §§ 621-A – 636

GENERAL SUMMARY: The state wage payment laws encompass procedural standards related to time of payment, payroll records, termination of employment, and certain unfair contracts.

PROVISIONS APPLICABLE TO AGRICULTURE

TIMELY AND FULL PAYMENT — At regular intervals not to exceed 16 days, every employer must pay in full all wages earned by each employee. Each payment must include all wages earned to within 8 days of the payment date.

RECORDS — Every employer must keep a true record of the date and amount of each wage payment to each employee, as well as a daily record of the time worked by each hourly employee.

TERMINATION OF EMPLOYMENT — A worker leaving his or her employment must be paid in full by the next regular payday, or not more than 2 weeks after the day on which demand for final payment is made of the employer, whichever is earlier. The employer may deduct any loan or advance against future wages only if such loan or advance is evidenced by a written statement signed by the worker.

UNFAIR AGREEMENTS — The ban on work agreements which permit a person to work without pay, or require the worker to return part of his or her wages to the employer (for any reason other than payment of a loan made to the worker, merchandise purchased from the employer, rent or utilities for employer-owned housing, or certain employee benefits), **does not apply** to work performed in agriculture.

ADMINISTRATION AND ENFORCEMENT

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

Farmworkers who have not received pay in accordance with the provisions summarized above may file a wage claim with the Department. An employer found in violation is liable for the amount of unpaid wages, and any court judgment in favor of a worker or workers may include a reasonable rate of interest, an additional amount equal to twice the unpaid wages as liquidated damages, court costs, and attorney's fees. The offending employer is also subject to an administrative fine of up to \$500 for each violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As an alternative to enforcement by the Department of Labor, a worker may recover unpaid wages by filing a civil suit against the employer directly, using a private attorney or public legal service provider.

Maryland

● MARYLAND WAGE PAYMENT AND COLLECTION LAW

STATUTORY CITATION: Md. Code, Lab. & Empl. §§ 3-501 – 3-509

GENERAL SUMMARY: The Wage Payment and Collection Law sets general guidelines for the payment of compensation and establishes a process for collecting claims for unpaid wages. These provisions apply without exception to all industries and occupations in the state.

SPECIFIC TERMS AND CONDITIONS

PAY PERIODS AND PAYDAYS — In general, every employer must establish regular pay periods and pay all employees at least once every two weeks or twice each month. If the regular payday falls on a non-workday, employees must be paid on the preceding workday. Employers must notify employees at the time of hiring as to their respective rates of pay and the regular designated payday.

MEDIUM OF PAY — Wages must be paid in lawful U.S. currency, by check payable at face value on demand in lawful U.S. currency, by direct deposit to a bank account specified by the employee, or with a debit card. Any fees applicable to a debit card must be disclosed to the employee in writing, in at least 12-point font.

PAY STATEMENTS — Every employer must furnish each employee with a statement of gross earnings and deductions for each pay period.

WAGE DEDUCTIONS — Under most circumstances, no employer may make any deduction from an employee's wages unless the deduction is authorized by law, formally ordered by a court, or expressly authorized in writing by the employee.

FINAL PAY — Upon termination of employment, a worker must receive all wages due, for all services performed, on or before the date the worker would have been paid for such services had the employment not been terminated.

WAGE CLAIMS — Any worker who has not received payment in accordance with these provisions may file a written complaint of alleged violation with the state. The state agency will normally investigate the claim and, if a violation is determined to have occurred, will attempt to resolve the pay issues involved informally. With the claimant's consent, the agency may institute legal action to collect sums unlawfully withheld from the worker, and if the court finds the employer failed to pay wages for reasons other than a bona fide dispute, the court may award the worker up to *three times* the amount of unpaid wages.

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)*. Aside from liability for unpaid wages and damages, employers who violate the Wage Payment and Collection Law are also subject to criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — As an alternative to enforcement action by the state agency, after 2 weeks have elapsed from the date on which an employer is required to have paid the wages, a worker who has not received pay in accordance with the provisions outlined above may take legal action against the employer to collect unpaid wages directly, using a private attorney or a public legal service provider. If the court finds that the employer withheld wages in violation of these provisions and not as a result of a bona fide dispute, the court may award the worker up to *three times* the amount of the unpaid wages, plus reasonable attorney's fees and other costs.

Massachusetts

● WAGE PAYMENT LAWS

STATUTORY CITATION: Mass. Gen. Laws Ch. 149, §§ 148 – 159

GENERAL SUMMARY: The state wage payment laws generally require that employees be paid weekly and prescribe certain other conditions regarding paydays and pay periods, compensation at termination, method of payment, and wage deductions.

PROVISIONS APPLICABLE TO AGRICULTURE

PAYDAYS AND PAY PERIODS — Like their non-agricultural counterparts, farmworkers generally must be paid at least once a month, but regardless of the length of the pay period, employers must pay wages earned by each worker to within 6 days of the date of payment (or within 7 days in the case of a worker employed 7 days a week).

FINAL COMPENSATION — A worker who leaves his or her job must receive final pay in full on the next regular payday, or on the following Saturday if there is no regular payday. Whenever a worker is discharged by the employer, final wages must be paid in full on the day of discharge.

PAY STATEMENTS — Each time wages are paid, employers are required to furnish their employees with a written statement showing the name of the employer, the name of the employee, the date, the number of hours worked, the hourly pay rate, and the amount of any deductions from pay.

METHOD OF PAYMENT — An employer who pays wages by check or draft must provide facilities or make arrangements for the cashing of payroll checks at a bank or elsewhere, without charge or discount.

DEDUCTIONS — Each time an employer makes a deduction from the wages of any worker for Social Security, health insurance, or any other benefit, the employer must give the worker a written statement showing the amount and nature of each such deduction at the time of payment. Employers are forbidden from penalizing a laborer for tardiness by deducting from wages a sum in excess of the proportionate wage which would have been earned during the time actually lost.

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 – *Massachusetts Department of Labor Standards, Boston, Massachusetts 02114 (617-626-6952)*. The Department is authorized to prosecute any violation of the wage payment provisions. Violators are subject to a criminal fine, imprisonment, or both such penalties.

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

PRIVATE CIVIL ACTION — A worker aggrieved by a violation of the wage payment laws may, 90 days after filing a complaint with the Attorney General and within 3 years after the violation, take action in civil court against the employer directly, using a private attorney or public legal service provider.

Michigan

● WAGE PAYMENT LAW

STATUTORY CITATION: Mich. Comp. Laws §§ 408.471 – 408.490

RELATED REGULATIONS: Mich. Admin. Code R. 408.9002 – 408.9036

GENERAL SUMMARY: The state wage payment law includes provisions governing pay periods, final compensation, method of payment, wage deductions, bonuses, employment fees, payroll records, and pay statements. These provisions apply to all non-federal employment, agricultural and non-agricultural alike.

SPECIFIC TERMS AND CONDITIONS

PAY PERIODS —

Farm and Non-Farm Employment in General — As a rule, employers must pay their employees bi-monthly, with wages earned during the first half of the calendar month paid on or before the first day of the succeeding calendar month, and wages earned during the second half of the month paid by the 15th of the month following. Regularly scheduled weekly pay periods are allowable, provided each wage payment occurs within 14 days of the end of the week in which the wages were earned. Likewise, an employer may establish a monthly pay period, as long as wages earned during the month are paid on or before the first day of the following month.

Harvest Employment — With respect to workers involved in the hand-harvesting of crops, all wages earned in a particular week must be paid no later than the second day after the close of the workweek.

FINAL COMPENSATION — Except for hand-harvest crop workers, farm and non-farm employees who voluntarily terminate their employment must receive final pay on the regularly scheduled payday for the period in which the termination occurs; workers engaged in the hand-harvesting of crops must be paid within one working day after they quit. An employer who discharges an employee from the job, regardless of occupation, must pay final compensation as soon as the amount can be determined.

METHOD OF PAYMENT — Wages must be paid (1) in U.S. currency, (2) by check or draft payable without discount in U.S. currency, (3) by direct deposit to a financial institution selected by the employee, or (4) with a debit card that complies with state-prescribed standards. Employers may not require an employee to pay any fees or costs incurred by the employer in connection with wage payments.

DEDUCTIONS FROM WAGES — Except for deductions that are required or expressly permitted by law or a collective bargaining agreement, an employer may not make any deduction from wages without the worker's written consent, obtained without intimidation. The cumulative amount of non-mandatory deductions may not reduce wages paid to a rate less than the state or federal minimum wage, even in the case of a worker not covered by the minimum wage laws.

BONUSES — It is illegal for an employer to withhold any portion of a worker's pay in the guise of a fringe benefit or "bonus" to be paid at termination, unless the withholding arrangement is agreed to in a written agreement signed by the worker without intimidation.

EMPLOYMENT FEES — An employer, or an agent of the employer (including a crew leader or labor contractor) having authority to hire or direct the services of the employer's workers, may not demand or receive a fee or other remuneration from a worker, directly or indirectly, as a condition of employment or continuation of employment, unless the person exacting the fee is licensed in Michigan as an employment agency.

PAYROLL RECORDS — In general, every employer must keep a record on each worker, documenting the worker's name, address, birth date, occupation or job classification, pay rate, total hours worked in each pay period, total wages paid each pay period, deductions from pay, and fringe benefits provided. Such records must be preserved for at least 3 years.

PAY STATEMENTS — Employers must generally furnish each employee, at the time of payment, with a statement showing the hours worked, the gross wages paid, the pay period for which wages are being paid, itemized deductions, and, for hand-harvest pieceworkers, the total number of units harvested.

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 and Hour Division, Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (517-284-7800; toll-free 855-464-9243). An employee who believes that his or her employer has violated any of these provisions may file a written complaint with the Department within 12 months after the alleged violation. The Department must investigate the charges and attempt to resolve the dispute informally if it appears the claim has merit. Failing a settlement within 90 days of filing of the complaint, the agency must issue a formal determination, and a decision in the worker's favor may include an order for payment of the unpaid wages, damages and civil money penalties. Violators may also be prosecuted on criminal misdemeanor charges.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — None.

PRIVATE CIVIL ACTION — Subject to the same 12-month time limitation applicable to administrative claims, a worker may file suit directly against an employer to recover unpaid wages, utilizing a private attorney or public legal service provider. A judgment in the worker's favor may include court costs, attorney's fees and liquidated damages, in addition to the unpaid wages.

Minnesota

● STATE LABOR LAWS (*WAGE PAYMENTS*)

STATUTORY CITATION: Minn. Stat. §§ 181.01 – 181.172 and § 181.79

GENERAL SUMMARY: The state labor laws include wage payment provisions covering pay periods and paydays, wage deductions, wage assignments, pay statements, final payment of wages, and related subjects. These provisions generally apply equally to all agricultural and non-agricultural employment.

PROVISIONS APPLICABLE TO AGRICULTURE

PAY PERIODS AND PAYDAYS — In general, every worker performing labor or services which require changes in residence must receive earnings at intervals of not more than 15 days. Otherwise, employers must pay all wages due an employee at least once every 31 days, on a regular payday designated in advance by the employer.

WAGE DEDUCTIONS FOR LOSS OR DAMAGE — As a rule, no employer may make any deduction, directly or indirectly, for damage to property, or to recover any claimed indebtedness, unless the worker voluntarily and in writing authorizes the employer to do so and the authorization is made after the loss has occurred or the indebtedness has arisen.

WAGE ASSIGNMENTS — No assignment of wages to be earned in the future to secure a loan of less than \$200 is valid until the assignment is accepted in writing by the employer and is recorded with the city or town clerk. Also, a wage assignment made by a married worker is not valid without the written consent of the worker's spouse.

PAY STATEMENTS — At the end of each pay period, an employer must give each worker a written earnings statement that includes the worker's name, the hourly pay rate (if applicable), the total number of hours worked (unless exempt from the state minimum wage law), the gross pay earned, a list of any deductions made from the worker's gross earnings, the worker's net pay, and the ending date of the pay period.

FINAL COMPENSATION — When a worker performing labor which requires the worker to change residences leaves the job or is discharged, the employer must pay the worker's final wages within 24 hours; if not, the employer is responsible for the worker's living expenses while the worker awaits his or her earnings. In the case of migrant workers, wages earned but unpaid at the time the employee quits are due and payable within 5 days thereafter. For all other workers, earnings that are unpaid at the time the employee quits are payable no later than the next regularly scheduled payday.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-284-5070).* The Department is authorized to assist a worker in the collection of unpaid wages, and under certain conditions, the statutes make employers who fail to meet the time limits described in the wage payment provisions liable to the worker for both the unpaid wages and monetary penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Workers have an explicit right to take court action against employers for recovery of unpaid wages directly, utilizing a private attorney or public legal service provider.

● STATE LABOR LAWS (*MIGRANT LABOR WAGE PAYMENTS*)

STATUTORY CITATION: Minn. Stat. §§ 181.85 – 181.91

GENERAL SUMMARY: The state labor laws contain protections for out-of-state migrant workers recruited for seasonal agricultural employment in Minnesota, including certain wage payment and employer recordkeeping requirements.

SPECIFIC TERMS AND CONDITIONS: 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 observe the wage payment and recordkeeping provisions outlined below. A migrant worker is defined as 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.

BI-WEEKLY PAY — A subject employer must pay wages due to each migrant worker at least once every 2 weeks. Final wages are due within 3 days of termination.

STATEMENT OF DEDUCTIONS — The employer must provide a written statement with every payment of wages clearly itemizing each deduction from the worker's wages.

RECORDKEEPING — With respect to each migrant worker recruited, the employer must maintain complete and accurate payroll records for each pay period, including the worker's name, daily hours worked, rate of pay, and the amount of wages paid. Records must be preserved for a period of at least 3 years.

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.

Mississippi

● WAGE PAYMENT LAWS

STATUTORY CITATION: Miss. Code §§ 71-1-35 – 71-1-45

GENERAL SUMMARY: Chapter 1 of the state labor laws includes provisions governing payroll periods, medium of pay, and wage assignments.

PROVISIONS APPLICABLE TO AGRICULTURE

PAYROLL PERIODS — The requirement that certain employers in Mississippi pay wages as often as every 2 weeks **does not apply** to agriculture or other non-specified industries.

MEDIUM OF PAY — The limitation on the use of trade checks, coupons and other such instruments by certain employers making wage payments **does not apply** to agriculture or other non-specified industries.

WAGE ASSIGNMENTS — In the agricultural sector, as elsewhere, the assignment of a worker's wages to a third party as security or payment for any merchandise is not binding on any employer, unless the merchant or creditor presents the employer with a copy of the assignment agreement or purchase contract between the worker and the merchant or creditor, and the employer agrees to the assignment arrangement in writing prior to delivery of the merchandise or consummation of the contract.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — These provisions are enforceable only in civil court, using a private attorney or public legal service provider.

Missouri

● WAGE AND HOUR LAWS (*WAGE PAYMENT*)

STATUTORY CITATION: Mo. Rev. Stat. §§ 290.080 – 290.130

GENERAL SUMMARY: Chapter 290 of the state statutes contains provisions related to pay periods and paydays, pay statements, wage rollbacks, and termination pay.

PROVISIONS APPLICABLE TO AGRICULTURE

PAY PERIODS AND PAYDAYS — Incorporated farming operations and other corporate employers in Missouri must generally pay the wages of their employees as often as semi-monthly, within 16 days of the close of each payroll period.

PAY STATEMENTS — At least once a month, corporate employers must furnish each employee with a written statement showing the total amount of deductions for the period covered.

NOTICE OF WAGE REDUCTION — Any corporation that intends to reduce the wages of its employees, or of any individual employee, must provide the affected worker or workers 30 days' notice of the planned change in pay.

FINAL WAGES — Whenever an employer, whether a corporate entity or otherwise, discharges a worker with or without cause, all wages earned and still unpaid become due and payable on the worker's last day.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A worker may enforce these protections only through civil court action, using private legal counsel or a public legal service provider.

Montana

● WAGE PAYMENT LAWS

STATUTORY CITATION: Mont. Code §§ 39-3-101 – 39-3-216

GENERAL SUMMARY: Chapter 3, Parts 1 and 2 of the state labor laws include provisions regarding prior disclosure of wages and paydays, medium of pay, statements of deductions, and final wages.

PROVISIONS APPLICABLE TO AGRICULTURE

PRIOR DISCLOSURE — The general requirement that employers, on written demand, notify new or prospective employees of the wage rate to be paid, the basis for payment, and the date of paydays, **does not apply** to workers employed in agriculture.

MEDIUM OF PAY — All employers in Montana must pay wages (1) in lawful U.S. money, (2) by check convertible into cash on demand at full face value, or (3) by direct deposit if the employee has consented in writing to this mode of payment.

STATEMENT OF DEDUCTIONS — At the time of each payment of wages or salaries, employers must give each worker an itemized statement showing the amount and purpose of every deduction from the worker's pay. Where no deduction is made, the employer must provide the worker with a written statement to that effect.

FINAL WAGES — When a worker is discharged by the employer for cause, all unpaid wages are due and payable immediately upon separation. In any other case, the employer generally must pay final wages within 3 days of termination.

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.* It is the Department's duty to respond to a worker's claim for unpaid wages, by investigating and attempting to collect the claim informally or by instituting legal action on the worker's behalf. In addition to liability for the wages involved, an employer found to have violated the wage payment laws may be assessed a penalty of up to 110 percent of the unpaid wages, payable to the worker. Violators are also subject to criminal prosecution by the local county attorney. In general, a complaint must be filed no later than 180 days after the unpaid wages were due.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As an alternative to enforcement by the Department of Labor and Industry, a worker may sue for recovery of unpaid wages in a private civil action, using his or her own counsel. In addition to the unpaid wages and the penalty described above, a favorable judgment may also include court costs and reasonable attorney's fees.

Nebraska

● NEBRASKA WAGE PAYMENT AND COLLECTION ACT

STATUTORY CITATION: Neb. Rev. Stat. §§ 48-1228 – 48-1234

GENERAL SUMMARY: The Nebraska Wage Payment and Collection Act regulates paydays, wage deductions, and final pay in all private employment in the state, including agriculture. It applies to virtually all employers in Nebraska.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — Each employer must pay all wages due on regular paydays designated by the employer, or agreed upon by the employer and the worker. An employer must give 30 days' written notice of any change in regular paydays.

WAGE STATEMENTS — On each regular payday, the employer generally must provide each employee with a statement showing, among other things, the number of hours worked, the wages earned, and any deductions made from the worker's gross pay.

WAGE DEDUCTIONS — The Act prohibits the deduction, withholding or diversion of any portion of a worker's wages unless required by state or federal law or court order, or unless authorized in writing by the worker.

FINAL PAY — Whenever an employer terminates a worker from the payroll, the worker's unpaid wages are due on the next regular payday, or within 2 weeks of the date of termination, whichever is sooner.

PAYMENT BY DEBIT CARD — Employers who elect to pay wages with a payroll debit card must comply with federal rules against compulsory use of electronic fund transfers as a condition of employment. Additionally, the employer must allow a worker at least one means of accessing withdrawals per pay period at no cost to the employee.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of Labor Standards, Nebraska Department of Labor, Lincoln, Nebraska 68508 (402-471-2239)*. This agency may assist workers in trying to resolve unpaid wage claims. A form for that purpose is available on the Department's website, at dol.nebraska.gov/LaborStandards/WageComplaint/WageComplaintForm.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — The Wage Payment and Collection Act is enforceable only in civil court. Any worker who has not received full pay within 30 days of the regular designated or agreed-on payday may file suit against the employer, through a private attorney or public legal service provider. If the court upholds the claim, the worker is entitled to recover the full amount of the unpaid wages, plus court costs and attorney's fees.

Nevada

● WAGE, HOUR, AND WAGE PAYMENT LAWS (*PAYMENT AND COLLECTION OF WAGES*)

STATUTORY CITATION: Nev. Rev. Stat. §§ 608.016 – 608.195

RELATED REGULATIONS: Nev. Admin. Code §§ 608.115 – 608.160

GENERAL SUMMARY: Chapter 608 of the state statutes contains, along with other subject matter, provisions regulating paydays, frequency of wage payments, payment of wages at termination, method of payment, payroll recordkeeping, and charges for employer-provided meals.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — Every employer must establish and maintain regular paydays and must post notices, in at least 2 conspicuous places where they can be seen by the workers, indicating the regular paydays and place of payment.

FREQUENCY OF PAYMENT — All wages of workers in private employment are due and payable no less often than semi-monthly. Wages earned prior to the 1st day of any month are payable no later than 8:00 a.m. on the 15th day of that month, while compensation earned prior to the 16th are payable no later than 8:00 a.m. on the last day of the month.

PAYMENT AT TERMINATION — Whenever an employer discharges a worker, the worker's final wages are due and payable immediately. The unpaid compensation of a worker who quits must be paid no later than the next regular payday, or 7 days after the resignation, whichever is earlier.

METHOD OF PAYMENT — In general, wages must be paid (1) in lawful U.S. money, (2) by negotiable check payable without discount in lawful U.S. money, or (3) by electronic payment such as direct deposit or debit card. Electronic payment may be used only if the employee can obtain immediate payment in full, the employee receives at least one free transaction per pay period, the alternative location of payment is easily accessible, there are no other requirements or restrictions one would deem unreasonable or inconvenient, and the use of electronic payment is optional for the employee.

RECORDKEEPING — Every employer must maintain payroll records on each employee for each payroll period, including (1) gross cash wages, (2) deductions, (3) net cash wages, (4) hours employed per day and total hours for the pay period, and (5) the date of payment. Required payroll data must be furnished to the worker within 10 days of any such request.

MEAL CHARGES — The statutory provision which limits to \$1.50 per day the allowable deduction from wages for any meals provided to the worker by the employer **does not apply** to agricultural employees.

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 claim for unpaid wages, or a complaint charging any other violation of the wage payment and collection provisions, may be submitted to the Commissioner, who is obligated to assist in resolving the claim or complaint. The Commissioner is required to refer all violations to the respective district attorneys for prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New Hampshire

● WAGE PAYMENT LAWS

STATUTORY CITATION: N.H. Rev. Stat. §§ 275:42 – 275:55

GENERAL SUMMARY: Chapter 275 of the state statutes includes provisions regulating the frequency of paydays, the medium of payment, final wages, wage withholding, and disclosure of pay conditions. With certain exceptions, the wage payment provisions apply to employers with at least one employee.

PROVISIONS APPLICABLE TO AGRICULTURE: In contrast to non-agricultural coverage, the state wage payment laws summarized below apply only to those farm operators and other agricultural establishments that employ 5 or more workers in farm labor.

PAY PERIODS AND PAYDAYS — Every covered employer generally must pay wages no less frequently than once a week, within 8 days (including Sunday) after the end of the week in which the work is performed, and on regular paydays designated in advance by the employer.

MEDIUM OF PAYMENT — Wages normally must be paid (1) in lawful U.S. currency, (2) by electronic fund transfer, (3) by direct deposit to a bank designated by the employee, (4) with a payroll or debit-type card, or (5) by check, drawn on a bank convenient to the place of employment and where suitable arrangements have been made to allow workers to cash their payroll checks at full value. If wages are paid using a payroll card, the employer must provide the employee at least one free withdrawal of any portion or all of the balance on the card per pay period, and none of the costs of the payroll card account may be passed on to the employee.

FINAL WAGES — Whenever an employer lays off or discharges a worker, the employer must pay the worker's final wages in full within 72 hours of termination. A worker who quits, on the other hand, is entitled to receive final pay no later than the next regular payday, or within 72 hours if the worker gave at least one pay period's notice of intention to quit.

WAGE WITHHOLDING — No employer may withhold or divert any portion of a worker's wages unless required or authorized to do so by state or federal law, or the employer has written authorization from the worker to make such deduction for a lawful purpose and for the worker's own benefit. Employers are obligated to furnish each employee with a statement of deductions from pay for each pay period in which such deductions are made.

DISCLOSURE — At the time of hiring, each worker must be notified by the employer as to the rate of pay and the day and place of payment. The employer must also notify each worker in advance of any changes in these terms.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Inspection Division, New Hampshire Department of Labor, Concord, New Hampshire 03301 (603-271-3176).* To enforce the state wage payment laws, representatives of the Department are authorized to enter and inspect workplaces, question employees, and review payroll records in connection with alleged or reported violations. Any worker who has not been paid in conformity with these provisions may file a claim or complaint with the Department, which must notify the employer involved and afford an opportunity for a hearing; a complaint must be filed no later than 36 months from the date the wages were due. If the Department finds that a violation has occurred, it may issue an order for payment or other appropriate action, enforceable in state court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As an alternative to administrative enforcement, a worker may elect to recover unpaid wages in a private civil action, represented by an attorney of the worker's own choice. In addition to liability for the unpaid wages, an employer who willfully or without good cause fails to pay a worker may be judged liable for liquidated damages.

New Jersey

● WAGE PAYMENT LAWS

STATUTORY CITATION: N.J. Rev. Stat. §§ 34:11-4.1 – 34:11-14

GENERAL SUMMARY: The state wage payment laws regulate, among other compensation conditions, the time and mode of payment, pay at termination or suspension of employment, the withholding of wages, and pay-related disclosures. These provisions generally apply to all employment in New Jersey.

SPECIFIC TERMS AND CONDITIONS

PAY PERIODS AND PAYDAYS — As a rule, employers must pay workers' wages at least twice each calendar month, on regular paydays designated in advance by the employer. The end of the pay period for which payment is made on a regular payday may not be more than 10 working days before such payday.

MODE OF PAYMENT — Wages are required to be paid (1) in lawful U.S. money, (2) by check, provided suitable arrangements are made for employees to cash their checks conveniently and for the full amount for which the checks are drawn, or (3) by direct deposit to a federally- or state-chartered financial institution.

PAYMENT AT TERMINATION OR SUSPENSION — Whenever an employer discharges or lays off a worker, or when a worker quits or leaves employment for any reason, the employer must pay final wages no later than the next regular payday.

WAGE WITHHOLDING — It is illegal for an employer to withhold or divert any portion of a worker's wages unless the employer is required or authorized to do so by state or federal law, or the amounts withheld are for contributions authorized in writing for an employee benefit or savings plan or for other lawful purposes.

DISCLOSURES — At the time of hiring, employers must notify their employees concerning the rate of pay and the schedule of paydays, and thereafter must notify employees in advance of any changes in pay rates or paydays. Employers are required to furnish each worker with a statement of any deductions made from the worker's pay for each pay period in which such deductions are made.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-292-2305).* The Department is empowered to enter any workplace, question employees, inspect payroll records, and take related steps to ensure compliance with the state wage payment laws, either in response to a specific claim by a worker or in any case of a reported or suspected violation. An employer who willfully violates any provision of the wage payment laws is subject to a fine of from \$100 to \$1,000.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New Mexico

WAGE PAYMENT LAW

STATUTORY CITATION: N.M. Stat. §§ 50-4-1 – 50-4-12

GENERAL SUMMARY: The state wage payment law regulates paydays, wages at termination, and payroll recordkeeping, and establishes a state-administered process for receiving, investigating and enforcing wage claims and laborers' liens.

PROVISIONS APPLICABLE TO AGRICULTURE: The wage payment law **does not apply** to employers of agricultural labor.

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 (PAYMENT OF WAGES)

STATUTORY CITATION: N.Y. Labor Law §§ 190 – 199-A

RELATED REGULATIONS: N.Y. Comp. Codes R. & Regs. Title 12, Part 190

GENERAL SUMMARY: Article 6 of the state labor statutes regulates the payment of wages, including the frequency of payments, the medium of pay, wage deductions, pay notifications, and recordkeeping.

PROVISIONS APPLICABLE TO AGRICULTURE

FREQUENCY OF PAYMENTS — Regardless of the industry, workers classified as manual laborers generally must be paid weekly and no later than 7 calendar days after the end of the week in which the wages are earned. When an employee is terminated, the employer must pay final wages on or before the next regular payday.

MEDIUM OF PAY — In general, workers' wages must be paid in cash. An exception allowing wage payments by direct deposit to a bank, with the written consent of the employee, *does not apply* to employees working on a farm not connected with a factory.

WAGE DEDUCTIONS — It is unlawful for an employer to make any deduction from the wages of an employee unless the deduction (1) is authorized by law, regulation or court order, or (2) is expressly authorized in writing by the worker and is intended to cover insurance premiums, health benefits, union dues, or similar purposes. Furthermore, an employer is forbidden from making any charge against wages or requiring a worker to make any payment as a separate transaction, unless the charge or payment is permitted as a wage deduction as described in the previous sentence.

NOTIFICATIONS — At the time of hiring, every employer must advise each new worker of the rate of pay and the regular designated payday. The worker must be notified of any change in the paydays prior to the time of the change.

PAY STATEMENTS — Every employer must furnish each employee with a statement with every payment of wages, listing gross earnings, deductions, and net pay. If requested by the worker, the employer must also provide an explanation of how such wages were computed.

RECORDKEEPING — Employers are required to maintain, and preserve for not less than 6 years, payroll records showing the hours worked, the rate or rates of pay, gross wages, deductions, and net pay for each employee.

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. A worker subjected to any such reprisal may file a complaint with the Department, which is authorized to assess a fine against the violator, or may seek appropriate relief in a private civil suit, provided the action is filed no later than 2 years after the alleged retaliatory act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).* Any worker who has not been paid in accordance with these provisions may file a complaint or claim with the nearest district office of the Department, which is obligated to investigate and attempt to resolve such controversies equitably. The Department may take assignment of any wage claim in trust and sue to collect it on the claimant's behalf. Employers who fail to pay their employees' wages are subject to civil money penalties, enforceable by the Department in court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — In lieu of filing a claim with the Labor Department, a worker may elect to recover unpaid wages in civil court, using a private attorney or public legal service provider.

North Carolina

● WAGE AND HOUR ACT (*WAGE PAYMENTS*)

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

RELATED REGULATIONS: 13 N.C. Admin. Code 12 .0101 – .0906

GENERAL SUMMARY: The Wage and Hour Act prescribes the conditions under which wage payments in North Carolina are to be made and imposes certain pay disclosure and recordkeeping requirements on the state's employers. With certain exceptions, these provisions apply to all employment in the state, agricultural and non-agricultural alike.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS AND PAY PERIODS — Employers must pay their employees' wages on a regular payday. Pay periods may be daily, weekly, bi-weekly, semi-monthly, or monthly. Bonuses, commissions or other forms of compensation may be paid as infrequently as once a year if prescribed by the employer in advance.

FORM OF PAYMENT — In accordance with administrative rules, acceptable forms of payment include cash, money order, negotiable checks, and direct deposit into an institution whose deposits are federally insured or an institution selected by the employee.

FINAL WAGES — Workers whose employment is discontinued for any reason must be paid all wages due on or before the next regular payday, and any bonus or other such compensation is payable on the first regular payday after the amount due can be determined. Compensation of any kind may not be forfeited unless the worker has been notified, in the formal manner described below, of the employer's policy regarding loss or forfeiture of compensation.

WITHHOLDING OF WAGES — It is illegal for an employer to withhold or divert any part of a worker's wages unless the employer is required or authorized to do so by state or federal law, or the employer has a signed prior authorization from the worker indicating the purpose of the deduction. Furthermore, the cash value of loss or damage to an employer's property may not be deducted from an employee's wages unless the employee receives at least 7 days' notice of the amount to be deducted.

STATEMENT OF DEDUCTIONS — For each pay period in which any deduction from wages occurs, the employer must provide the worker with an itemized statement of deductions.

NOTIFICATION — At the time of hiring, employers must formally notify their new employees as to pay rates, compensation policies, and the day and place for payment of wages. In addition, workers must have access to a written statement or posted notice of the employer's policies regarding holidays, vacation pay and comparable matters.

RECORDKEEPING — The provision that requires most employers to make and preserve a record of wage payments and deductions with respect to each of their employees **does not apply** to anyone employed in agriculture.

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. A worker who has been subjected to any such reprisal may file a complaint with the Department up to 180 days after the violation occurs.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Bureau, Standards and Inspections Division, North Carolina Department of Labor, Raleigh, North Carolina 27699 (919-807-2796; toll-free 800-625-2267)*. Designated representatives of the Department are authorized to enter any place of employment to gather facts essential to determining both the employer's coverage under the Act and the employer's compliance with the Act's applicable provisions. With respect to a subject employer, the Department may inspect the workplace, examine payroll records, question employees, and investigate other pertinent facts. A worker may submit a claim for unpaid wages to the Department, which must attempt to collect a valid claim through informal methods prior to exercising its power to take court action on the worker's behalf to recover the claim.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — As an alternative to enforcement by the Labor Department, a worker may take private civil action against the employer, using outside legal assistance. Regardless of whether the action is brought by the Department or directly by the worker, any such suit must be filed within 2 years of the date the claim arose.

North Dakota

● WAGE COLLECTION LAW

STATUTORY CITATION: N.D. Cent. Code §§ 34-14-01 – 34-14-13

GENERAL SUMMARY: North Dakota's wage collection law, applicable to all classes of employment in the state, regulates paydays, medium of pay, the payment of final wages, and withholding.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — Every employer must pay employees' wages at least once each calendar month, on regular paydays designated in advance by the employer.

MEDIUM OF PAY — Wages must be paid (1) in lawful U.S. currency, (2) by check, written on a bank convenient to the place of employment, (3) by direct deposit, to a financial institution of the employee's choice, or (4) with a stored-value debit or ATM card issued by a federally insured bank or credit union. The use of a stored-value card is optional for the employer and the employee.

FINAL WAGES — Whenever an employer discharges a worker, or when a worker quits or resigns, any unpaid wages must be paid by the next regular payday.

WITHHOLDING — Employers may withhold from a worker's wages only those amounts (1) authorized to be withheld under state or federal law, or by a court order, (2) authorized in writing by the worker, (3) deducted for repayment of a documented advance made by the employer to the employee, or (4) deducted for damage, breakage or similar cause and authorized by the employee at the time of the deduction.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505 (701-328-2660; toll-free 800-582-8032).* The Department is obligated to cooperate with any employee in the enforcement of a claim for unpaid wages lodged against an employer when it appears that the claim is valid, and when the claim is filed within 2 years from the date the wages are due. In investigating a wage claim, agents of the Department are authorized to enter any place of employment to inspect payroll records, and may hold related hearings as necessary. When authorized by the worker, the Department may take legal action against the employer to collect the claim, which may include interest on the unpaid wages and, under certain circumstances, up to *three times* the unpaid amount as punitive damages.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Ohio

● MISCELLANEOUS LABOR LAWS (*SEMI-MONTHLY PAYMENT OF WAGES*)

STATUTORY CITATION: Ohio Rev. Code § 4113.15

GENERAL SUMMARY: Every individual, firm or other entity doing business in Ohio must, on or before the first day of each calendar month, pay the wages earned by its employees during the first half of the preceding month, and on or before the 15th day of each month must pay all wages earned during the last half of the preceding month. This provision does not preclude the daily or weekly payment of wages, or the use of a different pay interval authorized by written contract or under law.

PROVISIONS APPLICABLE TO AGRICULTURE: The semi-monthly wage payment provision applies equally to all agricultural and non-agricultural employment.

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 (614-644-2223). A worker who has not received wages within the timeframe described above may file a claim with the Department, which is authorized to investigate and assist in collection of a valid claim on the worker's behalf.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

PRIVATE CIVIL ACTION — Using a private attorney or public legal service provider, a worker may enforce the right to payment of wages in conformity with this provision by initiating a civil suit against the employer directly. Where wages remain unpaid for 30 days beyond the regularly scheduled payday, or for 60 days beyond the date of filing of a wage claim, the employer is liable for liquidated damages, in addition to the unpaid wages, in an amount equal to 6 percent of the sum still unpaid, or \$200, whichever is greater.

Oklahoma

● WAGE PAYMENT LAW

STATUTORY CITATION: Okla. Stat. Title 40, §§ 165.1 - 165.11

GENERAL SUMMARY: The state wage payment law generally establishes semi-monthly pay periods, dictates the use of itemized deduction statements, and prescribes the timeframe for receipt of final wages at termination. Virtually without exception, these provisions apply to all agricultural and non-agricultural employers in Oklahoma, and to all non-managerial employees.

SPECIFIC TERMS AND CONDITIONS

PAY PERIODS AND PAYDAYS — Employers must pay their workers' wages at least twice each calendar month, on regular paydays designated in advance by the employer. An interval of not more than 11 days may elapse between the end of the pay period and the ensuing payday.

MEDIUM OF PAY — Wages may be paid only (1) in lawful U.S. money, or (2) by check, other written draft or electronic deposit redeemable in U.S. money on demand and without discount.

STATEMENT OF DEDUCTIONS — With each payment of wages, employers must provide each worker with an itemized statement showing all deductions from the worker's earnings.

FINAL WAGES — Whenever a worker's employment terminates, the employer generally must pay final wages in full on the next regular payday for the pay period in which the work was performed.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY - *Wage and Hour Unit, Oklahoma Department of Labor, Oklahoma City, Oklahoma 73105 (405-521-6598)*. The Department may investigate any complaint of non-payment of wages or other violation of the wage payment law, and is authorized to take civil action on the claimant's behalf to collect the claim.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY - *None*.

PRIVATE CIVIL ACTION — A worker who has not been paid in conformity with the wage payment law may recover unpaid wages, plus liquidated damages, in a private civil suit against the employer, using legal counsel of the worker's own choice. A judgment in the worker's favor may include court costs and attorney's fees.

Oregon

● WAGE PAYMENT AND COLLECTION LAWS

STATUTORY CITATION: Or. Rev. Stat. §§ 652.110 – 652.990

GENERAL SUMMARY: Chapter 652 of the state statutes contains numerous provisions governing the payment and collection of wages, including requirements related to the medium of pay, payday and pay periods, final wages, deductions from pay, and itemized pay statements. These provisions generally apply to employers and employees without distinction between agricultural and non-agricultural employment.

SPECIFIC TERMS AND CONDITIONS

MEDIUM OF PAY — In general, an employer may pay wages (1) by check or other non-cash instrument, payable without discount in lawful U.S. money, on demand, at a place of business in the county where the employee lives or works, (2) by direct deposit to a financial institution of the employee's choosing, or (3) using an ATM card, payroll card or other means of electronic transfer, provided the employee is able to (a) make an initial withdrawal of the entire amount of net pay without cost to the employee, or (b) choose some other payment method that involves no cost to the employee.

PAYDAYS AND PAY PERIODS — Every employer must establish a regular payday on which all employees are paid their earnings. Paydays may not be spaced more than 35 days apart.

WAGES AT TERMINATION — Whenever an employer discharges a worker or the worker quits, all unpaid wages become due and payable not later than the next business day.

Seasonal Farmworker Exception — A worker employed as a seasonal farmworker is generally entitled to final wages immediately. However, when termination occurs at the end of the harvest season and the worker is employed by a farmworker camp operator and lives in a licensed camp cost-free, final wages are payable by noon on the day after termination. A seasonal farmworker who quits the job without giving at least 48 hours' notice of intention to quit is entitled to receive final pay within 48 hours after termination or on the next regularly scheduled payday, whichever is earlier.

DEDUCTIONS — An employer is prohibited from withholding, deducting or diverting any portion of an employee's wages unless the deduction (1) is required by law, (2) is authorized in writing by the employee, payable to someone other than the employer, and recorded in the employer's books, or (3) is authorized under a collective bargaining agreement.

PAY STATEMENTS — Each time an employee is paid, the employer must furnish the worker with a written statement itemizing total earnings and each deduction.

ANNUAL PAY STATEMENT — At the request of an employee or former employee, any employer who uses 5 or more workers in any calendar month must, by March 10 of each year, give the employee a statement showing the total compensation paid during the previous calendar year.

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 wage claim, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232.* The Bureau has a statutory obligation to investigate and attempt to settle controversies between workers and employers regarding compensation, including allegations of unpaid wages. The Bureau is expressly authorized to sue employers to collect valid claims assigned in trust by workers for collection. In addition to unpaid wages, violators of the wage payment provisions are liable for civil penalties and criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Pennsylvania

● WAGE PAYMENT AND COLLECTION LAW

STATUTORY CITATION: 43 Pa. Stat. §§ 260.1 – 260.12

GENERAL SUMMARY: The Wage Payment and Collection Law generally governs the compensation of employees in Pennsylvania, regulating paydays, disclosure of payment conditions, and payment of wages at termination. These provisions apply to all employment in the state, both agricultural and non-agricultural.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — Except for wage supplements, every employer must pay the compensation earned by each employee on regular paydays designated in advance by the employer. Unless specified otherwise in a written employment contract, compensation is generally due and payable within 15 days of the end of the pay period in which it is earned. Bonuses or other wage supplements must be paid within 10 days after the end of the job or other due-date, or within 60 days of demand by the worker where no required time for payment was specified. Wages must be paid in lawful U.S. money or by check.

NOTIFICATION — It is every employer's duty to notify each worker at the time of hiring as to the time and place of payment, the rate of pay, and any fringe benefits or wage supplements to be paid. Workers are also entitled to advance notice of any change in these conditions. Such notifications may be provided by posting the required information at the employer's place of business.

FINAL WAGES — Upon termination of employment, for whatever reason, workers' final wages are due and payable no later than the next regular payday on which such earnings would otherwise be paid.

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).* The Department may investigate any complaint alleging a violation of the Wage Payment and Collection Law, and for that purpose agents of the Department may inspect payroll and related records and interview employees at any workplace in the state. Workers and their representatives may request the Department to take legal action on their behalf to collect any claim for unpaid wages, provided action is instituted within 3 years after such wages were originally payable. Apart from civil liability, employers who violate these provisions are also subject to criminal fines and imprisonment.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As an alternative to filing a claim with the Department of Labor and Industry, a worker who has not been paid any portion of his or her earnings may engage a private lawyer or public legal service provider to bring civil action against the employer directly for recovery of the unpaid amount. Furthermore, where wages remain unpaid without good cause for 30 days beyond the regular payday (or 60 days beyond the date of demand, where no regular payday applies), or where shortages in wage payments exceed 5 percent of gross wages payable on any two regular paydays in the same calendar quarter, the employer is generally liable to the worker for an additional amount as liquidated damages equal to 25 percent of the unpaid wages, or \$500, whichever is greater. A judgment in the worker's favor may also include attorney's fees.

● MISCELLANEOUS LABOR LAWS (*SEMI-MONTHLY PAYMENT OF WAGES*)

STATUTORY CITATION: 43 Pa. Stat. §§ 251 – 253

GENERAL SUMMARY: Unless a different wage payment schedule is specified in the contract of hire, employers in Pennsylvania must pay their employees (other than those paid an annual salary) no less frequently than semi-monthly. The first payment must occur between the 1st and the 15th day of each month, the second between the 15th and the last day.

PROVISIONS APPLICABLE TO AGRICULTURE: This provision applies to the wages of all wage earners.

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).* Violations of the semi-monthly wage payment provision may be reported to the Department, which has authority to bring charges against violators in the local courts. Conviction may lead to a fine of up to \$100 for each offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● SEASONAL FARM LABOR ACT (*WAGE PAYMENTS*)

STATUTORY CITATION: 43 Pa. Stat. §§ 1301.201 – 1301.207

GENERAL SUMMARY: The wage and hour provisions of the Seasonal Farm Labor Act regulate, among other matters, wage payment procedures for seasonal farm labor. 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

PAYDAYS — Notwithstanding contrary provisions in the Wage Payment and Collection Act, every employer of seasonal farm

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labor must pay the wages of such workers on regular paydays designated in advance by the employer, but in no case more than 7 days after the end of the calendar week in which the wages were earned. Lawful U.S. currency or check are the only allowable means of payment.

FINAL WAGES — All unpaid earnings must be paid in full by the end of the next business day following termination of each job for which a seasonal farmworker was hired.

DEDUCTIONS FROM WAGES — Employers of seasonal farm labor are permitted to deduct or withhold from a worker's wages only (1) payroll-related taxes required to be deducted or withheld under state or federal law, (2) authorized union dues, (3) payments for employee benefits approved in writing by the worker, (4) reasonable charges for housing and meals provided by the employer, and (5) amounts for repayment of advances by the employer pursuant to a contract or prior agreement with the worker.

PAY STATEMENTS — At the time of payment, employers must provide each seasonal farmworker with a written statement showing the hourly or piecework wage rate, the number of hours worked, the units of work performed (if applicable), the amount of gross compensation, and any amounts deducted or withheld for any purpose whatever.

WAGE PAYMENT THROUGH A LABOR CONTRACTOR — An employer of seasonal farm labor may not permit a farm labor contractor to act as the employer's agent in the payment of wages unless the employer furnishes to each worker, and posts at an accessible location at the workplace, a statement showing the wage rates to be paid and other terms of employment agreed upon prior to hiring. Provided this condition is met, the employer may utilize a contractor as an agent for wage payment purposes, and the contractor becomes responsible for complying with the requirements outlined above.

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).* Any seasonal farmworker who does not receive compensation in accordance with these provisions may file a complaint with the Department. If investigation of the complaint confirms a violation, the Department has authority to take action against the employer or labor contractor involved to enforce compliance.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Puerto Rico

● WAGE PAYMENT LAWS

STATUTORY CITATION: 29 Laws P.R. Ann. §§ 171 - 179

GENERAL SUMMARY: Chapter 9 of the labor statutes, which applies to virtually all classes of employment in Puerto Rico, regulates the payment of wages.

SPECIFIC TERMS AND CONDITIONS

MEDIUM OF PAYMENT — Workers must receive their wages in legal U.S. money, whether (1) in cash, (2) by check, (3) by direct deposit or electronic transfer, in either case to a bank of the worker's choosing, or (4) by payroll credit card. The worker may choose among the methods of pay the employer makes available. In general, any costs associated with the use of checks or electronic methods of payment must be borne by the employer, not the worker.

RESTRICTIONS ON HOW TO SPEND WAGES — Employers are forbidden from imposing any restrictions or requirements on how or where their employees spend their earnings, and from dismissing a worker because the worker spent his or her wages in a certain place or in a certain way.

FREQUENCY OF PAYMENT — The wages of laborers of any kind must be paid no less often than every 15 days.

FINAL WAGES — When a worker quits or is dismissed, the employer must pay the worker's earnings no later than the next regular payday.

DEDUCTIONS — With few exceptions, it is unlawful for an employer to deduct or retain any part of a laborer's wages other than those amounts authorized by the worker for (1) payment of premiums to certain retirement or hospital service plans, (2) purchase of savings bonds, (3) payment of union dues, (4) repayment of loans advanced by the employer or made by certain institutions, (5) payment of the cost of meals, or repayment of advances for meals, consumed on the job by a worker in the agricultural phase of the sugarcane industry, (6) payment of premiums for certain types of insurance, or (7) charitable contributions.

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)*. A worker who has not been paid in accordance with these provisions or is aggrieved by any other alleged violation of the wage payment laws may file a complaint with the Department, which is obliged to investigate and attempt to resolve the matter to the worker's satisfaction.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — To recover unpaid wages, a worker has the option of filing suit against the employer directly, using a private attorney or public legal service provider. Civil court action may not be instituted later than one year after the worker terminates employment with the employer involved.

Rhode Island

● WAGE PAYMENT LAWS

STATUTORY CITATION: 28 R.I. Gen. Laws §§ 28-14-1 – 28-14-31

GENERAL SUMMARY: Chapter 14 of the Rhode Island labor laws regulates the payment of wages, including such matters as paydays, medium of pay, pay at termination, earnings statements, and recordkeeping. The wage payment laws apply to all employment in the state, agricultural and non-agricultural alike.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — Every employer must establish a regular payday, and workers are entitled to written notice of any change in the scheduled payday at least 3 paydays in advance. Workers must generally be paid weekly (unless compensation is fixed at a bi-weekly, semi-monthly, monthly or yearly rate), and each payday normally must fall within 9 days of the end of the payroll period in which the wages were earned.

MEDIUM OF PAY — Employers are not permitted to pay wages in any medium other than (1) in lawful U.S. money, (2) by check, convertible into cash on demand and at full face value, or (3) by electronic transfer to the employee's bank account or payroll card. Employers are permitted to pay wages by means of a payroll card only if the employee is able to make at least one withdrawal from the payroll card account per pay period without charge, up to the full amount of the net wages for the pay period.

FINAL WAGES — Whenever a worker quits the job or is discharged by the employer, the worker's final wages are payable on the next regular payday.

EARNINGS STATEMENTS — On every regular payday, the employer is obligated to furnish the worker with a statement showing the hours worked during the pay period and a record of the deductions made from the worker's pay and the basis or reason for each such deduction.

RECORDKEEPING — Every employer is required to keep a true and accurate record of the hours worked and wages paid to each employee for each pay period. Payroll records must be kept on file for at least 3 years after the date to which they pertain.

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 Program, Workforce Regulation and Safety Division, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920 (401-462-8550).* Authorized representatives of the Department have the right to enter any place of employment for the purpose of inspecting required employment records and otherwise checking compliance with the wage payment laws. At any time within 3 years from the time services were rendered, a worker who does not receive all or part of the wages earned for such services may file a claim with the Department, which is authorized to take action to collect it if it appears valid and enforceable. Employers found to have violated these provisions are also subject to criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As an alternative to filing a wage claim with the state labor department, a person who has not received wages in accordance with these provisions may take action against the employer involved in civil court, using a private attorney or public legal service provider. In addition to recovering the amount of the unpaid wages, the worker may be entitled to compensatory damages and liquidated damages up to *two times* the amount of unpaid wages, plus attorney's fees and court costs. As is the case with an administrative claim, court action to recover unpaid wages is barred unless the claim is filed within 3 years after the date the wages were due.

South Carolina

● WAGE PAYMENT LAW

STATUTORY CITATION: S.C. Code §§ 41-10-10 – 41-10-110

GENERAL SUMMARY: Chapter 10 of the state labor statutes governs the payment of wages in South Carolina, in part by establishing certain notification and recordkeeping requirements, prescribing allowable methods of payment, restricting deductions, and limiting the waiting time for final wages. Except with respect to domestic labor in private homes, which is exempt, the wage payment law applies to all employers with 5 or more employees at any one time during the preceding 12 months.

SPECIFIC TERMS AND CONDITIONS

NOTIFICATION — Either through use of individual written statements or by posting at the workplace, subject employers must notify each employee at the time of hiring as to the hours and wages agreed upon, the time and place of payment, and the deductions to be made from the worker's pay. Any change in these terms must be made in writing at least 7 calendar days before it becomes effective.

RECORDKEEPING — Employers must make, and retain for 3 years, a record of the name and address of each employee, the employee's wages each payday, and the deductions made from each payday's earnings.

PAY STATEMENTS — Every employer subject to the law is obligated to furnish each worker with an itemized statement showing the worker's gross pay and deductions for each pay period.

MEDIUM OF PAYMENT — In general, employers are not permitted to pay wages in any medium other than (1) lawful U.S. money, (2) negotiable warrant or check, or (3) direct deposit to a federally insured financial institution. If the employer uses direct deposit, the worker must be allowed at least one free withdrawal per pay period.

DEDUCTIONS — Employers may not withhold or divert any portion of an employee's wages unless required or permitted to do so by state or federal law, or pursuant to the notification described above.

FINAL WAGES — Whenever a worker is terminated from the payroll, for whatever reason, the employer generally must pay all wages due within 48 hours of termination or by the next regular payday, which may not exceed 30 days.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of Investigations and Enforcement, South Carolina Department of Labor, Licensing and Regulation, Columbia, South Carolina 29211 (803-896-4470).* Upon receipt of a complaint from a worker alleging a violation of the wage payment law, the Department may question the employer, inspect payroll records, and take other appropriate action to investigate the complaint. If there is evidence of a violation, the Department must attempt to resolve the issues informally and may assess a civil money penalty against the offending employer.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — In case of an employer's failure to pay wages as required by these provisions, a worker may recover in a civil action an amount equal to *three times* the full amount of the unpaid wages, together with court costs and attorney's fees. Civil action to recover unpaid wages must be commenced within 3 years after the wages become due.

South Dakota

● WAGE AND HOUR LAWS (*WAGE PAYMENTS*)

STATUTORY CITATION: S.D. Codified Laws §§ 60-11-8 – 60-11-24

GENERAL SUMMARY: Chapter 60-11 of the state statutes encompasses provisions regulating the payment of wages, including such matters as paydays, medium of pay, and wages at termination. The wage payment provisions apply to employers and employees in all industries and occupations.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — In general, every employer is obligated to pay all cash wages at least once a month, on regular paydays designated in advance by the employer.

MEDIUM OF PAY — Unless an employer and employee agree to another method of payment, wages must be paid (1) in lawful U.S. money, (2) by check, or (3) by direct deposit to the employee's bank account.

FINAL WAGES — When an employee quits or an employer discharges a worker from the payroll, the worker's final pay is due not later than the next regular payday, or as soon thereafter as the worker returns any of the employer's property which is in the worker's possession.

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 and Hour Office, Division of Labor and Management, South Dakota Department of Labor and Regulation, Pierre, South Dakota 57501 (605-773-3681)*. It is the duty of the Department to investigate any reported or suspected violation of the wage payment provisions, and for that purpose representatives of the Department may enter places of employment, inspect payroll records, and perform other investigatory functions. With respect to a valid wage claim not exceeding \$500, the agency may take assignment of the claim and bring civil action on the worker's behalf to collect it. Intentional refusal to pay wages in conformity with these provisions may also be prosecuted as a criminal offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Tennessee

● WAGE REGULATIONS

STATUTORY CITATION: Tenn. Code §§ 50-2-101 – 50-2-113

GENERAL SUMMARY: Chapter 2, Part 1 of the state labor laws regulates wage payment practices in Tennessee, largely by prescribing duties and restrictions related to wage disclosure, pay periods, paydays, and medium of pay.

PROVISIONS APPLICABLE TO AGRICULTURE

WAGE DISCLOSURE — The provision which makes it a misdemeanor for employers to hire workers without first informing them of the wage rates to be paid, **does not apply** to farm labor.

FREQUENCY OF PAYMENT — To the same extent as their counterparts in other industries, farm operators and other agricultural establishments with 5 or more employees are required to pay their workers at least twice each month. Wages earned from the 1st through the 15th day of any month are due and payable no later than the 5th day of the following month; wages earned from the 16th through the last day of the month are payable by the 20th of the next month.

PAYDAYS — Every employer in the state must establish and maintain regular paydays, and must post conspicuously in at least 2 locations at the workplace a notice indicating the payday schedule.

MEDIUM OF PAY — Agricultural and non-agricultural employers alike are forbidden to pay wages in any medium of exchange other than (1) lawful U.S. money, (2) valid and negotiable check or draft, payable without discount in lawful U.S. money at an established place of business, (3) electronic transfer in lawful U.S. money, or (4) credit to a prepaid debit card, from which the employee is able to withdraw or transfer funds. Employers who use debit cards to pay wages must ensure that their employees can make at least one withdrawal or transfer per pay period for any amount contained on the card and without cost to the employee, and must give their employees the option to receive pay via electronic transfer instead.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Unit, Regulations and Compliance Division, Tennessee Department of Labor and Workforce Development, Nashville, Tennessee 37243 (615-781-5343; toll-free 844-224-5818)*. This agency is responsible for investigating claims of non-payment of wages in accordance with these provisions, and has authority to access payroll and other employment records to ascertain compliance. Violation of the provisions outlined above is a Class B misdemeanor, punishable by a fine of up to \$500, a jail term of up to 6 months, or both.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Texas

● PAYDAY LAW

STATUTORY CITATION: Tex. Labor Code §§ 61.001 – 61.095

RELATED REGULATIONS: 40 Tex. Admin. Code §§ 821.1 – 821.81

GENERAL SUMMARY: Chapter 61 of the Texas labor statutes includes provisions regulating paydays, wages at termination, methods of wage payment, and wage deductions, and prescribes an administrative procedure for claiming and collecting unpaid wages. The payday law applies to all forms of private employment in the state.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — Farmworkers and other employees who are excluded from federal overtime pay requirements must receive their wages no less frequently than once a month; other workers must be paid at least twice a month. Employers are required to designate paydays in advance and post the schedule in the workplace.

FINAL WAGES — An employee who is discharged from the job is entitled to receive final pay, in full, no later than the 6th day after termination. An employee who quits or resigns must be paid final wages no later than the next regular payday.

FORM OF PAYMENT — Wages generally must be paid (1) in U.S. currency, (2) by check or other written instrument issued by the employer that is negotiable at full face value for U.S. currency, or (3) by electronic transfer. Electronic transfer may be used only if the employee maintains an account at a financial institution that qualifies for direct deposit.

WAGE DEDUCTIONS — An employer is not permitted to withhold or divert any part of a worker's wages unless the employer (1) is ordered to do so by a court of law, (2) is authorized to do so by state or federal law, or (3) has written authorization from the employee to deduct part of the wages for a lawful purpose.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Law Section, Texas Workforce Commission, Austin, Texas 78778 (512-475-3027).* A worker who does not receive his or her earnings in accordance with these provisions may file a wage claim with the Workforce Commission, which is authorized to investigate all such claims. Any such claim must be filed within 180 days after the wages claimed became due for payment. When a wage claim is determined to be valid and after all appeals are exhausted, the Commission has authority to take legal action in district court to recover unpaid wages and impose civil penalties for violations. Failure to pay wages owed is also a criminal offense, classified as a 3rd-degree felony.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Utah

○ WAGE PAYMENT LAW

STATUTORY CITATION: Utah Code §§ 34-28-1 – 34-28-19

RELATED REGULATIONS: Utah Admin. Code R. 610-3

GENERAL SUMMARY: Chapter 28 of the labor statutes regulates the payment of wages in Utah, by prescribing standards relating to paydays, medium of payment, wage deductions, and final compensation. With certain exceptions, the wage payment law applies to all private employers in Utah who have one or more employees.

SPECIFIC TERMS AND CONDITIONS

The wage payment law **does not apply** to employers and employees engaged in farm, dairy, agricultural, viticultural or horticultural pursuits.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Antidiscrimination and Labor Division, Utah Labor Commission, Salt Lake City, Utah 84114.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Vermont

● WAGE PAYMENT LAW

STATUTORY CITATION: Vt. Stat. Title 21, §§ 341 – 348

GENERAL SUMMARY: Chapter 5, Subchapter 2 of the state labor statutes sets general standards for the payment of wages, including provisions governing paydays, pay periods, and the method of payment. The wage payment law applies equally to both agricultural and non-agricultural employment.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS AND PAY PERIODS — Workers must be compensated weekly, unless the employer gives written notice of intention to pay bi-weekly or semi-monthly. In any case, not more than 6 days may elapse between the end of a pay period and the corresponding date of payment.

FINAL WAGES — A worker who voluntarily leaves the job must receive final pay on the next regularly scheduled payday (or on the following Friday, if there is no regular payday). An employee who is discharged from employment must be paid in full within 72 hours after discharge.

METHOD OF PAYMENT — Under most circumstances, wages may not be paid in any form other than (1) in lawful money, (2) by check, (3) by direct deposit to a financial institution, or (4) credit to a payroll card account in a federally insured financial institution.

Wage payments by payroll card are permitted only after certain written disclosures are made to the employee, and only with the employee's consent. A payroll card account must allow the worker at least 3 free withdrawals, one of which must permit withdrawal of the entire balance, and none of the employer's costs associated with the account may be passed on to the worker.

Payment of wages using vouchers, scrip, store orders, or other non-cash medium is generally prohibited.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal for an employer to fire or otherwise retaliate against an employee because (1) the employee lodged a complaint of a violation of the wage payment law, (2) the employee has cooperated with the enforcement agency in an investigation of a violation, or (3) the employer believes the employee may lodge such a complaint or cooperate in such an investigation. A worker who has suffered from an act of retaliation may take action in civil court for damages, using a private attorney or public legal service provider.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Program, Vermont Department of Labor, Montpelier, Vermont 05601 (802-828-4204)*. A worker who has not received all wages due may file a complaint with the Department, and the agency is obligated to investigate the claim and try informally to effect payment if the claim is valid. If informal measures fail, the Department has authority to impose a civil penalty of up to \$5,000 against an employer who fails to pay wages as required and may enforce a final order for collection in state court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — Using a private attorney or public legal service provider, a worker who does not receive his or her earnings in conformity with these provisions may recover twice the amount of any unpaid wages in a civil suit against the offending employer.

Virginia

● WAGE PAYMENT LAW

STATUTORY CITATION: Va. Code §§ 40.1-29 – 40.1-33

GENERAL SUMMARY: Chapter 3, Article 2 of the Virginia labor statutes contains provisions governing wage payments in the state, applicable to all agricultural and non-agricultural employment.

SPECIFIC TERMS AND CONDITIONS

PAY PERIODS — All employers must establish regular pay periods and, in general, must pay salaried personnel at least once a month and hourly workers at least twice a month or every 2 weeks.

FINAL WAGES — Upon termination of employment, a worker is entitled to final pay on or before the date the worker would have been paid for the services involved had the employment not terminated.

MEDIUM OF PAY — Employers are not permitted to pay wages in any form other than (1) in lawful U.S. money, (2) by check payable at face value in lawful U.S. money on demand, (3) by electronic fund transfer, in lawful U.S. money to an account at a financial institution designated by the employee, or (4) by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds.

DEDUCTIONS — No employer may withhold any part of a worker's wages without the signed authorization of the worker, except for payroll or withholding taxes or in accordance with law. Furthermore, an employer may not compel a wage worker to sign any contract or agreement providing for the forfeiture of the worker's wages as a condition for hiring or continued employment unless authorized by law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor and Employment Law Division, Virginia Department of Labor and Industry, Richmond, Virginia 23219 (804-371-3104)*. Any worker who does not receive pay as required by these provisions, or who is subjected to any practice forbidden by these provisions, may file a complaint with the Department. After investigation and with the written consent of the worker, the Department may bring suit against the employer to enforce compliance.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Washington

● WAGE PAYMENT AND COLLECTION LAW

STATUTORY CITATION: Wash. Rev. Code §§ 49.48.010 – 49.48.900

GENERAL SUMMARY: Chapter 49.48 of the Washington statutes, which applies to all private employment in the state, regulates the payment of final wages, limits deductions from earnings, and prescribes procedures for the collection of unpaid wages.

SPECIFIC TERMS AND CONDITIONS

FINAL COMPENSATION — In general, when an employee is discharged or voluntarily withdraws from employment, the worker's final wages must be paid at the end of the established pay period.

DEDUCTIONS — It is unlawful for an employer to withhold or divert any portion of a worker's wages unless the deduction is (1) required by state or federal law, (2) specifically agreed upon by the worker and the employer, or (3) required for medical, surgical or hospital care and clearly documented as such in the employer's payroll records.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321)*. A worker who has not received all or any part of his or her earnings may file a wage claim with the Department, which is authorized to take legal action to collect it when the claim appears valid and the worker is unable to afford legal counsel to prosecute the claim in court. In investigating complaints, representatives of the Department may examine payroll records, hold hearings, subpoena witnesses, and take related enforcement action. Failure to pay wages or to comply with the wage payment provisions outlined above is a misdemeanor.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

West Virginia

● WAGE PAYMENT AND COLLECTION LAW

STATUTORY CITATION: W. Va. Code §§ 21-5-2 – 21-5-18

GENERAL SUMMARY: Article 5 of the West Virginia labor laws regulates the payment of wages, including such matters as pay periods, medium of payment, final compensation, and certain required notifications. The wage payment and collection law applies to both agricultural and non-agricultural employment alike.

SPECIFIC TERMS AND CONDITIONS

PAY PERIODS — Other than railroad companies, all employers in the state generally must pay their workers' wages at least twice a month, with no more than 19 days between paydays, unless a different schedule is provided for by special agreement.

MEDIUM OF PAYMENT — Wages may not be paid in any medium other than (1) in lawful U.S. money, (2) by check or similar draft drawn on one or more banking institutions, convenient to the place of employment and where arrangements have been made for cashing at full face value, (3) by deposit or electronic transfer of immediately available funds into an employee's payroll card account in a federally insured depository institution, or (4) by any method of depositing immediately available funds in an employee's demand account in a bank or credit union. Use of a payroll card must be agreed upon in writing by both the employer and the employee.

FINAL COMPENSATION — When an employer discharges an employee, the employer must pay the worker's final wages in full no later than the next regular payday. If the employer fails to adhere to this timeframe, the worker is entitled to recover the unpaid amount, plus *two times* the unpaid amount as liquidated damages.

NOTIFICATIONS — At the time of hiring, every employer must provide to each worker hired a written notice of the rate of pay and the day, hour and place of payment. Any change in these conditions must be announced in advance and in writing. There must be a summary of the wage payment and collection law posted at the workplace and accessible to the employees at all times.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Section, Division of Labor, West Virginia Department of Commerce, Charleston, West Virginia 25305 (304-558-7890)*. Representatives of the Division of Labor may enter any place of employment in the state, question employees, examine payroll records and related documents, and take other enforcement action, either in response to a worker's complaint or on the agency's own initiative. At the request of a worker claiming unpaid wages, the Division is authorized to take legal action against the employer to collect the claim. Violation of the wage payment and collection law is also grounds for criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — In lieu of filing an administrative claim with the Division of Labor, a worker whose wages have not been paid in accordance with these provisions may recover unpaid wages and damages, if applicable, by bringing suit against the employer directly, utilizing outside legal assistance. The court is authorized to award the worker reasonable attorney's fees if the worker prevails in any such action.

Wisconsin

● WAGE PAYMENT, CLAIMS, AND COLLECTION LAW

STATUTORY CITATION: Wis. Stat. §§ 109.01 – 109.12

GENERAL SUMMARY: Chapter 109 of the Wisconsin statutes prescribes the timeframes under which employees in the state are entitled to receive their pay, and establishes administrative procedures for processing and collecting claims for unpaid wages.

PROVISIONS APPLICABLE TO AGRICULTURE

FREQUENCY OF PAYMENT — In contrast with the monthly pay period limit applicable to most other occupations, workers engaged in farm labor may be paid no less often than at regular quarterly intervals. A worker who is absent at the time fixed for payment, or for any other reason is not paid at that time, must be paid thereafter within 6 days of demand.

COMPENSATION AT TERMINATION — Agricultural and non-agricultural employees who do not have a written employment contract for a definite period must receive final wages in full no later than the date on which they would have received their next wages under the employer's established payroll schedule.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Bureau, Equal Rights Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53703 (608-266-6860)*. The Department may receive and investigate any wage claim which is filed with the agency no later than 2 years after the date the wages were due. If a claim is found to be valid, the Department may accept assignment of the claim in trust and may sue the employer on the worker's behalf to recover the difference between the amount required by law to be paid and the amount actually received by the worker. The employer is not only liable for the unpaid wages, but subject to a penalty ranging from 50 percent to 100 percent of the amount of the claim, payable to the worker. Violation of the wage payment law is also deemed a criminal offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — As an alternative to enforcement action by the Department, any worker may exercise a right of action against an employer in civil court for the full amount of the worker's wages due on each regular payday. In addition, the court may order the employer to pay the worker increased wages ranging from 50 percent to 100 percent of the amount of the claim, depending on the duration of the employer's delay in payment.

● MIGRANT LABOR LAW (WAGE PAYMENT)

STATUTORY CITATION: Wis. Stat. § 103.93

RELATED REGULATIONS: Wis. Admin. Code § DWD 301.08

GENERAL SUMMARY: Wage payments to out-of-state migrant workers temporarily employed in seasonal agricultural operations in Wisconsin are subject to provisions in the state's migrant labor law.

SPECIFIC TERMS AND CONDITIONS

FREQUENCY OF PAYMENT — Every employer must pay all wages earned by a migrant worker directly to the worker, on regular paydays designated in advance by the employer, but in no case less often than semi-monthly.

MEDIUM OF PAY — Wages may not be paid in any medium other than U.S. currency, or by check or draft.

WAGES AT TERMINATION — Upon termination of the period of employment for which the worker was hired, the employer is generally required to pay all wages due any migrant worker in full within 3 days after termination.

WAGE STATEMENTS — Employers must furnish each migrant worker, at the time of payment, a written statement showing the amount of the worker's gross and net wages, and each amount deducted or withheld for whatever purpose.

DEDUCTIONS — It is illegal for an employer or migrant labor contractor to deduct or withhold from a migrant worker's wages any amount for the payment of past or anticipated debts, unless the worker has previously authorized the deduction or withholding in writing. This does not preclude wage deductions required by law or under court order.

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)*. Complaints regarding wage payments not consistent with these provisions, or claims for unpaid wages, may be filed with the Department for investigation and prosecution.

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.

Wyoming

● WAGE PAYMENT AND COLLECTION LAWS

STATUTORY CITATION: Wyo. Stat. §§ 27-4-101 – 27-4-105 and §§ 27-4-501 – 27-4-508

GENERAL SUMMARY: Chapter 4, Article 1 of the Wyoming labor statutes governs the payment of wages in the state, including such matters as payroll periods, paydays, wage statements, and the payment of wages at termination. Article 5, in turn, establishes a state-administered procedure for collecting claims for unpaid wages.

PROVISIONS APPLICABLE TO AGRICULTURE

PAYDAYS AND PAY PERIODS — The general requirement that employers pay their workers' wages no less often than semi-monthly, on prescribed paydays, **does not apply** to agricultural operations.

WAGE STATEMENTS — The provision requiring most employers to furnish their employees with an itemized statement of deductions with each payment of wages **does not apply** to agricultural operations.

WAGES AT TERMINATION — Whenever a farmworker or other employee quits the job or is dismissed by the employer, the worker's final wages must be paid no later than the next regularly scheduled payday. Wages must be paid in lawful U.S. money, or by check or draft negotiable at a bank.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Office, Wyoming Department of Workforce Services, Cheyenne, Wyoming 82002 (307-777-7261)*. A farmworker who has not received final pay in accordance with the provisions outlined above may file a claim with the Department, provided the sum involved does not exceed \$500 or 2 months' wages, whichever is greater. The Department must investigate and determine the validity of the claim, and after opportunity for a hearing, may take legal action on the worker's behalf to collect it if investigation finds the claim valid and enforceable. Failure by an employer to pay all wages due a worker who has quit or been dismissed is also punishable as a criminal offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.