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

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

GENERAL SUMMARY: Migrant workers in Wisconsin are covered by hour and overtime standards in the state's migrant labor law. The term "migrant worker" means any person who temporarily leaves a principal place of residence in another state and comes to Wisconsin for not more than 10 months in a year to engage in seasonal agricultural employment.

SPECIFIC TERMS AND CONDITIONS

WORKERS EMPLOYED SOLELY IN AGRICULTURAL LABOR —

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

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

OTHER MIGRANT AGRICULTURAL WORKERS —

Overtime Pay on Sunday — A migrant worker who is not employed exclusively in agricultural operations for a particular employer is entitled to receive no less than $1^{1}/_{2}$ times the worker's regular rate of pay for any hours worked on Sunday, unless the worker is allowed another day of rest in that calendar week.

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

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

SPECIAL NOTES OR ADVISORIES

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

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002).* Violations of the migrant labor law's hour and overtime standards may be reported to the Department, which must investigate each such complaint and take action to secure compliance.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

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