

● **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.