

EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

\$7.25

 PER HOUR

BEGINNING JULY 24, 2009

AGRICULTURAL EMPLOYEES

MINIMUM WAGE The Fair Labor Standards Act requires the payment of the minimum wage listed above if you perform covered work for an employer who used more than 500 man-days of farm labor in any calendar quarter of the preceding year. A man-day means any day when an employee (except for a member of the employer's immediate family) does agricultural work for at least one hour.

Note: Under specific exemptions in the law, employers do not have to pay the minimum wage to the following:

- Members of the employer's immediate family;
- Local hand-harvest workers who are paid on a piece-rate basis and who worked fewer than 13 weeks in agriculture during the preceding calendar year;
- Migrant hand-harvest workers 16 and younger who are employed on the same farm as their parents and who receive the same piece rates as employees older than 16 working on the same farm;
- Workers mainly engaged in the range production of livestock.

CHILD LABOR At age 16, you may work at any time in any farm job, including those declared hazardous by the Secretary of Labor. At age 14, you may work in nonhazardous farm jobs outside school hours. Minors 12 and 13 years old may work outside school hours with written parental consent or on farms where a parent of the minor is employed, and those under 12 may work with parental consent outside school hours on farms not subject to the minimum wage. Although the FLSA authorizes the Secretary of Labor to issue waivers that would, under specified conditions, permit the employment of local minors 10 and 11 years of age to work outside school hours in the hand harvesting of crops, the Department of Labor has been enjoined from issuing such waivers since 1980.

ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION

- Some state laws provide greater employee protections; employers must comply with both.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of the Labor.
- The law requires employers to display this poster where employees can readily see it.

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WAGE AND HOUR DIVISION
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