

Your Rights as an Agricultural Worker

Minimum wage

The minimum wage in Washington State is recalculated each year as a result of an initiative approved by voters in 1998. **Your employer is required to pay the current minimum wage.** You or your employer can learn the current minimum wage by:

- Visiting the L&I web site at www.Lni.wa.gov
- Calling a local L&I office
- Calling L&I's Employment Standards information line, 360-902-5316

Minimum wage exemption

Agricultural workers must be paid at least the state minimum wage unless they meet **all three** of the following requirements:

1. They are hand-harvest laborers who are paid piece rate; **and**
2. They commute daily from their permanent residence to the farm; **and**
3. They were employed in agriculture less than 13 weeks during the preceding calendar year.

Pay periods and pay statements

You must be paid at least once a month on a regularly scheduled pay day. Each time you are paid, you must receive a statement from your employer showing the number of hours you worked, your rate of pay, the number of piece work units earned if paid on a piece rate basis, your gross wages, the pay period and all deductions taken. A pay statement must identify the employee and include the employer's name, address and telephone number.

Employment records

Your employer must keep a record of your name, address, occupation, rate of pay, amount paid each pay period and the hours worked. **These records must be made available to you upon request at any reasonable time.**

Meal and rest breaks

You are entitled to a meal period of at least 30 minutes if working more than five hours in a day. If working 11 or more hours in a day, you are allowed at least one additional 30-minute meal period.

You are entitled to at least a 10-minute paid rest break for each four hours worked.

Farm labor contractors

A farm labor contractor must have a license issued by the Department of Labor and Industries (L&I) and a surety bond that ensures payment of wages to workers. The farm labor contractor must show you the license. The contractor also must provide you with pay statements itemizing the hours worked and the rate of pay. The farm labor contractor must give you a signed form that explains the terms of employment and your rights as a worker.

Complaints

L&I has the right to investigate the wages, hours and working conditions of all employers. You may file a complaint with your local L&I office if you feel any of these laws are being violated.

Penalties

An employer who is convicted of violating provisions of the Minimum Wage Act or of discriminating against an employee for filing a minimum wage complaint will be guilty of a gross misdemeanor. The department may fine employers who violate child labor laws, pay period and meal and rest break requirements.

Appeals

Any person, firm or corporation may appeal an action or decision made by L&I. Contact your local L&I office to learn more about the appeals process.

Workers under age 18

The minimum wage for 16- and 17-year-old workers is the same as for adults. Minors under 16 may be paid 85 percent of the state minimum wage.

Minor work permit endorsements are required for employers with minor workers and must be applied for within three days after hiring a minor. Before employing a minor, the employer must obtain written permission from the minor's legal guardian and from the minor's school if he or she is employed during the school year. These rules do not apply to immediate family members of farm owners.

The minimum age for minor workers is 14. The one exception is: Children aged 12 and 13 are allowed to work only during non-school weeks hand-harvesting berries, bulbs and cucumbers and hand-cultivating spinach. No other exceptions apply.

Hours minors in agriculture are permitted to work:

	14- and 15-year-olds		16- and 17-year-olds	
	School	Non-school	School	Non-school
Working hours	7 a.m.- 8 p.m.	5 a.m.- 9 p.m.	*5 a.m.-10 p.m.	5 a.m.-10 p.m.
Max. hours per day	3 hours	8 hours	4 hours	10 hours
Max. hours per week	21 hours	40 hours	28 hours	50 hours
Max. days per week	6 days	6 days	6 days	6 days
Exceptions	Dairy, livestock, hay harvest and irrigation: 7 days per week. 6 a.m. start in animal agriculture and irrigation.	Dairy, livestock, hay harvest and irrigation: 7 days per week.	Dairy, livestock, hay harvest and irrigation: 7 days per week. *No later than 9 p.m. on 2 consecutive nights before a school day.	Dairy, livestock, hay harvest and irrigation: 7 days per week. 60 hours per week in mechanical harvest of peas, wheat and hay.

Age 12 and 13: Can work up to 8 hours a day, 40 hours per week, 6 days per week only during non-school weeks hand-harvesting berries, bulbs and cucumbers and hand-cultivating spinach. Start and finish times: 5 a.m. to 9 p.m.

Prohibited duties for minors in agriculture. Minor agricultural workers are prohibited from dangerous work, such as handling dangerous pesticides, anhydrous ammonia and dynamite or blasting caps. Minors also are prohibited from harvesting crops prior to expiration of the pre-harvest interval or within 14 days of chemical application if no pre-harvest interval exists. Additional restrictions apply to minor agricultural workers under 16, such as operating dangerous machinery, working on tall ladders or scaffolds and working in food processing. To learn more about teen workers in agriculture, visit L&I's teen worker Web site at www.TeenWorkers.Lni.wa.gov or call your local office or 360-902-5316.

More information on your rights as a worker

For more information on these laws or for more copies of this poster, contact your L&I office, call 360-902-5316, or visit the L&I Web site: www.Lni.wa.gov/WorkplaceRights.

Family Care and Family Leave Provisions

Washington Family Care Act

(Use of paid leave to care for a family member)

If you work for an employer with a paid-leave policy (sick, vacation or other paid-time off), the law allows you to use your choice of any paid leave to care for sick family members. For those without a paid leave benefit for sickness, certain employer-provided short-term disability plans could be used for this purpose. Family members include:

- Children under age 18 with a health condition that requires supervision or treatment.
- Spouse, parent, parent-in-law or grandparent with a serious or emergency health condition.
- Adult son or daughter incapable of self-care due to a disability.

Employers may not discharge, penalize or discriminate against workers who use their leave for this purpose or who file a complaint alleging a violation of these leave laws.

Federal Family and Medical Leave Act (FMLA)

The federal FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they:

- Worked for an employer for 1,250 hours over the previous 12 months; and
- There are at least 50 employees within 75 miles.

Complete information on the federal FMLA is available from the U.S. Department of Labor. Call 1-866-487-9243 or visit www.dol.gov/dol/allcfr/ESA/Title_29/Part_825/toc.htm

Washington Family Leave Act

(Additional time off for pregnancy-related disability)

Women employees who qualify for leave under the federal Family and Medical Leave Act (FMLA) described in the previous section are also entitled to job-protected leave under the Washington Family Leave Act (FLA) for disability due to pregnancy and childbirth in addition to 12 weeks of other family leave.

Complete information on the Family Care and Family Leave laws is available from L&I. Go to www.Lni.wa.gov/WorkplaceRights and click on "Leave & Benefits" or call 1-866-219-7321.

Pregnancy Disability/Discrimination

Discrimination because of pregnancy or pregnancy disability is a violation of state law. This law applies to employers with 8 or more employees. The woman's health-care provider determines the amount of time off needed for disability due to pregnancy.

Complete information is available from the Washington State Human Rights Commission at www.hum.wa.gov or by calling 1-800-233-3247.



Washington State Department of
Labor & Industries

This document is available in other formats to accommodate persons with disabilities. For assistance, call 800-547-8367. (TDD users, please call 360-902-5797.) Labor and Industries is an Equal Opportunity Employer.