

AGRICULTURAL LABOR — LEGAL REQUIREMENTS

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FARM MANAGEMENT HANDBOOK

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Agricultural producers who employ any labor should be aware of, and understand, both Ohio and Federal laws pertaining to labor. The purpose of this chapter is to create an awareness of the labor laws and regulations which may affect you as an agricultural employer. Space does not permit details of each regulation. The current Ohio Farm Labor Handbook has more detailed information on each regulation. Neither this summary nor the Ohio Farm Labor Handbook is intended to be the official interpretation of laws and regulations. While the author believes this summary to be correct as of September 1981, new regulations may modify labor laws or regulations at any time. Agricultural employers are urged to use the included references to contact the specific agency responsible concerning questions or detailed interpretation regarding individual problems.

In each case there is an Ohio or Federal Agency charged with administering the law or regulation. Most Federal Agencies have offices located in Ohio to whom questions can be addressed. Note also that some regulations require that employee records be maintained as one requirement for compliance. The chapter in this Ohio Farm Management Handbook concerning "Records and Record Systems Available" contains some employee record-keeping suggestions.

Table 1 outlines those laws and regulations which affect all employers of agricultural labor. Table 2 outlines those laws and regulations which may concern agricultural employers if they attain certain levels of payroll or employ specific classes of employees. Table 3 outlines the law and regulations of specific concern to employers of migrant labor.

Table 1: Labor Laws and Regulations Affecting All Agricultural Employers

Laws or Regulations	Objective	Who Must Comply	Responsible Agency	Notes
Ohio Workers Compensation Law	Protection for workers injured on the job. Frees employer from liability for such injuries.	Employers who hire <u>one or more</u> (full time or part time) workers in regular business. Employer may elect to cover himself.	Bureau of Workers Compensation Ohio Departments Bldg. 65 S. Front Street Columbus, OH 43215 District Offices located throughout Ohio.	Coverage must be established before employee begins work.
Employment of Minors (Federal Fair Labor Standards Act and State Child Labor Laws)	Provide for health, safety, and welfare of employed youth.	Employers who hire one or more youth as follows: a. Youth under 16 years of age are prohibited from performing certain agricultural jobs which have been declared hazardous. Youth 14 and 15 years of age may perform specified jobs after required training. Ohio and Federal hazardous job list is identical. b. Youth under 18 who reside in agricultural labor camps must secure an age and schooling certificate. Age and schooling certificates not issued to youth under 14 years of age c. Minors under 12 years of age may not be employed by agricultural employers who are subject to minimum wage requirements (meet 500 man-day test). d. Written parental (or guardian) consent must be obtained if youth 13 years of age or under are employed (unless working for parents or guardian)	Federal Laws: Wage & Hour Division U.S. Dept. of Labor Offices in Akron, Cincinnati, Cleveland and Columbus. Ohio Laws: Division of Women, Minors, Minimum Wage & Prevailing Wage. Dept. of Industrial Relations 2323 W. Fifth Ave. Columbus, OH 43216	State & Federal laws affecting employment of youth are similar however, State laws are more restrictive than Federal laws. Minors employed in agricultural employment on farms, operated by parents grandparents, or guardians where minor is a member of guardian's household are exempt from Ohio and Federal child labor laws
Occupational Safety and Health Administration (OSHA)	Assure workers safe and healthful working conditions.	All employers including agricultural employers, (annual exemption from inspections has been granted farm employers who employ <u>10 or fewer employees</u> at any one time during the year. However, inspections may be made if there is reason to believe hazards exist or if a complaint is registered). Farm employers hiring 11 or more employees at any one time are subject to inspection. Standards are established for: a. Anhydrous ammonia equipment and application b. Temporary labor camps c. Pulpwood and logging d. Rollover Protective Structures for farm tractors and employee training for tractor operators e. Machinery Guarding and Shielding and employee training for safe operation and service of specified farm and farmstead machinery.	OSHA Regional Office 230 South Dearborn Street Chicago, Illinois 60604 Area offices are located in Cincinnati, Columbus, Cleveland and Toledo	Agricultural employers, regardless of OSHA inspection status, should provide a safe working environment and equipment for employees.

Specified records must be kept.

Table 2: Labor Laws and Regulations Affecting Some Agricultural Employers. Note: Laws and regulations outlined in Table 1 must also be considered.

Laws or Regulations	Objective	Who Must Comply	Responsible Agency	Notes
Federal Minimum Wage Law (as applied to Agriculture)	To establish fair labor standards in employment.	Agricultural employers who used 500 man-days of labor in any calendar quarter the preceding year must pay minimum wage. The regulation specifies who is counted in calculating the 500 man-day test. Specified records must be kept to prove minimum wage has been paid or to document exemption for regulation.	Wage and Hour Division U.S. Department of Labor Offices in Akron, Cincinnati, Cleveland and Columbus	Minimum wage for 1981 is \$3.35 per hour. Federal and Ohio minimum wage levels are identical.
Social Security	Provide monthly cash benefits to replace a part of earnings lost through retirement, death, disability or hospitalization.	Agricultural employers who employ one or more persons who: a. Are paid \$150 or more in cash wages in one year <u>OR</u> b. Perform agricultural labor for 20 or more days during the year for Employer must withhold tax from employees wages and match the employee tax with an equal amount. 1982 withholding is 6.7% of first \$32,400 wages. Employer must provide W-2 form indicating wages and Social Security Tax withheld.	Social Security Administration is responsible for benefits. Field offices are located throughout Ohio. Internal Revenue Service collects Social Security Taxes.	Deposits are required when cumulative tax totals reach specified annual, monthly or eighth month levels. See IRS Pub. 225, Farmers Tax Guide for current deposit requirements.
Unemployment Insurance	Temporary replacement of earnings due to loss of employment through no fault of employee.	Agricultural employers who during the year employ 10 or more workers in 20 or more weeks. <u>OR</u> Paid \$20,000 or more in cash wages in a calendar quarter of the current or preceding year.	Unemployment Compensation Div. Ohio Bureau of Employment Svc. 145 South Front Street Columbus, OH 43215 <u>OR</u> Local Bureau of Employment Service offices.	

Table 2: (continued)

Laws or Regulations	Objective	Who Must Comply	Responsible Agency	Notes
Federal Income Tax Withholding	To collect income tax revenues on a current basis.	Federal Income Tax withholding is not required on wages of farm workers. Employees may request employer, in writing, to withhold Federal Income Tax.	Internal Revenue Service District offices are located in Cleveland and Cincinnati	Deposit requirements are the same as for Social Security Employment Tax. Social Security and income tax are combined for cumulative total levels.
Ohio Income Tax Withholding	To collect income tax revenues on a current basis	Ohio Income Tax Law does not require, but does permit, withholding of State Income Tax from farm employees. Employees may request withholding in writing and employer must agree.	Income Tax Division Ohio Dept. of Taxation P. O. Box 2476 Columbus, OH 43216	Monthly payments are due if employer estimates \$500 or more will be withheld during calendar quarter.
Targeted Jobs Tax Credit	To provide incentive to employers to hire employees from selected groups who experience difficulty in securing jobs.	Participation is optional. Any employer who hires an employee certified as eligible in one of seven targeted groups may claim a tax credit of 50% of the first \$6,000 in wages paid the employee the first year and 25% of the first \$6,000 paid in the second year of employment.	Ohio Bureau of Employment Services is responsible for certifying eligible employees. Offices located throughout Ohio.	Employee must obtain certification for employer to benefit from tax credit.
Retirement Plans for Employees Self-employed Plan (Keogh)	To provide tax sheltered retirement benefit package for employer and employees	Participation is strictly optional Keogh Plan: If employer provides for himself must include employees after three years of employment. Tax sheltered annual contribution is lesser of 15% or \$15,000 of self-employed person's income.	Internal Revenue service District offices located in Cleveland and Cincinnati	See IRS Pub. 560, "Tax Information on Self-Employed Retirement Plans"
Individual Retirement Account (IRA)		Tax sheltered plan available to anyone whether covered by a corporate, self-employed or governmental plan or not. Employee may contribute up to lesser of 100% of compensation or \$2,000.	Internal Revenue Service District offices located in Cleveland and Cincinnati	See IRS Pub. 590, "Tax Information on Individual Retirement Arrangements."
Civil Rights Regulations	To prevent discriminatory practices based on race, color, religion, sex, national origin, handicap or ancestry.	All employers including Agricultural employers who employ 4 or more employees. Ohio provisions relating to female employees apply to employers with fewer than 4 employees.	Ohio Bureau of Employment Services Ohio Civil Rights Commission U.S. Dept. of Labor-Wages and Hour Division Equal Employment Opportunity Commission Ohio Dept. of Industrial Relations Division of Women, Minors and Minimum Wage	

Table 3: Special Laws and Regulations of Concern Only to Agricultural Employers of Migrant Labor. Note: Laws and regulations outlined in Tables 1 and 2 must also be considered.

Laws or Regulations	Objective	Who Must Comply	Responsible Agency	Notes
Migrant Labor Camp Regulations	To assure that migrant farm workers have adequate, safe sanitary and healthful housing facilities during their Ohio employment.	Any agricultural employer who operates an agricultural labor camp in Ohio. For practical purposes an employer operates an agricultural labor camp if he provides free or rental housing for two or more families or five or more workers engaged in agricultural work. A license is necessary to operate an agricultural labor camp. Apply 60 days prior to occupation of camp.	Three agencies are concerned with regulations for housing of migrant farm workers. a. State of Ohio Ohio Dept. of Health 246 N. High St. b. U.S. Dept. of Labor Applicable only when employer uses interstate worker recruitment service of U.S. Dept. of Labor or Bureau of Employment Svc. complete inspection c. Occupational Safety and Health Administration (OSHA). Inspections completed by Ohio Dept. Health under contract with OSHA.	It is suggested that before remodeling or construction of new agricultural labor camps, the Ohio Dept. of Health and OSHA be contacted concerning current regulations.
Farm Labor Contractor Registration Act. (Crew leader registration)	To reduce activities of farm labor contractors which would exploit farm workers or general public.	Any person (crew leader) who for a fee or for another person recruits, hires, furnishes or transports any number of farm workers either in-State or across State lines. The agricultural employer using the services of a farm labor contractor (crew leader) should insure the contractor is properly registered. Farm employer is required to keep specified records.	U.S. Dept. of Labor Wages & Hour Division Offices located in Akron, Cleveland, Cincinnati, and Columbus.	Several modifications are being considered at this writing (Sept. 1981). Contact the Dept. of Labor for most recent provisions of the Act.
Transportation of Migrant Workers-Federal Motor Carrier Safety Regulations	To assure reasonably safe condition and operation of vehicles in which migrant farm workers are being transported	Applies to transport of farm workers a total distance of 75 miles or more and only if across a state line. Does not apply to employers transporting farm workers within Ohio. Does not apply if fewer than three workers are transported at one time or if passenger car or station wagon is used.	Office of Motor Carrier Safety Federal Highway Admin. U.S. Dept. of Transportation 200 North High Street Columbus, Ohio 43215	
Alien Worker Employment	To provide for employment of certified alien farm workers if U.S. Dept. of Labor certifies that qualified Americans are not available. (No alien workers have been certified for farm work since 1958.)	Employers who wish to hire certified aliens must demonstrate they have attempted to recruit U.S. workers through advertising, Bureau of Employment Service and other specified means.	Division of Labor Certification U.S. Dept. of Labor Room 8410, 6100 D Street, N.W. Washington, D.C. 20213	Illegal aliens (those not certified) are subject to apprehension by Immigration and Naturalization Service and expulsion from U.S.

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