

Fair Labor Standards Act

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Purpose

The Fair Labor Standards Act (FLSA) establishes provisions and standards in agriculture for minimum wages, overtime pay, record keeping and child labor. This law includes exemptions for workers employed by certain businesses. FLSA is enforced by the Employment Standards Administration (ESA, pronounced EE-SUH).

the same piece rate as other employees older than 16 years of age working on the same farm; and

- workers mainly engaged in the range production of livestock.

2. Equal compensation must be paid for equal work regardless of the sex of the worker.

Who must comply

The law applies to employers who engage in interstate commerce. If an employer's product leaves the state directly or indirectly through a buyer or other agent, the law applies. If an employer purchases *any* goods for use in business that were produced or manufactured in another state *and* has gross annual sales revenues of \$250,000 or more, the law applies.

3. Child labor provisions state that minors at age 16 may work at any time in any farm job, including those declared hazardous by the Secretary of Labor. At 14, minors 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 parents are employed. Those under 12 may work with written parental consent outside school hours on farms not subject to the minimum wage. Local minors 10 and 11 years old may work outside school hours under prescribed conditions to hand-harvest crops with short harvesting seasons for not more than 8 weeks between June 1 and October 15, upon approval by ESA of an employer's application for a waiver from the child labor provisions for employment of such children.

General provisions

Provisions and standards required by the act include the following items:

1. Minimum wage or more must be paid if an employer has used more than 500 work-days of farm labor in any calendar quarter of the preceding year. However, minimum wage is not required for:
 - members of the employer's immediate family;
 - local hand-harvest workers who are paid on a piece-rate basis and who work fewer than 13 weeks in agriculture during the preceding calendar year;
 - migrant hand-harvest workers 16 years old and younger who are employed on the same farm as their parents and who receive

4. Wage records must be kept and include (a) full name of worker, (b) home address, (c) date of birth, if under the age of 19, (d) gender and

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occupation in which employed, (e) time and day on which work week begins, (f) wage, (g) daily hours and total hours worked each work week, (h) total daily or weekly earnings, (i) total wages for pay period, and (j) date of payment and pay period covered by payment.

5. Posters of the workers' rights under the act must be placed in a conspicuous location.
6. State laws providing more protection or setting higher standards are applied in addition to FLSA provisions.

Violations

Violations of the provisions of this act are deemed extremely serious and can result in prosecution. The U.S. Government may bring civil or criminal action against employers who violate the act. In certain actions, courts may order payment of back wages. Employers may be fined up to \$1,000 for each violation of the child labor provisions. FLSA also prohibits an employer from discriminating against or discharging an employee who files a complaint or participates in a proceeding under it.

Definitions

Work-day means any day when an employee (except for a member of the employer's immediate family) does agricultural work for at least 1 hour.

Calendar quarters are:
January-February-March,
April-May-June,
July-August-September,
October-November-December.

Hazardous jobs include:

1. operating a tractor over 20 PTO horsepower, or connecting or disconnecting implements used on such a tractor;
2. operating or working with any of the mechanized equipment or vehicles;
3. working from a ladder at a height of over 20 feet;
4. riding on a tractor as a passenger or helper; and
5. handling toxic agricultural chemicals.

For more information

Posters may be obtained by contacting:

Oregon State Employment
Division
Employment Service Technical
Support
875 Union Street NE
Salem, OR 97311
(503) 378-8122

Posters and additional information may be obtained from:

Employment Standards
Administration
Wage and Hour Division
Room 540 Federal Building
Portland, OR 97204
(503) 326-3057



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DEPARTMENT OF HUMAN RESOURCES

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