

Minnesota migrant worker protections

DEFINITIONS

- Migrant worker: an individual at least 17 years old who travels 100 miles or more to Minnesota from another state to perform seasonal agricultural labor in Minnesota.
- Recruited migrant worker: a migrant worker offered housing or transportation as an inducement to employment or anticipated employment.
- Agricultural worker: any person employed to cultivate, harvest or process fruits and vegetables for market.
- Agriculture includes but is not limited to:
 - dairying
 - field production
 - cultivation of crops
 - raising of bees, livestock, fur-bearing animals or poultry
 - repair and maintenance of equipment
 - cleaning, processing, preservation and transport of agricultural products



EMPLOYEE RIGHTS

- Migrant contract in Spanish and English
- Guarantee of a minimum of 70 hours in a two-week period
- Biweekly pay
- Final wages due within three days of termination
- Statement of earnings
- Health insurance when five or more migrant workers are recruited
- Payroll records must be kept a minimum of three years
- New migrant workers must be provided with employee notice

MINIMUM WAGE

Agricultural workers are not exempt from the state minimum wage. If the employees are exempt from federal minimum wage, they are still required to be paid the Minnesota minimum wage.

Provision	Amount as of Jan. 1, 2021 (amount increases every Jan. 1)
Large-employer	\$10.08/hour
Small-employer	\$8.21/hour



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OVERTIME

Hourly agricultural employees in Minnesota must be paid overtime at the rate of time and a half the employee's regular rate of pay for all hours worked in excess of 48 hours in a workweek.



Agricultural employees are exempt from some overtime provisions of the federal Fair Labor Standards Act (FLSA). However, federal law does not supersede Minnesota's requirement to pay overtime.

"Salary" is defined as a guaranteed predetermined wage for each workweek.

Agricultural workers are exempt from state law overtime requirements if they are paid a certain minimum salary.

Provision	Amount as of Jan. 1, 2021 (amount increases every Jan. 1)
Large-employer salary	\$740.88/week
Small-employer salary	\$603.52/week

ADDITIONAL INFORMATION

For additional information about migrant worker protections, contact Labor Standards at 651-284-5075, 651-284-5099 (Spanish message line) or email dli.laborstandards@state.mn.us.



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