

Fact Sheet #12: Agricultural Employees Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning the application of the FLSA to agricultural employment. The FLSA is the federal law which sets minimum wage, overtime, recordkeeping, and child labor standards.

Agriculture includes farming in all its branches when performed by a farmer on a farm as an incident to or in conjunction with such farming operations.

Coverage

Virtually all employees engaged in agriculture are covered by the Act in all they produce goods for interstate commerce. There are, however, some exemptions which exempt certain employees from the minimum wage

Requirements

Although exempt from the overtime requirements of the FLSA, agricultural employees must be paid the federal minimum wage (unless exempt from minimum wage as noted above). There are numerous restrictions on the employment of minors less than 16 years of age, particularly in occupations declared hazardous by the Secretary of Labor. Substantial civil money penalties are prescribed for violations of the monetary and child labor provisions of the law. The FLSA also requires that specified records be kept.

Youth Minimum Wage The 1996 Amendments to the FLSA allow employers to pay a youth minimum wage of not less than \$4.25 an hour to employees who are under 20 years of age during the first 90 consecutive calendar days after initial employment by the employer. The law contains certain protections for employees that prohibit employers from displacing any employee in order to hire someone at the youth minimum wage.