



1975 Revision: The Law and Michigan Agricultural Labor

NO. 24

February 1975

Extension Bulletin E-831

Allen E. Shapley, Farm Labor Specialist,
Center for Rural Manpower & Public Affairs

Any agricultural producer that employs any labor should be aware of and understand the various laws pertaining to labor. This publication is an attempt to create awareness, and then lists references where one can go for fuller understanding.

OCCUPATIONAL SAFETY AND HEALTH LAW

Who Must Comply

- Any farmer employing any labor any time.
- If the only labor used is in the form of exchange labor with another farmer, the law does not apply.

What Must You Do

- Maintain a safe and healthy work environment for your employees.
- Display the relevant poster.
- Report to the Department of Labor Office (see address below) within 48 hours any fatalities or hospitalization of 5 or more employees resulting from the same accident or health hazard.
- If you employ 8 or more persons at one time, you must keep the required records and display the annual summary.

Note on standards: The regulation of occupational safety and health became a State responsibility as of January 1, 1975. Now before any safety standard is made applicable to agriculture, including those in effect before January 1, 1975, an advisory committee will examine the standards and make recommendations concerning them to the Safety Standards Commission. This commission will then promulgate the standards. To date, neither the commission nor the advisory committee has been appointed. As soon as any relevant action is taken, the county extension directors will be informed.

For Additional Information

Michigan Department of Labor
Bureau of Safety and Regulation
300 East Michigan Avenue
Lansing, Michigan 48913
Phone: (517) 373-3566

STATE AGRICULTURAL LABOR CAMPS LAW

NOTE: The Federal OSHA is presently developing standards for employee housing. When those standards are promulgated, Michigan may have to make changes in its Agricultural Labor Camps Law to assure that it is "at least as effective as" the Federal Law. As soon as any changes are definite, county extension offices will be notified.

Who Must Comply

- Anyone providing housing for 5 or more agricultural workers.

What Must You Do¹

- Have the camp licensed by the Michigan Department of Public Health. Before the license can be issued, the camp must meet the standards set up by the Department of Public Health.
- Clearly explain to camp occupants their responsibilities as to camp occupancy and care.
- Inspect the camp at least once a week to see that it is maintained in a clean and orderly condition and that broken or damaged property is promptly repaired.

For Additional Information

Norman Papsdorf
Michigan Department of Public Health
3500 North Logan
Lansing, Michigan 48906
Phone: (517) 373-1373

¹There are two relevant publications available at the Michigan Department of Public Health Office—"The Act" and "The Rules."

FEDERAL HAZARDOUS OCCUPATIONS LAW

Who Must Comply

— Any agricultural employer employing children below the age of 16.

What Must You Do

— Not allow anyone under 16 to perform tasks identified as "hazardous"² under the law unless:

a) He is 14 years old or older and has met the requirements of one or more of the training schools conducted by the Federal Extension Service or departments of vocational agriculture,

OR

b) He is employed by his parent on a farm owned or operated by that parent.

— Not employ anyone under 16 during the hours schools are in session in the area.

For Additional Information

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
15732 Grand River Avenue
Detroit, Michigan 48227
Phone: (313) 226-7447

OR

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
504 Keeler Building
60 Division Avenue, N.
Grand Rapids, Michigan 49502
Phone: (616) 456-2338

STATE MINIMUM WAGE LAW

Who Must Comply

— Any farmer employing 4 or more employees between 18 and 65 at any one time during the calendar year.

What Must You Do

— Until March 31, 1975 pay at least \$1.60 per hour to all employees between the ages of 18 and 65. From April 1 to December 31, 1975 pay at least \$2.00. As of January 1, 1976, pay at least \$2.20.

²These tasks are identified along with other relevant information in Child Labor Bulletin No. 102 available at the U.S. Department of Labor Offices.

— Pay at least the minimum stated piece rate to all piece rate workers between the ages of 18 and 65 for those harvest operations for which piece rates have been established. (NOTE: New piece rates will be published before the 1975 harvest season.)

— Supply a statement of wages to each employee at each pay period, stating hours worked, wages paid and deductions made. For workers on piece rates the employer must also keep records (in addition to hourly records) showing the piece rate paid and the number of units of each crop harvested during each pay period.

— Post a copy of the law, rules and piece rate scales.³

— Not discriminate between wages paid on the basis of the sex of employees.

What You May Do

— Deduct for meals, lodging or agricultural housing in accordance with the general rules.

— Pay a lower wage to physically or mentally handicapped people or to learners upon the approval of the Wage Deviation Board.

For Additional Information

Wage and Hour Division
Bureau of Safety and Regulation
Michigan Department of Labor
300 East Michigan Avenue
Lansing, Michigan 48913
Phone: (517) 373-3566

FEDERAL MINIMUM WAGE LAW

Who Must Comply

— Any farmer employing enough workers to have 500 mandays of hired work performed on his farm during any quarter of the preceding year.

— The 500 man-day test includes any employee who performs work for one hour or more during any day.

— Workers included in determining the 500 man-day test but excluded from the minimum wage requirement.

a) Workers who care for livestock and who must be available at all hours.

b) Youths under 16 who are employed with their parents in harvesting crops and traditionally paid on a piece rate basis (such youths must be paid the same piece rate as the adults with whom they are working).

³These are available from the Wage & Hour Division Office.

c) Local workers who commute daily from their permanent residence, are traditionally paid on a piece rate basis, and are employed less than 13 weeks per year.

— Workers in the employer's immediate family are excluded from both the 500 man-day test and the minimum wage requirement.

What Must You Do

— Pay at least \$1.80 per hour to all covered employees. On January 1, 1976 the minimum increases to \$2.00.

— Keep records on hours worked and wages paid for each employee.

— Not employ children under 12 except on the family farm or on farms too small to meet the "500 man-day" test.

— Not employ 12 or 13 year olds unless you have written parental consent or unless their parents are employed on the same farm.

What May You Do

— Deduct for goods and services traditionally supplied by the employer. The U.S. Secretary of Labor must determine the size of the deduction.

— Employ students at 85% of minimum wage if approved by U.S. Department of Labor.

For Additional Information: See addresses under the "Federal Hazardous Occupations Law."

STATE CIVIL RIGHTS LAW

Who Must Comply

— Anyone employing any labor any time.

What Must You Do

— Not discriminate on the basis of race, color, religion, national origin, age or sex of any individual with respect to hire, tenure, terms, conditions or privileges of employment.

— Prior to employment you must not:

a) Elicit any information concerning the race, color, religion, national origin, or ancestry of an applicant;

b) Keep a record of these characteristics;

OR

c) Publish advertisements indicating any preference, specification, or discrimination based upon any of these characteristics or upon age or sex.

— Display the relevant poster.⁴

⁴The relevant poster and informative material are available at the Lansing Office.

For Additional Information

Michigan Civil Rights Commission
703 East Michigan Avenue
Lansing, Michigan 48913
Phone: (517) 373-3590

STATE WORKMEN'S COMPENSATION LAW

Who Must Comply

— All employers who regularly employ 3 or more employees at one time.

— All employers who regularly employ less than 3 employees if at least one of them has been regularly employed by that same employer for 35 or more hours per week for 13 weeks or longer during the preceding 52 weeks.

What Must You Do⁵

— Provide Workmen's Compensation insurance for all employees who come under the Act.

For Additional Information

Bureau of Workmen's Compensation
Michigan Department of Labor
300 East Michigan Avenue
Lansing, Michigan 48913
Phone: (517) 373-3490

FEDERAL SOCIAL SECURITY LAW

Who Must Comply

— The Social Security tax applies if an employer pays an employee \$150 or more cash wages in the year for agricultural work,

OR

If the employee performs agricultural labor for an employer on 20 or more days during the year.

What Must You Do⁶

— Withhold 5.85 percent of the employee's cash wages plus pay an equal amount from your own income. (The taxes apply only to the first \$14,100 of each employee's wages.)

⁵Details concerning the application of this law to agriculture are discussed in a bulletin "Clarification of Workmen's Compensation Insurance." Allen E. Shapley, CRMPA Special Paper No. 16 available at your county extension office or from the author.

⁶There is a helpful publication available at the Lansing office entitled "Circular A — Agricultural Employer's Social Security Tax Guide."

— Deposit employer and employee tax within 15 days after the close of each month, except December, in which more than \$200 but less than \$2,000 of such taxes accumulate. Use Federal Tax Deposit Form 511.

— If at the end of any "quarter-monthly" period (a quarter-monthly period ends on the 7th, 15th, 22nd, and the last day of the month) the cumulative amount of undeposited taxes for the year is \$2,000 or more, the employer must deposit the taxes within 3 banking days after the end of that period.

— Prepare for each employee a statement showing tax withheld. If employee was paid \$600 or more, you must use Form W-2.

— By January 31, file Form 943, service copy of W-2's and Form W-3.

For Additional Information

U.S. Department of Treasury
Bureau of Internal Revenue
Federal Building
Lansing, Michigan 48933

— Exceptions — Drivers of **combination** vehicles with gross weight over 10,000 pounds who cross state lines but go 150 miles or less from the farm must be 18 years old or older. They are exempt, however, from all other provisions of the law. Drivers of any beekeeper's vehicles engaged in seasonal transportation of bees and custom harvesting vehicles are exempt from the provisions of the law.

What Must You Do

— The driver (whether he be owner or employee) must meet 12 criteria to qualify as a legal driver.⁷

A sample of these are:

An age requirement of at least 21; a certification that he has successfully completed a road test; a certification that he has taken a written exam covering the Motor Carrier Safety Regulations.

For Additional Information

Erwin Laube
Department of Transportation
211 Federal Building
Lansing, Michigan 48933
Phone: (517) 372-1910

FEDERAL MOTOR CARRIER SAFETY LAW

Who Must Comply

— Any driver of a farm vehicle (straight truck or combination) with a gross weight of over 10,000 pounds, when the vehicle crosses a state line and travels over 150 miles from the farm.

⁷All the regulations and instructions are included in a publication, "Motor Carrier Safety Regulations Revised to Include Amendments as of January 1, 1972," available from the Department of Transportation Lansing Office.

LABOR LAWS THAT DON'T APPLY

Michigan Child Labor Law

Requires youth under 18 to have a working permit and restricts their activities. **Farm work is exempt from this law.**

Michigan Unemployment Insurance Law

Agriculture is exempt from this law. However, due to a temporary Federal program initiated January 13, 1975, farm employees may be eligible for unemployment benefits. These benefits are paid from the Federal Treasury.