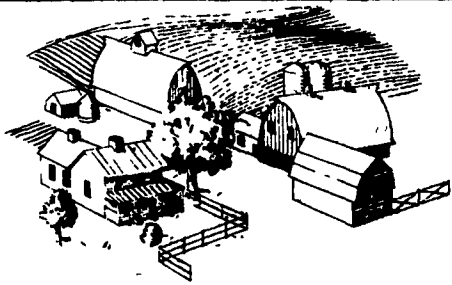


FARM MANAGEMENT



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Legal Issues For Labor Management



Penn State Cooperative Extension Farm Management Agents are taking an in-depth look at labor management. In order to cover such a broad topic we have divided the subject into eleven articles. This is the first installment of the series.

The legal issues of labor management could fill a book. Several books for that matter, and indeed they do. Each piece of legislation written today affecting labor has become so involved that books must be published just to provide employers with a means of compliance. I will only summarize the laws which you, as agricultural employers, should be aware.

Minimum Wage Law

The minimum wage in Pennsylvania currently is \$3.70 per hour. Fortunately, agricultural labor is exempt from this legislation. Unfortunately, SEASONAL farm workers are subject to PA minimum wage rates. The federal minimum wage rate is currently set at \$3.35 per hour. Recently Congress has attempted to increase this rate. President Bush has vetoed such action.

The Federal minimum wage applies to agricultural labor if five-hundred work days of labor are employed in a calendar quarter of the preceding year. A work day is one person working at least one hour on any given day. Retail farm outlets must handle ONLY that farm's products to be considered

agricultural labor for minimum wage purposes. The sale of any product not produced on the farm requires the standard minimum wage law to be enforced.

The United States Department of Labor (USDL) allows an 85% of minimum wage payment to students on a limited basis. Certification from the Department of Labor is required.

In determining the compliance rate certain non-cash items qualify as minimum wage credit. The value of board, lodging and meals can all be used in calculating the minimum wage payment.

Worker's Compensation Insurance

Few people like to purchase insurance, but this coverage is required by law. Any employer of agricultural labor who pays \$150 or more in wages to one person, or gives employment on 20 or more days to one person is required to provide Worker's Compensation Insurance coverage for all employees.

Failure to provide such coverage will permit the employee to recover triple the damages. Purchasing such coverage will offer protection from legal action brought by an employee.

The cost of coverage is set by state law, but varies depending upon the type of farming activity. It is available from private insurance carriers or the State Workman's Insurance Fund.

OSHA

The Occupational Safety and Health Act states that an employer has a duty to provide a work environment free of recognized

hazards likely to cause death or injury. At present the act is only enforced when a farmer employs more than 10 individuals or maintains a temporary labor camp. However, Congress could at any time provide funding for expanded enforcement of the act.

Employment of Youth

The Fair Labor and Standards Act (FLSA) regulates the employment standards for United States workers. The act is administered by the USDL and specifies what work can be performed on the farm and at what age. The USDL lists 14 hazardous farm occupations.

At any age you may deliver newspapers to the consumer, act or perform, or work for your parents, except in manufacturing, mining or hazardous non-farm jobs. Youth age 10-11 may work not more than 8 weeks between June 1 and October 15 for employers approved by the Secretary of labor. The work must be outside of school hours and be limited to hand harvesting short season crops. Youth age 12-13 may work outside of school hours in non-hazardous farm jobs with their parents written consent. They may also work on a farm where their parents are employed. Age 14-15 youth are also limited to non-school hours but may work at any farm job that is non-hazardous. At age 16-17 they may work any farm job at any time. Anyone under age 18 not employed by their own parents is required to present an employment certificate. At age 18 any job may be worked at any time.

The PA Seasonal Farm Labor Act

The purpose of this act is to improve conditions of seasonal farm workers. The statute excludes those who commute from their own personal residence to the worksite. The act applies to any farm labor employer of any seasonal farm worker.

The statute requires payment of minimum wage and prohibits discrimination. It also requires specific written records to be kept on each employee and pay and work records must be furnished to the

employee. Under this act the inspection of farm labor camps are controlled as well as standards for water supply and toilet facilities.

Federal Migrant and Seasonal Agricultural Workers Protection Act

This federal law encourages compliance with the PA Seasonal Farm Labor Act and requires a certificate of registration to engage in farm labor contracting activities.

PA Worker and Community Right to Know Act

This act applies to ALL PA employers. It requires a survey to determine if any of the hazards identified by the act exist in the workplace. The general public is given the right to inspect the survey results through the PA Department of Labor and Industry.

In addition, employers must post notices informing employees of their rights under this act. The employer must also provide educational programs that cover essential information for employees.

Occupational Safety and Health Administration Hazard Communication Standard

This Act is similar to the PA Right to Know Act, but on the federal level. This act does not provide for notification to the general

public, only to employees.

Superfund Amendments and Reauthorization Act (SARA)

This Act requires notification to local emergency planning committees if the presence of hazardous materials exceeds certain levels. Reporting requirements are also established if any release of a hazardous material exceeds EPA standards. Immigration Reform and Control Act of 1986

All agricultural employers are subject to this act. It prohibits employers from hiring illegal aliens for employment in the US. This act requires employers to have EVERY EMPLOYEE who is hired after May 31, 1987 (including even their own family members who are employed) sign an I-9 form, and inspect the employee's identification. The completed form must be retained for three (3) years.

Would you like more information?

Contact your local equal opportunity Penn State Extension Office and ask for Circular 356 "State and federal laws that apply to farm labor". It contains more detail on the topics covered in this article and provides addresses and phone numbers for you to call for further information.

• Demand for beef stabilized in 1988 after a nine year slide—per capita spending on beef equalled \$187, up 5% from 1987.

Futures Research Quarterly Report, 10/88, Shearson, Lehman, Hutton.

• The consumer price of beef averaged \$2.54 lb. in 1988, up 5% from 1987.

Futures Research Quarterly Report, 10/88, Shearson, Lehman, Hutton.

• The producer price for beef has been at strong levels almost continuously since January 1987.

Livestock and Poultry Situation and Outlook Report, 2/24/89, USDA.

• Beef's 57% share of Americans' \$38 billion foodservice expenditures were up 2%.

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