

Summary of Federal Laws and Regulations Affecting Agricultural Employers, 2000

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Introduction

Hired farmworkers accounted for about 31 percent of the farm workforce in the 1990's (13).¹ In 1997, 650,623 U.S. farms reported hired labor expenditures amounting to nearly \$15 billion (14). Farms hiring labor accounted for about 34 percent of all U.S. farms, but the percentage of farms reporting hired labor expenditures ranged from about 24 percent of sheep and goat farms to about 69 percent of cotton farms. Over 50 percent of crop farms, except for oilseed and grain farming, reported hired labor expenditures, but dairy cattle- and milk-producing farms were the only livestock farms where more than 50 percent reported hired labor expenditures. In addition to farms with hired labor expenditures, 226,909 reported expenditures for contract labor amounting to nearly \$3 billion. Labor costs averaged 12 percent of total farm production expenses; only expenditures for purchases of livestock and feed were a higher percentage of total farm production expenses. Labor costs as a percentage of total production costs in some operations greatly exceeded the U.S. average, amounting to as much as 44 percent of production expenses for horticultural specialty producers, 40 percent for fruit and tree nut producers, and 32 percent for vegetable and melon producers (14).

Hired labor is an important part of the U.S. farm production process. This makes it necessary for agricultural employers to know the laws and regulations affecting their labor relations, and to be aware of changes in those laws and regulations.

There are several labor laws and enforcing regulations that affect farm employers. The laws and regulations affecting labor relations are complex. In general, they offer wage, hour, and workplace protections to employees; provide benefits for work-related injuries; establish occupational health and safety standards and

regulate pesticide use; help control unauthorized immigration into the United States; assist in the enforcement of child support; and assure equal employment opportunities. Some of these laws such as the Fair Labor Standards Act, Federal Insurance Contributions Act (Social Security), and Federal Unemployment Tax Act came into effect with the New Deal legislation of the 1930's. Other laws such as the Family and Medical Leave Act and the Personal Responsibility and Work Opportunity Reconciliation Act came into effect more recently. Some laws, like the Migrant and Seasonal Agricultural Worker Protection Act, are designed specifically to offer protections to agricultural workers. Other laws, such as minimum wage legislation, are designed for all employers, but with special considerations given to agriculture, based on size of farm, number of employees, type of work, etc. Still other laws, such as the Immigration Reform and Control Act of 1986 and the Personal Responsibility and Work Opportunity Reconciliation Act, require the same compliance for farm and nonfarm employers.

This report, revising and updating a 1992 edition (10), discusses the laws and regulations most relevant to agricultural employers. This legislation includes the Fair Labor Standards Act; Occupational Safety and Health Act; Federal Insecticide, Fungicide, and Rodenticide Act; Migrant and Seasonal Agricultural Worker Protection Act; Immigration Reform and Control Act of 1986; Workers' Compensation Acts; Family and Medical Leave Act; Personal Responsibility and Work Opportunity Reconciliation Act; various Federal equal employment opportunities laws; and various Federal tax acts.

Several important changes in Federal laws and regulations have occurred since publication of the 1992 summary of Federal laws and regulations (10), and are noted in this edition. The minimum wage was increased under the Fair Labor Standards Act,

¹Italicized numbers in parentheses refer to items in References at the end of this report.

standards for cadmium and logging operations were added under the Occupational Safety and Health Act, changes for determining joint employment and transportation insurance changes were added to the Migrant and Seasonal Agricultural Worker Protection Act, and the kinds of documents acceptable for establishing identity and employment eligibility under the Immigration Reform and Control Act of 1986 were changed. Minor changes also occurred in Workers' Compensation Acts and in employment taxes. In addition, two major new laws were enacted--the

Family and Medical Leave Act of 1993 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1998--which could have significant effects on some agricultural employers.

Each of the laws and regulations is briefly described, its applicability to agricultural employment is explained, and penalties and enforcement are reported. Nothing in this report substitutes for professional legal advice.