

Farm Worker Rights: Wages



For further information:

Montana Legal Services Association

1-800-666-6899; www.mtlsa.org;

www.montanalawhelp.org.

Montana Department of Labor and

Industry, 406-444-6543;

<http://erd.dli.mt.gov>.



Farm workers have these and other legal rights regardless of immigration status, although some exceptions may apply to certain employers.

Montana Legal Services Association provides free assistance to farm workers with employment-related problems.

What are my rights regarding wages and other compensation?

Minimum Wage - You must be paid at least minimum wage for most work, even if the work is piece rate. In 2018, the Montana minimum wage is \$8.30 per hour. [That amount is subject to change every year on January 1 if the cost of living increases. You can go to erd.dli.mt.gov/labor-standards/wage-and-hour-payment-act/state-minimum-wage to find the current minimum wage rate.]

Unemployment Benefits - You are eligible for unemployment if you have worked legally in the United

States during at least 20 weeks in the past year and if you have met other requirements. If an employer has not reported your hours, you may contact the Montana Dept. of Labor to request an investigation.

Worker's Compensation - You are eligible if you are injured on the job (required in Montana, but not some other states). You may receive full payment of medical expenses and in many cases partial payment of lost wages.

What information should my employer provide me about wages?

Employers of farm workers must provide workers with a written wage statement, typically a paycheck stub, each time the workers are paid. **Keep all of the wage statements or other pay records you receive.** Your wage statement or paycheck stub must include:

1. **How much** you earned;
2. How many **hours** you worked;
3. Whether you were paid by the **hour** or at a "**piece rate**" (by the box, bushel, pound, carton, bin);
4. If you were paid by piece rate, **how much you picked, thinned, pruned, etc.;**
5. If money was taken out of your pay, like income taxes, social security taxes or cash advances

you received, the written statement must tell you **how much was taken out and why;**

6. The **employer's name, address, and telephone number.**

Any **deductions** from your wages must be listed and explained on your wage statement. Deductions for Social Security and taxes are legally permitted. Sometimes employers take deductions for housing, transportation, tools and other items. If these deductions reduce your wages below the minimum wage, the deductions may be illegal. Also, an employer can't deduct payments for loans, housing, transportation or food without your permission. Contact **Montana Legal Services** if your wages are reduced below the minimum wage.

This handout is meant to give basic legal information, not legal advice about your problem. The law changes often and each situation is different. This handout may not apply to your problem. You should not rely on it only. Please talk to an attorney about your problem.