

5. Post the required Migrant and Seasonal Agricultural Worker Protection Act (MSPA) poster (download at www.dol.gov/whd/regs/compliance/posters/mspaensp.pdf) where employees can see it.
6. Refer to WHD fact sheet #40 for information on child labor in farm jobs (download at www.dol.gov/whd/regs/compliance/whdfs40.pdf).

You may also be responsible for meeting **field sanitation standards** for workers who are performing hand labor in the fields. Refer to WHD fact sheet #51 (download at www.dol.gov/whd/regs/compliance/whdfs51.pdf) to see who is subject to these standards and get more information on your responsibilities. Requirements include:

1. Supply a sufficient amount of cool, potable drinking water at no charge to each worker for the entire workday.
 - Water must be readily accessible and provided with single-use cups.
2. Provide clean, sanitary toilet facilities at no charge in a ratio of at least one toilet for every 20 workers.
 - Toilet facilities must be readily accessible, ventilated and screened, and have a self-closing door that locks from the inside.
 - You must provide an adequate amount of toilet paper.
3. Provide clean, sanitary hand washing facilities at no charge in a ratio of at least one hand-washing facility for every 20 workers.
 - These facilities must be located near the toilet facilities and have potable water and soap.
 - You must provide single use towels and a means to dispose of the used towels.
4. Tell workers where the drinking water, toilet facilities, and hand-washing facilities are located, and notify them of the importance of good hygiene practices.
5. Give employees reasonable opportunities throughout the workday to use the facilities.
6. Toilet facilities and hand-washing facilities are required only when the workers perform field work for more than three hours, including time spent traveling to and from the field.

For an overview of DOL agriculture regulations, download our Cultivating Compliance Guide at www.dol.gov/whd/FLSAEmployeeCard/AgGuideEnglish.pdf

Now that you have received your Farm Labor Certificate of Registration, please review it immediately to make sure all the information is correct. If any of the information is incorrect or you have a question about your certificate, please call 404-893-6030 for the Atlanta Processing Center or 415-241-3505 for the San Francisco Processing Center.

If you have questions that do not involve the information on the form you may call your local Wage and Hour District Office: www.dol.gov/whd/america2.htm



1-886-487-9243



www.dol.gov/whd/ag

The Department of Labor offers this information as a public service. This publication does not carry the force of law or legal opinion. The United States Code, the Federal Register, and the Code of Federal Regulations remain the official sources for statutory and regulatory information. Many states enforce state laws that are stricter than federal laws; employers must comply with all federal and state laws that apply to them.

CULTIVATING COMPLIANCE

Your Next Steps as a Registered
Farm Labor Contractor (FLC)



UNITED STATES DEPARTMENT OF LABOR



WHAT'S NEXT?

GENERAL OBLIGATIONS

1. Carry your certificate of registration at all times and show it to anyone who asks to see it.
2. Perform **ONLY** activities you are authorized for (transporting, driving, or housing).
3. Notify the Department of Labor within 30 days of any permanent address change.
4. Make sure that you only use registered farm labor contractor employees to recruit or solicit other workers, AND that any driver you use is driving authorized on the certificate, and has a current driver's license for the class of vehicle driven.
5. Note that you may also be subject to state requirements for FLC registration. Nothing in this publication exempts a FLC from complying with state requirements if state laws and/or regulations require compliance with stricter standards.

TRANSPORTATION

If you transport migrant or seasonal workers **or direct others to transport** them, your responsibilities as a farm labor contractor are:

1. Make sure that your certificate states that you are **transportation authorized**.
2. Make sure that each vehicle you use is listed on your FLC certificate.
3. If you plan to use a vehicle that is NOT listed on your FLC certificate, you must take the following steps **BEFORE** you use that vehicle:
 - Vehicle Inspection: Provide proof of inspection by submitting completed form WH514 or WH514a (download at www.dol.gov/whd/forms/wh514.pdf or www.dol.gov/whd/forms/wh514a.pdf) to the appropriate WHD processing center (see www.dol.gov/whd/forms/fts_wh530.htm).
 - Insurance*: Provide proof of automobile liability insurance policy or liability bond coverage:
 - A. Insurance coverage must be at least \$100,000 for each seat in the vehicle, up to \$5 million.
 - > The policy must cover personal injury to employees who are not covered by workers' compensation, as well as non-employee passengers and non-work related travel.
 - > The policy must cover property damage.

- B. Workers' compensation coverage may be substituted in some cases; if substitution is appropriate, you must also have at least \$50,000 (per accident) additional property damage or general liability insurance coverage for non-work related travel.
- C. An issued liability bond of at least \$500,000 in guaranteed coverage may substitute for liability insurance.

*** This insurance must be in effect for the entire period the vehicle will be used.**

4. Maintain current state-required registration for each vehicle.
5. Maintain at least the minimum required amount of insurance for the entire time you use the vehicle.
6. Make sure that all applicable federal, state, and local safety standards are met for each vehicle. Do not exceed the maximum occupancy in each vehicle.
7. Refer to WHD fact sheet #50 for more information on your responsibilities when transporting migrant and seasonal workers (download at www.dol.gov/whd/regs/compliance/whdfs50.pdf).

If you drive migrant or seasonal workers, your responsibilities as a farm labor contractor / farm labor contractor employee are:

1. Make sure that your certificate states that you are **driving authorized**.
2. Maintain a current driver's license for the class of vehicle you drive.
3. Keep a copy of your doctor's certificate with you (download at www.dol.gov/whd/forms/wh515.pdf).
4. Carry your certificate of registration at all times and show it to anyone who asks to see it.

HOUSING

If you own or control housing used for migrant workers, your responsibilities as a farm labor contractor are:

1. Make sure that your certificate states that you are **housing authorized**.
2. Make sure that each housing facility you use is listed on your FLC certificate.
3. If you plan to use a housing facility that is NOT listed on your FLC certificate, you must provide proof of pre-occupancy housing inspection by the state or local authority to the appropriate processing center (see www.dol.gov/whd/forms/fts_wh530.htm for the address) **BEFORE** you use that housing facility.

4. Post a copy of the pre-occupancy housing inspection certificate at each housing facility.
5. Provide a document with any housing terms and conditions to each housing occupant, OR post that document in a visible location at the housing facility. You may use WHD form WH521 for this purpose (download at www.dol.gov/whd/forms/wh521.pdf).
6. Maintain each housing facility so that it meets the minimum safety and health standards throughout the period of occupancy.
7. Do not exceed the maximum occupancy in each housing facility.

OTHER OBLIGATIONS

If you employ migrant or seasonal workers, your responsibilities as a farm labor contractor are:

1. Provide terms and conditions of the job to each employee (this must be in writing for a migrant or day-haul worker):
 - Make sure that the terms are accurate and that you have not misrepresented any information about the job or pay.
 - You may use WHD form WH516 for this purpose (download at www.dol.gov/whd/forms/wh516.pdf). This form is also available in Spanish (download at www.dol.gov/whd/forms/WH-516_Spanish.pdf).
2. Keep accurate time and payroll records for each employee:
 - You must keep accurate time records (hours worked) for employees paid by piece rate as well as employees paid by the hour.
 - You must list all workers on the timesheets and payroll records.
 - You must keep the records for three years.
 - If you furnish workers to a farmer, you must provide a copy of these records to the farmer by the end of the season.
3. Pay all wages when due:
 - This cannot be less than the federal or state minimum wage AND may also not be less than the wage you promised.
 - Wages must be paid no less often than every other week.
4. Provide a pay statement to each employee each pay period.