

News Release

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US Labor Department's Wage and Hour Division assesses Georgia agricultural employer \$1.3 million in back wages and \$136,500 in penalties

ATLANTA —Following an investigation, the U.S. Department of Labor's Wage and Hour Division is assessing J&R Baker Farms LLC \$1,311,644 in back wages owed to 244 workers and \$136,500 in fines for violating provisions of the H-2A temporary agricultural worker program.

The department's Office of the Solicitor has filed a request with the department's Office of Administrative Law Judges to hold a hearing to enforce the department's findings against the Ellenton, Ga., agricultural employer.

"Low-wage workers in every industry, including agriculture, deserve no less than to receive all the wages they have earned," said Secretary of Labor Hilda L. Solis. "The Labor Department is committed to protecting the rights of all workers, including those under the H-2A temporary employment program who are working in our country."

Agricultural employers who bring temporary, non-immigrant workers into the U.S. to perform agricultural labor or services of a temporary or seasonal nature must meet requirements of the Immigration and Nationality Act with respect to pay, hours of work and other conditions of employment. Both temporary, non-immigrant farm workers and U.S. workers doing corresponding work are protected under Section 218 of the act.

The Wage and Hour Division found that the vegetable farm allegedly failed to provide at least 75 percent of the hours promised in the work contract. The solicitor is asking that an administrative law judge order the farm to pay \$1,311,644 in back wages to 148 U.S. workers and 96 H-2A workers plus pay a fine of \$122,000.

The investigation also discovered that the farm failed to provide a copy of the H-2A work contract at the time of recruitment to 29 U.S. workers who performed the same type of work as the H-2A workers. The Labor Department is recommending a fine of \$14,500 for that offense.

The Wage and Hour Division enforces worker protection laws that include the Fair Labor Standards Act, the Migrant and Seasonal Worker Protection Act, the Occupational Safety and Health Act's field sanitation and temporary labor camp provisions, and protections for guest workers with H-2A visas provided by the Immigration and Naturalization Act.

This case was investigated by the division's Atlanta Regional Office. Information on federal laws concerning minimum wage, overtime, and migrant and seasonal agricultural workers is available by calling the division's toll-free helpline at 866-4US-WAGE (487-9243) or on the Internet at <http://www.dol.gov/whd>.