

## A GUIDE TO AGRICULTURAL LABOR LAWS: How Best to Comply with the Relevant Federal and Maryland State Standards

### Introduction

**A**gricultural producers looking to hire employees are often presented with a host of federal and state laws that impact their ability to do so. Many of you may ask, do minimum wage laws apply?, can my 12 year old work on the farm?, and are there any other federal and state limitations of which I should be aware?

The purpose of this guide is to identify a few of the key Federal and Maryland state labor laws that impact agricultural labor. Some of the Federal laws impacting agricultural labor include the Fair Labor Standards Act (29 U.S.C. §§ 201), American with Disabilities Act (42 U.S.C. §§ 12101), Age Discrimination in Employment Act (29 U.S.C. §§ 621), Genetic Information Nondiscrimination Act of

2008 (42 U.S.C. §§ 2000ff), and the Uniformed Services Employment and Reemployment Rights Act (20 C.F.R. §§ 1002).

The Title 3 Employment Standards and Conditions of the Annotated Code of Maryland addresses the specific standards and exemptions relating to agricultural labor. The relevant sections of Title 3 include: Employment of Minors (§§ 3-201 - 3-216), Equal Pay for Equal Work (§§ 3-301 - 3-309), Wages and Hours (§§ 3-401 - 3-431), and Inquiries Regarding Medical History (§ 3-701). This guide's main goal is to provide a list to help highlight key aspects of these labor laws in a useful manner. If you have questions about how these laws impact your specific circumstance, consult an attorney who practices in this area of law.



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## Federal Laws

### *Fair Labor Standards Act (FLSA)*

The Fair Labor Standards Act (FLSA) is a federal act that establishes the maximum hours for a workweek, the national minimum wage, child labor standards, and time-and-a-half for overtime.<sup>1</sup> Although setting a number of national standards, the FLSA contains quite a few exemptions to those labor standards for persons employed in agriculture.

Agriculture is defined by the FLSA as: “farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 1141j(g) of Title 12), the raising of livestock, bees, fur-bearing animals or poultry, and any practices (including any forestry, or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.”<sup>11</sup>

Based on this definition, the FLSA takes the view that there exist two types of agricultural labor, which are primary farming and secondary farming. Primary farming includes “farming in all its branches . . . the raising of livestock, bees, fur-bearing animals or poultry,”<sup>111</sup> while secondary farming includes “any practices . . . performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.”<sup>11V</sup> Although this definition of agriculture may encompass employees of a cannery, a food processing plant, a grain transportation service, or even a nursery—to possibly trigger the FLSA agriculture exemptions—the Supreme Court has taken a more narrow approach. Specifically, in the Supreme Court case of *Holly Farms v. National Labor Relations Board*, the Court held that “‘live-haul crews’ . . . [are] not exempt ‘agricultural laborers.’”<sup>11V</sup> Simply, the nature of work, location of the work, and the relation of that work to a distinct agricultural business activity—such as the catching of the birds by live-haul crews versus the raising of the birds—is highly relevant to determining the status of an employee as an exempted agricultural laborer.

All companies, individuals, and family businesses should closely examine their business activities to



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**Simply, the nature of work, location of the work, and the relation of that work to a distinct agricultural business activity is highly relevant to determine the status of an employee as an exempted agricultural laborer.**

determine whether or not the labor conducted by their employees is eligible for the agricultural exemptions. If the business conduct does fall under the FLSA definition of agriculture, the business owner should become familiar with the FLSA’s agricultural exemption to the minimum wage requirement.

### ***FLSA Agricultural Exemption to Minimum Wage—29 U.S.C. § 213(a)(6)***

If a business falls under the agriculture definition of the FLSA, the business will be exempt from having to comply with the FLSA’s minimum wage. There are five exemptions that permit an agricultural business employer to be exempt from the minimum wage standard of the FLSA. Each of these exemptions will be analyzed and explained.

The first exemption, 29 U.S.C. § 213(a)(6)(A), states that the employer is not required to abide by the minimum wage if “any employee [is] employed in agriculture if such employee is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than five hundred man-days of agricultural labor.”<sup>11VI</sup> A man-day of agricultural

labor is defined by the Department of Labor as “any day during which an employee performs agricultural work for at least one hour.”<sup>vii</sup> Simply put, for an employer to be exempt from the minimum wage standards, their employees must work fewer than 500 man-days per quarter. To determine man-days, multiply the number of employees by days worked per week by the number of weeks worked.

With Example 1, a dairy operation with one full-time employee working 6 days a week for 50 weeks a year would only work 300 man-days. The dairy operation in Example 1 would be exempt from the FLSA minimum wage requirements. In Example 2, we clearly have a farm with full-time employees working over 500 man-days per year. The farm in Example 2 would not be exempt from the FLSA.

The second exemption, 29 U.S.C. § 213(a)(6)(B), states that “if the employee is the parent, spouse, child, or other member of the employer’s immediate family,”<sup>viii</sup> the employer is exempted from following the standard minimum wage of the FLSA. This means that if an agricultural producer were to hire anyone from his/her immediate family, the producer would not be required to maintain a record of man-days worked or provide the immediate family employees with minimum wage. It is important that agricultural employers remember to not include their immediate family’s hours in the total calculated per month in determining whether they have exceeded 500 man-days.

The third exemption, 29 U.S.C. § 213(a)(6)(C), requires that the employee meet three requirements to be exempt. The first requirement is the employee needs to be “employed as a hand harvest laborer and is paid on a piece rate basis in the region of employment.”<sup>ix</sup> In Maryland, this type of hand harvest labor would most likely come into play on a farm that produces fruits or vegetables. The second requirement is that the employee must commute “daily from his permanent residence to the farm on which he is so employed.”<sup>x</sup> The third requirement is that the employee must also have “been employed in agriculture less than thirteen weeks during the preceding calendar year.”<sup>xi</sup> If an employee is hand harvesting, paid on a piece rate basis, commutes to the farm of his employment from his/her personal residence, and has not been employed in agriculture for more than 13 weeks during the preceding calendar year, the producer is exempted from the FLSA’s minimum wage requirement for that employee.

### Example 1

Full-time workers (1 worker X 6 days per week X 50 weeks) = 300 man-days

### Example 2

Full-time workers (7 workers X 6 days per week X 13 weeks) = 546 man-days

### Example:

Farmhand Peter is hired by Farmer Katie to pick peppers each year. The pepper harvest is usually completed within 3-5 weeks. Farmhand Peter’s only agricultural job each year is picking peppers. Additionally, Farmhand Peter lives a distance from Farmer Katie’s farm and therefore commutes to pick peppers during the 3-5 weeks.

**Farmer Katie is exempted from FLSA and can pay Farmhand Peter on a per pepper picked basis without having the rate paid meet the minimum wage requirement.**



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*If the employee has all of these characteristics, the employer is then not required to follow the FLSA requirements relating to minimum wage.*

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The employee must meet each of the three requirements; if the employee meets only two of the requirements then the employer is not exempted and must comply with the FLSA standards. If, from the example, Farmhand Peter is a migrant worker, then this FLSA exemption does not apply and Farmer Katie should check the other exemptions to see if Farmhand Peter would fall under one of those.

The fourth exemption, 29 U.S.C. § 213(a)(6)(D), deals with only those employees who are 16 years old or younger. For an employee to be considered exempt, the employee must meet three requirements. The first requirement is that the employee must be “sixteen years of age or under and is employed as a hand harvest laborer, is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment.”<sup>xii</sup> The second requirement is that the employee be “employed on the same farm as his/her parent or person standing in the place of his/her parent.”<sup>xiii</sup> The third requirement is that the employee “is paid at the same piece rate as employees over the age of sixteen are paid on the farm.”<sup>xiv</sup> If the employee has all of these characteristics, the employer is then not required to follow the FLSA requirements relating to minimum wage.

Please note that this exemption does not apply to any employee found to meet the three previous requirements of the third exemption. From the example above, Farmer John may not have to worry about meeting this fourth exemption if he can qualify Brad under the FLSA’s third exemption. For help with these exemptions please consider talking with an employment attorney to make sure you are qualifying your employees under the correct exemptions.

The fifth exemption, 29 U.S.C. § 213(a)(6)(E), simply states that if the “employee is principally engaged in the range production of livestock,” that the employee is then not covered under the FLSA rules for minimum wage as long as the work he/she conducts constitutes employment in agriculture. Generally, this will not be an issue in Maryland as it will more likely apply to western states

### Example:

Farmer John is looking to hire two new farmhands to hand pick tomatoes on a per piece rate (customary in Maryland). During his search, Farmer John finds that only Anne is qualified to work as a farmhand. Knowing that Farmer John needs another worker, Anne states that her 16 year old son Brad is also interested. Farmer John promptly hires both Anne and her son Brad to hand pick tomatoes. Anne and Brad are the only farmhands and are both paid the same piece rate.

**Farmer John is exempted from the FLSA relating to minimum wage.**

### Example:

Rancher Karen maintains an open-range production of sheep in Montana. As her flock grows, she hires Greg as an additional shepherd for the sheep.

**Typically Rancher Karen would be exempt from the minimum wage requirements of the FLSA.**



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**The employee must meet each of the three requirements to allow the employer to be exempted from the FLSA.**

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**Unlike the FLSA, there are no specific agricultural exemptions that exist within the ADA related to hiring.**

where range production of livestock is more typical.

### **Americans with Disabilities Act (ADA)**

Although many agricultural producers do not think about it, the Americans with Disabilities Act (ADA) should at least be taken under consideration when hiring future employees. The ADA governs how potential and current employers must treat future and current employees who are identified as persons with disabilities. In particular, there are three areas of importance that all employers must follow when interviewing, hiring, or employing a person with a disability. Unlike the FLSA, there are no specific agricultural exemptions that exist within the ADA related to hiring, but there are general exemptions that apply to all employers, regardless of involvement in agriculture.

The first area of interest, 42 U.S.C. § 12111(5)(A), defines a covered employer as an employer “who has 15 or more employees for each working day in each of the 20 or more calendar

weeks in the preceding calendar year.”<sup>xv</sup> Under this provision, it is a violation of the ADA for an employer, falling under this section of the ADA, to discriminate against an employee based on their physical disability if the employer has 15 employees or more. The only exemption to this rule is if the employer is either “the United States, a corporation owned by the government of the United States, or an Indian tribe; or a bona fide private membership club (other than a labor organization) that is exempt from taxation.”<sup>xvi</sup> As it relates to agricultural employment, the ADA prevents discrimination by those qualifying employers against the employee based on the employee’s physical disability. The majority of agricultural producers in this state will fall under the 15 or more employee requirement and be exempt from the law.

The second area of the ADA to consider, 42 U.S.C. § 12112(a), states the scope of what the ADA considers to be employment discrimination based on disability. The statute states that no employer covered by the ADA “shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”<sup>xvii</sup> This subsection is important because it builds on the previously defined ‘covered employer’ section of the ADA. Simply, no covered employer is permitted to discriminate against a potential or current employee who is qualified for the position because that employee has a disability. Agricultural producers falling under the ADA should make sure that employment practices do not discriminate and are compliant with the ADA.

*Although many agricultural producers do not think about it, the Americans with Disabilities Act (ADA) should at least be taken under consideration when hiring future employees.*

*The purpose of the Age Discrimination in Employment Act is to prohibit age discrimination in the employment context.*

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The last area, 42 U.S.C. § 12112(d)(2)(A), addresses the use of medical examinations as a required aspect of an interview process or any inquiries into the job applicant's disabilities. The ADA states that a covered employer "shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of such disability."<sup>xviii</sup> The statute is clear that if the employer maintains 15 employees or more, the employer is prohibited from requiring that a potential employee take a medical examination or answer questions about their disability as a requirement to being hired.

However, the ADA does allow for employers, falling under the ADA, to "make preemployment inquiries into the ability of an applicant to perform job-related functions."<sup>xix</sup> This means an agricultural producer falling under the ADA would be able to ask if a potential employee could actually do the physical labor that employment on a farm will require. An employer is also permitted to "require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results."<sup>xx</sup> There are two caveats to the ability of an employer to utilize a medical examination as a prerequisite to employment. First, the medical examination can only be required if "all employees are subject to such an examination regardless of disability."<sup>xxi</sup> Second, that the "information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as confidential medical record."<sup>xxii</sup> Additionally, this sub-section does

allow medical examination records of the employee to be seen by "supervisors and managers . . . [for] necessary restrictions of work or duties, . . . first aid and safety personnel, . . . if the disability might require emergency treatment, . . . [and] government officials investigating compliance."<sup>xxiii</sup>

While there is an avenue to conduct preemployment inquiries into the applicant's ability to perform the work and to require a medical examination, employers falling under the ADA will want to speak with an attorney to develop the appropriate criteria when requesting a medical examination. Employers may also want to check with an attorney to make sure that their interview questions comply with the ADA.

### **Age Discrimination in Employment Act (ADEA)**

The purpose of the Age Discrimination in Employment Act is to prohibit age discrimination in the employment context. There is one aspect of the ADEA that requires the attention of agricultural employers if they are attempting to hire employees based on their age. Agriculture producers should understand that the ADEA only applies to employers "engaging in an industry affecting commerce who have twenty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year."<sup>xxiv</sup> This only applies to those employees at least 40 years of age.<sup>xxv</sup> If you think you may meet that requirement, please speak with an attorney about strategies to stay in compliance with this federal law. It should be noted, even if you do not fall under the ADEA, you should refrain from age discrimination as it will save from potential lawsuits down the road.

The main aspect of the ADEA, 29 U.S.C. § 623(a), deals directly with the hiring process of an employer. It states that it is unlawful for an employer, falling under the ADEA, to “fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual’s age.”<sup>xxvi</sup> The section goes on to state that it is also unlawful to “limit, segregate, or classify his employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s age.”<sup>xxvii</sup> This prohibition states that covered employers are not permitted to refuse to hire a person, limit, or fire an employee because of their age and contains no agricultural exemptions and should be followed by all agricultural employers within the ADEA’s scope of coverage.

### **Genetic Information Nondiscrimination Act (GINA)**

The Genetic Information Nondiscrimination Act, 42 U.S.C. § 2000ff, is meant to “prohibit discrimination on the basis of genetic information with respect to health insurance and employment.”<sup>xxviii</sup> Similar to the other federal regulations, GINA defines a covered employer as “a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding year.”<sup>xxix</sup> Again, many agricultural operations will fall outside the scope of this law, but those concerned should speak with an attorney to make sure their



**Many agricultural operations will fall outside the scope of this law, but those concerned that they fall under it should speak with an attorney to make sure their strategies are in compliance with the law.**

strategies are in compliance with the law. GINA makes it unlawful for an employer “to fail or refuse to hire, or to discharge, any employee, or otherwise to discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment of the employee . . . or limit segregate, or classify the employees . . . in any way that would deprive or tend to deprive any employee of employment opportunities or otherwise adversely affect the status of the employee as an employee, because of genetic information.”<sup>xxx</sup> Simply put, it is illegal for an employer with 15 or more employees to discriminate against an employee based upon that employee’s genetic information.

### **Uniformed Services Employment and Reemployment Rights Act (USERRA)**

The Uniformed Service Employment and Reemployment Rights Act, 20 C.F.R. § 1002.18, is meant to “protect service members’ reemployment rights

when returning from a period of service in the uniformed services, including those called up from the reserves or National Guard, and prohibits employer discrimination based on military service or obligation.”<sup>xxxi</sup> The requirements of employers under USERRA are simply to refrain from denying “employment, reemployment, retention employment, promotion, or any benefit to an individual” because that employee is or was a member of the uniformed services or because they still maintain an obligation to the uniformed service. In essence, an employer—no matter the size—must not discriminate against a current or former member of the uniformed services with regard to employment. However, USERRA does provide an exception which states that a member of the uniform services that has been discharged due to dishonorable, bad conduct, or a conviction by court-martial means that the employee is no longer eligible for the protection of the USERRA. All employers—not just agricultural employers—need to remember that they are prohibited

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*A minor is permitted to be employed on a farm as long the employment is limited to simple farm work that is outside of school hours, but the labor conducted by the minor must not be considered hazardous and must be limited in nature to farm work on the farm.*

from discriminating against an employee due to their current or prior service in the uniformed services.

### **Maryland Law**

As stated earlier, Title 3 Employment Standards and Conditions of the Annotated Code of Maryland addresses the specific standards and exemptions relating to agricultural labor. While a few of the sections directly address agricultural work, others simply put forward standards that must be followed by every employer regardless of whether they are agricultural employers.

#### **Employment of Minors**

The Maryland Code states that a minor under this title is considered to be “an individual who is under the age of 18 years,”<sup>xxxii</sup> and that the purpose of this specific subtitle is to permit minors “to engage in occupations that prepare them for responsible citizenship, yet to protect them from occupations that will be injurious to their mental, moral, or physical welfare.”<sup>xxxiii</sup> The Maryland Code identifies certain types of employment activities conducted by minors that are not covered by this subtitle. These non-covered employment activities must meet each of the follow conditions: “[the occupational activity] is performed outside the school hours set for the minor; does not involve manufacturing or mining; is not a hazardous occupation; and is limited to farm work that is performed on a farm.”<sup>xxxiv</sup> Of these four conditions only a hazardous occupation needs further clarification as to what the Maryland Code considers to be hazardous. Hazardous occupations include jobs which are: “in, about, or in connection with the manufacturing of a hazardous substance, . . . a blast furnace, . . . a distillery, . . . the erection or repair of an electrical wire, . . . [and] the cleaning, oiling, or wiping of machinery.”<sup>xxxv</sup> In addition, the subtitle identifies further hazardous occupations for minors under the age of 16 years, as occupations that are “about or in connection with an acid, dye, gas, lye, or paint, . . . a brickyard, . . . a

lumberyard, . . . a work room or work site where goods are manufactured or processed, . . . scaffolding, . . . [and] the adjustment, cleaning, or operation of power-driven machinery.”<sup>xxxvi</sup>

According to the statute, a minor is permitted to be employed on a farm as long the employment is limited to simple farm work that is outside of school hours, but the labor conducted by the minor must not be considered hazardous and must be limited in nature to farm work on the farm. For details about what is considered hazardous agricultural work for minors under the age of 16, please visit the Department of Labor site.

#### **Example:**

Billy is 15 year old farmhand working for Farmer Bob. Recently, Jane the farmhand who operates the grain combine quit and there is no one to operate the combine. Can Farmer Bob get Billy to operate the grain combine?

**No, because the operation of the combine would be considered hazardous by the Department of Labor.**

The law prescribes the penalties that are associated with “knowingly employ[ing] a minor in violation of a provision of this subtitle; or allow[ing] a minor to be employed in violation of this subtitle.” Supra note 32, at § 3-216(b)(1)-(2).<sup>xxxvii</sup> If there is a violation of this subtitle, the employer could be found guilty of a “misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 1 year or both.”<sup>xxxviii</sup>

#### **Equal Pay for Equal Work**

Maryland law also prohibits employers from discriminating between their employees based on gender. The law states that an “employer may not discriminate between employees of the opposite sex at a rate less than the rate paid to employees of the opposite sex if both employees work in the same establishment and perform work of comparable character.”<sup>xxxix</sup> This means that under Maryland law, it is illegal to pay an employee of one gender less than an employee of the opposite gender if both sets of employees are performing the same or similar work. The law does permit an employer to vary





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**Generally, agricultural employers do not need to consider overtime pay calculations for their employees unless those employees do not meet certain conditions.**

employee wages based upon “a seniority system, . . . a merit increase system, . . . jobs that require different abilities or skills, . . . jobs that require the regular performance of different duties or services, . . . or work that is performed on different shifts or at different times of day”<sup>XL</sup> so long as those systems are not discriminatory on the basis of gender.

For violations of this law, a wronged employee has the right to “bring an action against the employer to recover the difference between the wages paid to male and female employees who do the same type of work and an additional equal amount as liquidation damages.”<sup>XLI</sup> An agricultural employer should consider working with an attorney to establish a system that clearly explains the manner through which the employer determines wage differences.

### **Wages and Hours**

The Maryland Code establishes minimum requirements of all employers regarding the payment for labor to their employees. Additionally, the Maryland Code provides many of the same agricultural exemptions—found in the FLSA—to the general labor standards. The subtitle on Wages and Hours exempts from coverage an individual who “is employed in agriculture if, during each quarter of the preceding calendar year, the employer used no more than 500 agricultural-worker days . . . [and] engaged principally in the range production of livestock”<sup>XLII</sup> or “is employed

as a hand-harvest laborer and is paid on a piece-rate basis”<sup>XLIII</sup> and “commutes daily from a permanent residence of the individual to a farm where the individual is employed; and during the preceding calendar year, was employed in agriculture less than 13 weeks.”<sup>XLIV</sup> This agricultural labor exemption parallels directly the exemption found in the Fair Labor and Standards Act examined previously. It should also be noted that under the Maryland Code—like the FLSA—a “child, parent, spouse, or other member of the immediate family of the employer”<sup>XLV</sup> is not covered by general wage and hour standards found within the subtitle on Wages and Hours. For examples of how these exemptions work, please refer back to the FLSA section.

Additionally, the Maryland Code goes further to express how overtime work will be compensated. Generally, agricultural employers do not need to consider overtime pay calculations for their employees unless those employees do not meet the conditions mentioned above. If the agricultural employee is not exempted from the regulations of the Maryland Code, an agricultural employer may compute overtime pay “on the basis of each hour over 60 hours that an employee works during 1 workweek for an employee who is engaged in agriculture.”<sup>XLVI</sup> This means that agricultural employers must remain aware of the agricultural exemptions to ensure they are paying the appropriate wages and are not in violation of the Maryland Code.

### **Inquiries Regarding Medical History**

The final section of the Maryland Code—of relevance to agricultural labor—deals with the requirement that a job applicant reveal their medical history in order to be eligible for employment. The subtitle states that an “employer may not require an applicant . . . to answer an oral or written question that relates to a physical, psychiatric, or psychological disability, illness, handicap, or treatment unless . . . [it] has direct, material, and timely relationship to the capacity or fitness of the applicant to perform the job properly.”<sup>XLVII</sup> In essence, in Maryland, an employer is not restricted from asking a potential employee about medical history as long as the purpose behind the inquiry is to determine the ability of the applicant to properly fulfill the employment obligations. Therefore, an agricultural employer may inquire into the medical history and potentially decline to hire the applicant based upon the answers if the purpose was to discern the person’s ability to perform the job. ■

- I Fair Labor Standards Act, 29 U.S.C. §§ 201, et seq.
- II 29 U.S.C. § 203(f).
- III *Id.*
- IV *Id.*
- V Holly Farms Corps. v. N.L.R.B., 517 U.S. 392, 394 (1996).
- VI 29 U.S.C. § 213(a)(6)(A).
- VII Department of Labor, Fact Sheet #12: Agricultural Employers under the Fair Labor and Standards Act (FLSA), available at: <http://www.dol.gov/whd/regs/compliance/whdfs12.htm>.
- VIII 29 U.S.C. § 213 (a)(6)(B).
- IX 29 U.S.C. § 213 (a)(6)(C)(i).
- X *Id.* at (a)(6)(C)(ii).
- XI *Id.* at (a)(6)(C)(iii).
- XII 29 U.S.C. § 213(a)(6)(D)(i).
- XIII *Id.* at (a)(6)(D)(ii).
- XIV *Id.* at (a)(6)(D)(iii).
- XV Americans with Disabilities Act, 42 U.S.C. § 12111(5)(A).
- XVI *Id.* at 42 U.S.C. § 12111(5)(B)(i)-(ii).
- XVII *Id.* at 42 U.S.C. § 12112(a).
- XVIII Supra note 12, at 42 U.S.C. § 12112(d)(2)(A).
- XIX *Id.* at 42 U.S.C. § 12112(d)(2)(B).
- XX *Id.* at 42 U.S.C. § 12112(d)(3).
- XXI *Id.* at 42 U.S.C. § 12112(d)(3)(A).
- XXII 22 *Id.* at 42 U.S.C. § 12112(d)(3)(B).
- XXIII 23 *Id.* at 42 U.S.C. § 12112(d)(3)(B)(i)-(iii).
- XXIV *Id.* at 29 U.S.C. § 630 (b).
- XXV *Id.* at 29 U.S.C. § 631 (a).
- XXVI Age Discrimination in Employment Act, 29 U.S.C. § 623(a)(1).
- XXVII *Id.* at 29 U.S.C. § 623(a)(2).
- XXVIII U.S. Equal Employment Opportunity Commission, The Genetic Information Nondiscrimination Act of 2008, available at: <http://www.eeoc.gov/laws/statutes/gina.cfm>.

## Helpful Links

[OSHA Fact Sheet for Farm Safety](#)

[OSHA Record Keeping Handbook](#)

[U.S. Equal Employment Opportunity Commission Notice on How to Ask Pre-Employment Disability Related Questions and Medical Examinations](#)

[U.S. Equal Employment Opportunity Commission Policy State on the Issue of Conviction Records under Title VII of the Civil Rights Act of 1965](#)

- XXIX The Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000e(b).
- XXX *Id.* at 42 U.S.C. § 2000ff-1 (a)(1)-(2).
- XXXI U.S. Department of Labor, Uniformed Service Employment and Reemployment Rights, available at: <http://www.dol.gov/compliance/laws/comp-userra.htm>.
- XXXII Md. Code Anno., Employment of Minors, § 3-201.
- XXXIII *Id.* at § 3-202.
- XXXIV *Id.* at § 3-203(1)-(4)(i).
- XXXV *Id.* at § 3-213(a).
- XXXVI *Id.* at § 3-213(b).
- XXXVII Supra note 32, at § 3-216(b)(1)-(2).
- XXXVIII Supra note 29, at § 3-216(c)(2).
- XXXIX Md. Code Anno., Equal Pay for Equal Work, § 3-304(a).
- XL *Id.* at § 3-304(b).
- XLI *Id.* at § 3-307(a)(1).
- XLII Md. Code Anno., Wages and Hours, § 3-403 (b)(1)-(2)
- XLIII *Id.* at § 3-403 (b)(3)
- XLIV *Id.* at § 2-403(b)(3)(i)(2).
- XLV *Id.* at § 3-403(a)(7).
- XLVI *Id.* at § 3-420(c)(1)
- XLVII Md. Code Anno., Miscellaneous, § 3-701(b).

**\*\*Disclaimer:** This guide should not be considered legal advice and does not substitute for a direct consultation with an attorney who specializes in agricultural labor law. Any and all suggestions made in this guide are for the sole purpose of informing the public as to the relevant laws and does not in any way create an attorney client relationship nor should it be construed as doing so.



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## **A Guide to Agricultural Labor Laws: How Best to Comply with the Relevant Federal and Maryland State Standards**

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