

U.S. DEPARTMENT OF LABOR
Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210

(Gen) FLCRA

June 27, 1977

We have been advised that you have recently introduced legislation which would broaden the existing farmer's exemption in the Farm Labor Contractor Registration Act to include farmers and their employees who provide migrant labor to other farmers whose farms are located within 25 miles and who receive no monetary consideration (other than reimbursement of actual expenses incurred) for the provision of such labor.

We further understand that your interest in this matter stems from communications from your constituents who might have contacted you as the result of the statement appearing on page 3 of the publication of the Cooperative Extension Service, Michigan State University, and U.S. Department of Agriculture Cooperating, dated May 31, 1977 (Mimeograph No. 27), entitled "Farm Labor Contractor Registration Act as amended December 1974: an Update Including New Interpretations." This publication was never approved by the Department of Labor which has responsibility for administering the Farm Labor Contractor Registration Act.

This statement reads as follows:

A FARMER employing and housing migrants and [sic] allows those migrants to work for a neighbor while continuing to house them may be a crew leader under the law. Failure to register could result in a \$1,000 fine to him and a \$1,000 fine to his neighbor. This interpretation may hold even when the neighbor pays no rent on the housing.

For your information and guidance, please be assured that it is not the intent of the U.S. Department of Labor to utilize its limited Farm Labor Contractor Registration Act resources in investigations of small individual farmers who share on a local and casual basis a common workforce. Additionally, under current policy, all such investigations involving alleged violations of the Act must be referred to and received [sic reviewed] by the national office of the Wage and Hour Division before any action can be taken. Clearly, we believe that this safeguard removes the necessity for the proposed legislation.

Sincerely,

Donald Elisburg
Assistant Secretary