

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Wage and Hour Division
WASHINGTON, D.C. 20210



MAY 22 1979

Your letters of March 20 and 22 to [REDACTED], Area Director in our Harrisburg Area Office, have been forwarded to this office for reply. I apologize for the delay in responding.

You have posed several questions which came up at the March 12 seminar which was attended by [REDACTED] and [REDACTED] of this office. I shall attempt to respond to each of these questions.

One of your questions dealt with the conditions of employment and where such information is required to be posted as provided by section 6(c) of the Act. Generally, it is the Department's position that such posting be done at the work site (i.e. posted on a tree, attached to the side of the bus workers are transported in, attached to the water wagon, etc.). However, under certain conditions it may not be possible to make such a posting at the work site. During the seminar, some of the apple growers pointed out that the terrain in their areas meant that the orchards were not compact but covered several miles over rolling hills. Also, there might be more than one orchard so that a grower's crew could be spread out over a distance of several miles while they are working and there is no central gathering spot once they leave the camp. In such a case as this, if the conditions of employment are posted in a conspicuous and centrally located place in the camp, the Department will consider that the requirements of Section 6(c) have been met.

page 2

Your other questions dealt with the transportation of workers from the camp to the field; 1) when the camp and field are both located on the farm and 2) when the camp is not contiguous to the field. Transportation as a farm labor contracting activity includes all transportation of migrant workers for agricultural employment. Local transportation of workers which is a farm labor contracting activity within the meaning of the Act includes transportation of workers from their quarters to and from the field, between fields and into neighboring towns to acquire groceries and do laundry. The duties of a farm labor contractor may include seeing to it that workers are provided with a means of transportation from the camp to the fields or between fields when the day's assignments require such a transfer. Further, part of a contractor's business may include seeing to it that the workers are provided with a means of getting into town to secure the necessities of life which are not provided for at the camp. Such activities constitute transportation of migrant workers within the meaning of the Act. (See Marshall v. Bunting's Nurseries, Inc., 459 F. Supp. 92, 84 CCH Labor Cases 133,715).

I trust that this will answer your questions on these matters.

Sincerely,

HERBERT J. COHEN
Assistant Administrator