

HOUSE RESEARCH

Bill Summary

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Authors: McDonald and others

Subject: Foreign workers under H-2A visas excluded from state maximum hour and overtime law

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The H-2A visa is a temporary visa allowing foreign workers to enter the country for a limited period of time in order to perform agricultural work. While in the U.S., those workers are entitled to the same workplace laws that govern citizens. Work in “agriculture”, as that term is defined in the federal Fair Labor Standards Act, is exempt from maximum hour and overtime requirements. Hence, H-2A workers are not entitled to overtime pay under federal law. This bill would extend that to include Minnesota maximum hour and overtime law, excluding H-2A workers from the Minnesota’s overtime pay requirements.

A notable difference between the federal and Minnesota overtime law is that the federal requires time-and-a-half pay for all hours over 40 worked in a week, while Minnesota only requires time-and-a-half pay for all hours over 48 worked in a week.