

**Know Your Rights  
at Work!**



## Your Right to be Paid

**How much?** The amount the employer promised you, which should be at least the minimum wage of \$7.25 an hour for all hours worked; PLUS

Overtime pay (1 and a half times your normal pay) for every hour you work over 40 hours a week.

**For every hour worked:** Hours worked includes mandatory training, breaks of less than 20 minutes, travel time between work-sites, and may include time spent waiting after the start of the workday.

**When?** Your employer must pay you at least twice each month, on designated days.

**The independent contractor trap:** Some employers misclassify employees as *independent contractors*, which takes away workers' rights to minimum wage, overtime pay, unemployment insurance, protection against discrimination, employer contribution to social security, and other protections. If employer gives you an IRS 1099 form instead of a W-2 form, your employer is classifying you as an independent contractor not an employee. In general, independent contractors work without supervision or training, set their own hours, and often provides their own tools and equipment. Most farm workers are NOT independent contractors.

## Extra Rights for Farm Workers

**Right to written notice of job terms and conditions:** If you're recruited to do seasonal agricultural work away from home, the labor contractor or employer must give you a written notice in your native language stating:

- Your wage rate;
- The length of the job;
- Where you'll work and what type of work you'll do;
- If the employer provides workers' compensation or unemployment benefits;
- What housing, transportation, or other benefits are offered and how much they cost;
- Whether the employer or crew leader gets a commission from selling you things like food, clothes, or tools; and
- If you there's a strike or work stoppage at the place you will be working.

Farm worker that are not absent overnight from their homes must ask for a written notice.

**Right to wage statement:** Employers must also give farm workers a written statement, usually a paycheck "stub" each time they're paid. This stub should report:

- How many hours you worked;
- The amount you earned;

- Whether the employer paid you by the hour or at a “piece rate” (per box, carton, bushel, pound, or bin); and
- How much money was deducted from your pay, and the reason for each deduction (for example for social security taxes, income taxes or cash advances).

Employers must keep copies of these pay records for three years.

### **Your rights regarding deductions for loans, housing, transportation, tools, and other items:**

- An employer cannot deduct for these items without your permission (this doesn't include deductions for government taxes or court-ordered deductions like child support).
- It may be illegal if an employer's deductions for these items reduce your wages to below minimum wage (\$7.25/hr).

## **WHERE TO FIND ASSISTANCE?**

For more farm worker information and/or to file a related complaint, please contact the U.S. Department of Labor, Wage and Hour Division at 1-866-4-US-WAGE (1-866-487-9243). Also contact them if you believe you have been wrongly classified as an independent contractor.

For more information or to file a wage claim contact the Texas Workforce Commission Labor Law Section at 1-800-832-WAGE (9243) and 1-512-475-2670.

For legal assistance, please contact Texas RioGrande Legal Aid, Inc., at 1-888-988-9996.

*This fact sheet is intended to provide general information about your legal employment rights in Texas. Texas Young Lawyers Association cannot assure that the information here is current, or applies to your particular situation. Before relying on this information, you should consult an attorney or government agency for information about your legal rights.*

**For Additional Copies Please Contact:  
Public Information Department  
State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711-2487  
(800) 204-2222, Ext. 1800  
[www.texasbar.com](http://www.texasbar.com)**

**Printing made possible in part by a generous  
grant from the El Paso Bar Foundation.**

