



**PennState**  
Dickinson Law

Center for Agricultural  
and Shale Law

*Understanding Agricultural Law*  
Educational Program



Pennsylvania  
**Department of Agriculture**  
AG BUSINESS DEVELOPMENT CENTER

# *Understanding Agricultural Law Educational Program*

## *Understanding the Basics of* **The Migrant and Seasonal Agricultural Worker Protection Act**

May 30, 2025



# ***Understanding Agricultural Law***

**A Legal Educational Series for General Practice Attorneys and Business  
Advisors Representing Agricultural and Rural Clients**

This webinar series is specifically tailored to create subject matter literacy and competence on fundamental issues of agricultural law for attorneys, advisors, and service providers to agricultural producers and agri-businesses.





## ***Understanding Agricultural Law Educational Program***

### **Past Topics:**

- Agricultural Labor Laws
- Leasing Farmland for Energy Development
- Local Land Use Regulation of Agriculture
- Statutory Protections for Ag Operations
- Agricultural Cooperatives
- Livestock Market Regulation
- Crop Insurance
- Federal & State Conservation Programs
- Licensing & Regulation of Direct Agricultural Product Sales
- Agricultural Finance
- PA's "Clean & Green" Tax Assessment Program
- Animal Confinement Laws
- Conservation Easements
- Landowner Immunity Statutes
- The Farm Credit System
- Milk Pricing
- Pesticides
- Seed Laws
- Fair Labor Standards Act (FLSA)
- Perishable Agricultural Commodities Act (PACA)
- Food Labeling

[aglaw.psu.edu/understanding-agricultural-law/](http://aglaw.psu.edu/understanding-agricultural-law/)



Upcoming programs from the Ag Law Center:

***Understanding Agricultural Law Educational Program***

*Understanding the Basics of--*

June 27, 2025—PA's Clean & Green Program: County-Level Administration

July 25, 2025—ADA Compliance for Agritourism Operations

Aug. 22, 2025—Foreign Agricultural Land Ownership Laws

*Attorney CLE available*

Register at <https://aglaw.psu.edu/understanding-agricultural-law/>

All events: <https://aglaw.psu.edu/events/>



Upcoming programs from the Ag Law Center:

**Quarterly Dairy Legal Webinar Series:**

**July 15, 2025—2nd Quarter of 2025: 2025 Federal  
Milk Marketing Order Reforms**

*Attorney CLE Available*



Register at <https://aglaw.psu.edu/events/>





Upcoming programs from the Ag Law Center:

**Partner Programs with the National Agricultural Law Center:**

June 18, 2025—An Overview of State Grain Dealer Statutes in the United States, *Center Director Ross Pifer*



Register at <https://aglaw.psu.edu/events/>



Upcoming programs from the Ag Law Center

# **2025 Agricultural Law Symposium**

## **Thursday, September 18, 2025**

In-person at Penn State Dickinson Law, University Park

Lunch & refreshments provided

**6 Attorney CLE Credits available**

## **Registration Available!**

Early Bird Registration Pricing, available until August 29, 2025:

- \$150 for attorneys requesting CLE (\$200 after 8/29/25)
- \$100 for non-attorneys (\$150 after 8/29/25)
- \$25 for students (\$50 after 8/29/25)

Register at <https://aglaw.psu.edu/events/>





# Housekeeping

- This webinar is being recorded.
- Please use the Q&A feature for questions.
- Please fill out surveys.
- CLE credits:
  - Link to CLE form will be posted in the chat
  - Please fill out form ASAP
  - Listen for code word, enter code word in the form





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# *Understanding Agricultural Law Educational Program*

## *Understanding the Basics of* **The Migrant and Seasonal Agricultural Worker Protection Act**

May 30, 2025





# Overview: Migrant and Seasonal Agricultural Worker Protection Act

1. MSPA History/Purpose
2. Regulated parties
3. Exempted persons
4. Requirements—Employer Responsibilities & Employee Rights
5. Enforcement/Joint Employer Liability
6. Recent Case



# Migrant and Seasonal Agricultural Worker Protection Act (MSPA)

## A word about acronyms:

- MSAWPA
- AWPA
- MSPA



# A Brief History of MSPA

- Agricultural workers generally exempted from other labor laws: FLSA, NLRA
  - Underlying issue: language/geographical barriers between operators and laborers
  - "Crew leaders": "bridge between the farm operator and the migrant laborer"
- 1964 Farm Labor Contractor Registration Act (FLCRA)
- MSPA replaced FLCRA, enacted in 1983



# 29 U.S. Code § 1801

## Congressional statement of purpose

It is the purpose of this chapter to ***remove the restraints on commerce*** caused by activities detrimental to **migrant and seasonal agricultural workers**;

to require **farm labor contractors** to register under this chapter;  
and to assure necessary protections for **migrant and seasonal agricultural workers, agricultural associations, and agricultural employers**.

[29 U.S.C. § 1801](#)



# Who Does MSPA Apply To?

Agricultural **Employers/**  
Agricultural **Associations**  
(and their employees)

**Farm Labor Contractors**  
(and their employees)

**Migrant** Agricultural Workers and  
**Seasonal** Agricultural Workers





# MSPA: "Migrant Agricultural Worker"

"individual who is employed in agricultural employment of a *seasonal or other temporary nature*, and who is required to be absent overnight from his *permanent place of residence*."

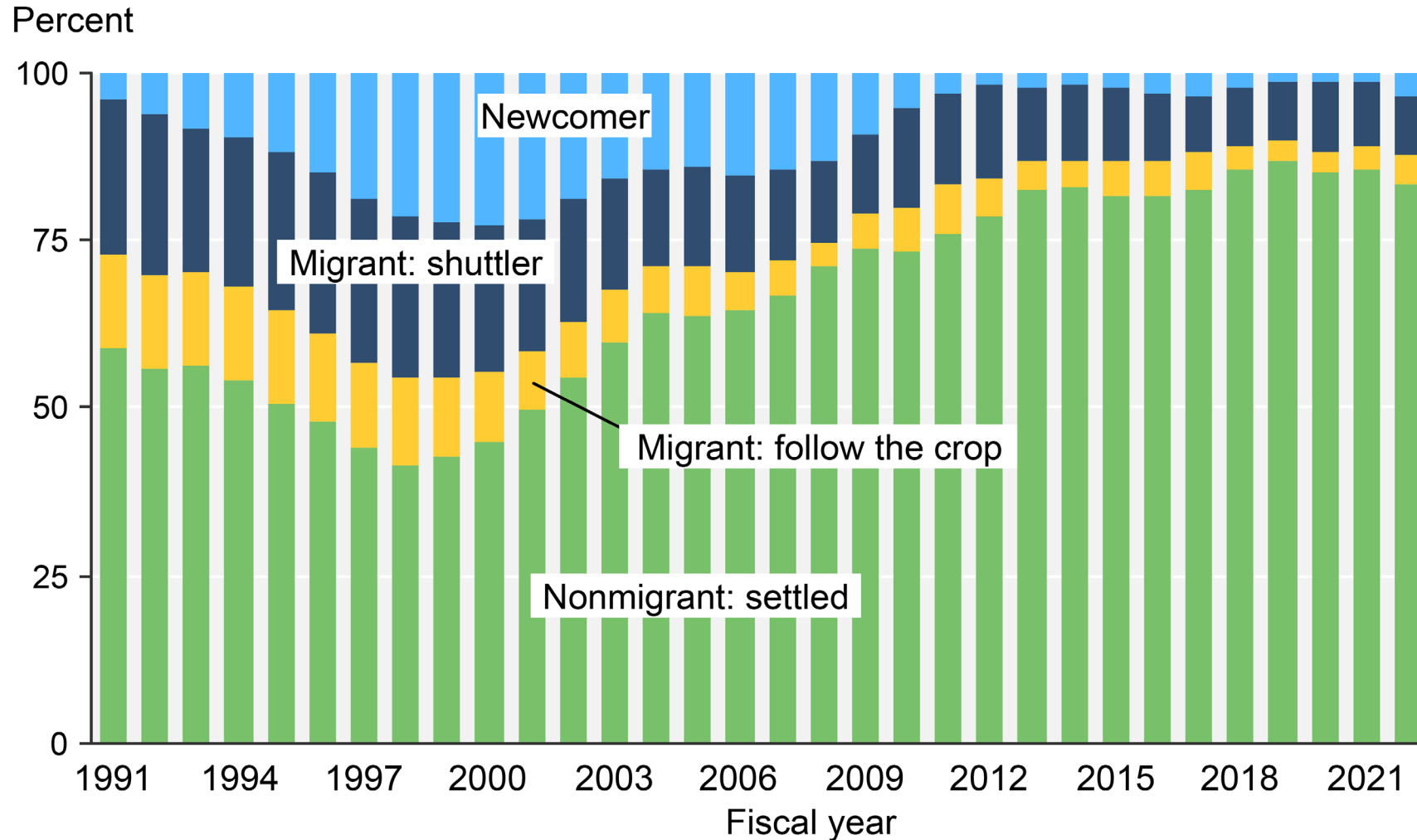


# MSPA: "Migrant Agricultural Worker"

## "Permanent place of residence"

- "means a domicile or permanent home"
- "Does not include seasonal or temporary housing such as a **labor camp**."
- "For any nonimmigrant alien is that individual's country of origin."

# Migration patterns of hired crop farmworkers, fiscal 1991–2022



Note: Values for each year are 3-year moving averages to smooth fluctuations due to small sample sizes: e.g. data reported for fiscal 2022 are the average over fiscal 2020–22.  
Source: USDA, Economic Research Service using data from U.S. Department of Labor, National Agricultural Workers Survey.

## Decline of "Follow the Crop" Worker

ERS, "Farm Labor"  
<https://www.ers.usda.gov/topics/farm-economy/farm-labor>



# Who Does MSPA Apply To?

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**Migrant** Agricultural Workers and  
**Seasonal** Agricultural Workers



# MSPA: "Seasonal Agricultural Worker"

"individual who is employed in agricultural employment of a seasonal or other temporary nature, and is **not** required to be **absent overnight** from his permanent place of residence

When employed on a farm or ranch performing field work related to **planting, cultivating, or harvesting** operations; *or*

When employed in **canning, packing, ginning, seed conditioning** or related research, or **processing** operations,

and transported . . . to or from the place of employment by means of a day-haul operation.

[29 CFR 500.20\(r\)](#)



# MSPA: "Seasonal Agricultural Worker"

## "day-haul operation"

- "the **assembly** of workers at a **pick-up point** waiting to be hired and employed,
- **transportation** of such workers to **agricultural employment**, and
- the **return** of such workers to a **drop-off point** on the **same day**."





# MSPA: "Seasonal Agricultural Worker"

## "day-haul operation"

Does not include

- Employer-provided transportation for employees
- Carpooling arrangements by such employees



## MSPA: "Migrant Agricultural Worker"

"individual who is employed in agricultural employment of a ***seasonal or other temporary nature***, and **who is required** to be **absent overnight** from his permanent place of residence."

[29 CFR 500.20\(p\)](#)

## MSPA: "Seasonal Agricultural Worker"

"individual who is employed in agricultural employment of a ***seasonal or other temporary nature***, and is **not required** to be **absent overnight** from his permanent place of residence

[29 CFR 500.20\(r\)](#)



# MSPA: "Seasonal or Other Temporary Basis"

## Seasonal Employment

- "performed at certain seasons or periods of the year and . . . from its nature, may not be continuous or carried on **throughout the year.**"
- "A worker who moves from one seasonal [agricultural] activity to another . . . is employed on a seasonal basis even though he may continue to be employed during a major portion of the year."



# MSPA: "Seasonal or Other Temporary Basis"

## Other Temporary Basis

- "employed for a **limited time only**"
- Or "performance is contemplated **for a particular piece of work**, usually of short duration"

"**Generally, employment**, which is contemplated to continue indefinitely, **is not temporary.**"



## MSPA: "Seasonal or Other Temporary Basis"

"On a seasonal or other temporary basis **does not include** the employment of any worker who is **living at his permanent place of residence**, when that worker is employed by a **specific agricultural employer** or agricultural association on essentially a **year round basis** to perform a **variety of tasks** for his employer and is **not** primarily employed to do **field work**."

[29 CFR 500.20\(s\)](#)



# Migrant and Seasonal Agricultural Workers: H-2A Not Included

***Migrant agricultural worker*** does not include:

- (i) Any immediate family member of an agricultural employer or a farm labor contractor; or
- (ii) Any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 101(a)(15)(H)(ii)(a) and 214(c) of the Immigration and Nationality Act.

[29 CFR 500.20\(p\)\(1\)](#)

***Seasonal agricultural worker*** does not include:

- (A) Any migrant agricultural worker;
- (B) Any immediate family member of an agricultural employer or a farm labor contractor; or
- (C) Any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 101(a)(15)(H)(ii)(a) and 214(c) of the Immigration and Nationality Act.

[29 CFR 500.20\(r\)\(2\)\(i\)](#)





# Who Does MSPA Apply To?

Agricultural **Employers/**  
Agricultural **Associations**  
(and their employees)

**Farm Labor Contractors**  
(and their employees)

**Migrant** Agricultural Workers and  
**Seasonal** Agricultural Workers



# "Agricultural Employer" & "Agricultural Association"

(Agric. Employer) "any **person who owns or operates** a farm, ranch, processing establishment, cannery, gin, packing shed or nursery, or who produces or conditions seed" [or]

(Agric. Association) "any **nonprofit or cooperative association** of farmers, growers, or ranchers"

Which "**recruits, solicits, hires, employs, furnishes, or transports** any migrant or seasonal agricultural worker."

[29 CFR 500.20\(c\),\(d\)](#)



# Who Does MSPA Apply To?

Agricultural **Employers/**  
Agricultural **Associations**  
(and their employees)

**Farm Labor Contractors**  
(and their employees)

**Migrant** Agricultural Workers and  
**Seasonal** Agricultural Workers



# MSPA: "Farm Labor Contractor"

"any person . . . who, for any money or other valuable **consideration paid** or promised to be paid, performs any **farm labor contracting activity**":

"recruiting, soliciting, hiring, employing, furnishing, or **transporting** any migrant or seasonal agricultural worker"

- *Does not include agricultural employers, associations, or their employees*



# MSPA: Exemptions

- a) **Family business exemption**
- b) **Small business exemption**
- c) Common carriers
- d) Labor organizations
- e) Nonprofit charitable organizations
- f) Local short-term contracting activity
- g) Custom combine, hay harvesting, or sheep shearing operation
- h) Custom poultry operations
- i) Seed production exemption
- j) Shade grown tobacco

[29 CFR 500.30](#)



# MSPA: Exemptions—Family Business

Any **individual** who engages in a **farm labor contracting activity** on behalf of a farm . . . which is **owned or operated exclusively by such individual or an immediate family member** of such individual, **if**

such activities are **performed only for such operation and exclusively by such individual** or an immediate family member, but without regard to whether such individual has incorporated or otherwise organized for business purposes.

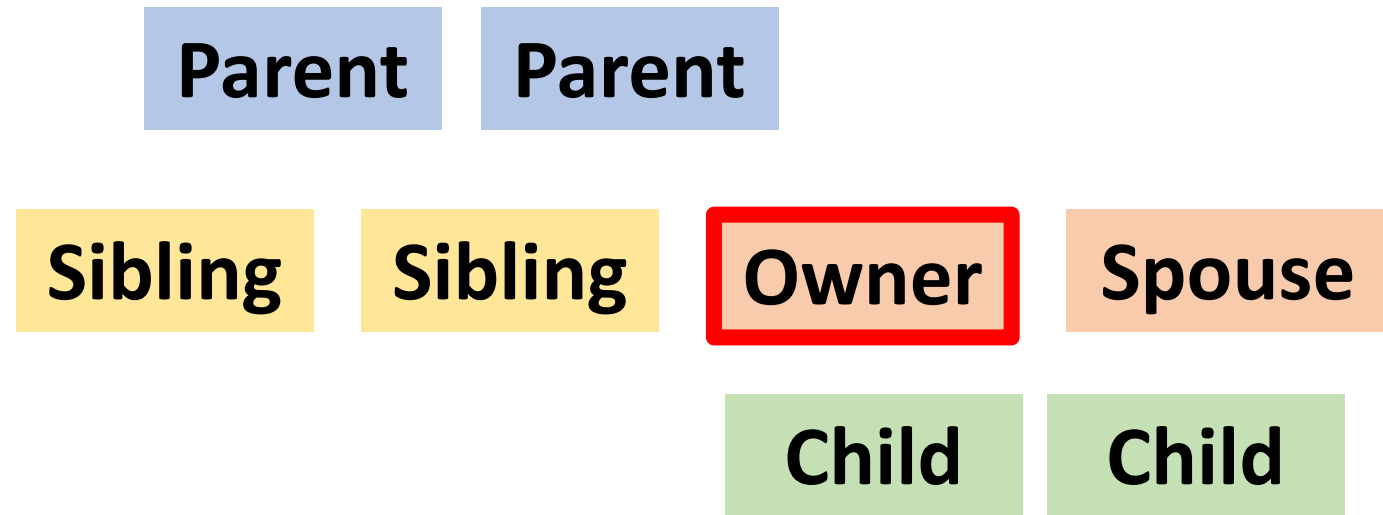
[29 CFR 500.30\(a\)](#)



# MSPA: Exemptions—Family Business

“Immediate family includes only:

- (1) A spouse;
- (2) Children, stepchildren, and foster children;
- (3) Parents, stepparents, and foster parents; and
- (4) Brothers and sisters.”



[29 CFR 500.20\(o\)](#)



# MSPA: Exemptions—Small Business

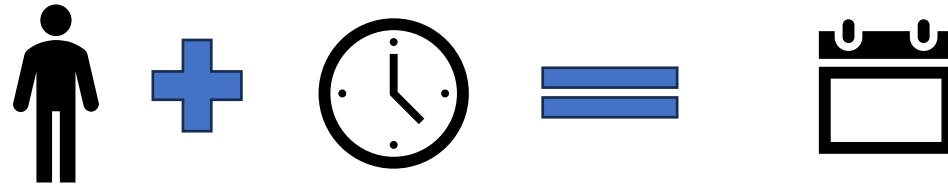
## FLSA's 500 “Man-Day” Rule





# MSPA: Exemptions—Small Business Man-day Detour . . .

“Man-day” means any day during which an employee performs any agricultural labor for not less than one hour.



Examples:

1 employee works for 1 hour = 1 Man-Day AND

1 employee works for 8 hours = 1 Man-Day (**1-Man** day?)

5 employees work for 8 hours = 5 Man-Days (**5-Man** day?)



# Man-day Math . . .

Exempt employer: "an employer who did not, during any **calendar quarter** during the **preceding calendar year**, use **more than five hundred** man-days of agricultural labor" (29 U.S.C § 213 (a)(6))

Jan-Mar

Apr-Jun

July-Sept

Oct-Dec

DOL: "500 man-days is approximately the equivalent of seven employees employed full-time in a calendar quarter."

**7 employees working 6 days/week = 42**

**42 x 13 weeks = 546 Man-days**

**Would not qualify for Small Business Exemption**



# MSPA—Regulated Persons Review

## Agricultural Employers/ Associations:

*Farm owners & nonprofit/cooperative associations engaging in farm labor contracting activity*

- Main exemptions:
  - Family Business
  - Small Business

## Farm Labor Contractors (FLC):

*Paid for farm labor contracting activity*

**Migrant** Agricultural Workers and  
**Seasonal** Agricultural Workers

*Performing temporary or seasonal agricultural work*



# What Does MSPA Do/Require?

Requires that **Farm Labor Contractors** register with the U.S. Department of Labor



# What Does MSPA Do/Require?

## Obligations for Ag Employers, Associations, & FLCs:

- “Provide **written disclosure** of the terms and conditions of employment;
- **Post information** about worker protections at the worksite;
- **Pay workers the wages owed when due** and provide an **itemized statement** of earnings and deductions;
- Comply with the terms of any **working arrangement** made with the workers; and
- Make and keep for three years payroll **records** for each employee.”



# What Does MSPA Do/Require?

Establishes compliance requirements for **health and/or safety** for **providers of**

- **Housing**
- **Transportation**



# What Does MSPA Do/Require?

## Enforcement

- Administrative penalties
- Criminal prosecution
- **Private right of action for workers**





# MSPA: Farm Labor Contractor Registration

- FLCs & their employees must **register w/ DOL before** performing any farm labor contracting activity
- Must carry Certificate of Registration & show upon request
- FLCs must be specifically authorized to provide housing/transportation

## Farm Labor Contractor Certificate of Registration FLC-I-SA-AL-71033947-1221

SSN: \*\*\* - \*\* - 1234 | EIN: 11-1111111

**Representative Name:**

John Doe

**Certificate Holder:**

ABC Farming LLC

The person named above is registered pursuant to the Migrant and Seasonal Agricultural Worker Protection Act and is authorized to perform the following activities covered by the Act: Recruit, solicit, furnish, hire and employ.

### Authorizations

Driving: **Authorized until 1/1/2022**

Transportation: **Authorized** | Housing: **Authorized**

Driving Authorization is valid only on the condition that the person issued this certificate of registration maintains a current valid driver's license for the type of vehicle being driven.



## WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

**Valid Dates:** 1/1/2021 - 1/1/2022

**Amended:**

**Address:**

123 Main St.  
Townsville, Alabama 35001 - 1234

This Certificate is based on the Migrant and Seasonal Agricultural Worker Protection Act and regulation issued thereunder, and on my application for registration. It may be revoked or suspended, its renewal denied, for noncompliance with the Act or regulation, including applicable requirements for transporting and housing migrant workers. Such noncompliance may constitute a criminal offense.

(Signature of Holder)

## Farm Labor Contractor Employee Certificate of Registration FLCE-I-SA-AL-20882949-1221

**Employee Name:**

John Doe

SSN: \*\*\* - \*\* - 1234

The person named above is registered pursuant to the Migrant and Seasonal Agricultural Worker Protection Act and is authorized to perform the following activities covered by the Act: Recruit, solicit, furnish, hire and employ.

**FLC Certificate Holder:**

ABC Farming LLC

**Number:** FLC-I-SA-AL-71033947-1221

### Authorizations

Driving: **Authorized until 1/1/2022**

Driving Authorization is valid only on the condition that the person issued this certificate of registration maintains a current valid driver's license for the type of vehicle being driven.



## WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

**Valid Dates:** 1/1/2021 - 1/1/2022

**Amended:**

**Address:**

123 Main St.  
Townsville, Alabama 35001 - 0000

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(Signature of Holder)





## Understanding Agricultural Law Educational Program

# MSPA: Farm Labor Contractor Registration

## Migrant and Seasonal Agricultural Worker Protection Act (MSPA) Registered Farm Labor Contractor Listing

The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) requires a contractor to obtain federal certification prior to performing any farm labor contracting activities.

The farm labor contractors who appear on the following list have obtained a federal certificate of registration authorizing the holder to perform farm labor contracting activities under MSPA. Only a person holding a valid certificate issued by the Secretary of Labor may engage in farm labor contracting activities.

To promote clarity and increase transparency about who is eligible and authorized to perform farm labor contracting activities, the Wage and Hour Division publishes only a list of actively registered farm labor contractors and farm labor contractor employees. We no longer publish a list of ineligible contractors. Parties not on this list are not currently registered contractors.

The list contains the name and physical address of all current certificate holders, as well as the expiration date and the certificate number generated by the Wage and Hour Division. The list also indicates if the contractor has been authorized to house workers, to use vehicles to transport workers, or to drive such vehicles.

The list further indicates the date on which the farm labor contractor's current doctor's certificate (if applicable) and FD-258 fingerprint card will no longer be accepted by WHD.

This list uses Tableau software. For accessibility tips and keyboard navigation guidance, see [Tableau's online help page](#) dedicated to viewing reports online.

Farm Labor Contractors  
With Certificates Valid As Of 5/28/2025 3:40:25 PM UTC

Certificate Number	FLC Business or FLC Individual	Valid Start Date	Valid End Date	City	State	WH-515 Expiration Date	FD-258 Expiration Date	
C-09-443953-C-23-R	NOR TERRA SERVICES, LLC	2021-03-07		COEUR D'ALENE	ID			Details
FLC-I-MW-IA-16188793-0525	HOEFER PRECISION PUMPING, INC	2024-05-31	2025-05-30	MASONVILLE	IA		2027-03-19	Details
FLC-I-MW-IA-18194327-0825	OSWALDS, INC.	2024-08-15	2025-08-14	COON RAPIDS	IA		2027-05-29	Details
FLC-I-MW-IA-19208149-0326	MIDWEST MANURE MANAGEMENT,...	2025-04-01	2026-03-31	SWALEDALE	IA		2028-01-30	Details
FLC-I-MW-IA-23193671-0625	LIQUID GOLD PUMPING LLC	2024-06-25	2025-06-24	MASONVILLE	IA		2027-05-17	Details
FLC-I-MW-IA-25204839-0126	KLEIN TRUCKING, LLC	2025-01-08	2026-01-07	DUNLAP	IA		2027-11-22	Details
FLC-I-MW-IA-28957630-0427	IWORKMARKET, LLC	2025-04-29	2027-04-28	MUSCATINE	IA		2028-02-21	Details
FLC-I-MW-IA-30171562-1025	SC DEROGUING, LLC.	2023-10-16	2025-10-15	TIPTON	IA		2024-05-04	Details
FLC-I-MW-IA-36210206-0326	ARTS MILLING SERVICE, INC.	2025-03-27	2026-03-26	CALMAR	IA		2028-03-04	Details
FLC-I-MW-IA-43207755-0326	JUHL FEED, INC.	2025-03-21	2026-03-20	GRAND JUNCTION	IA		2028-01-24	Details
FLC-I-MW-IA-46196354-0825	LICHT PUMPING, LLC	2024-08-14	2025-08-13	AYRSHIRE	IA		2027-06-26	Details
FLC-I-MW-IA-51205557-0126	ATLAS STAFFING AND LABOR SERVI...	2025-01-17	2026-01-16	WEBSTER CITY	IA		2027-12-09	Details
FLC-I-MW-IA-53208603-0526	CESAR JR. GUTIERREZ	2025-05-06	2026-05-05	AMES	IA		2028-02-06	Details
FLC-I-MW-IA-55194652-0625	RING OF FIRE CONSULTING LLC	2024-06-25	2025-06-24	CAMBRIDGE	IA		2027-06-03	Details
FLC-I-MW-IA-59171064-0925	SANTI CONSTRUCTION, LLC	2023-09-14	2025-09-13	BRITT	IA		2025-05-19	Details
FLC-I-MW-IA-60207325-0326	IMMEL FARMS, LLC	2025-03-25	2026-03-24	ADAIR	IA		2028-01-21	Details
FLC-I-MW-IA-61208602-0426	DESTINEY ELVIA GUTIERREZ	2025-04-09	2026-04-08	AMES	IA		2028-02-06	Details
FLC-I-MW-IA-68208475-0426	DALANEY C. GUTIERREZ	2025-04-07	2026-04-06	AMES	IA		2028-04-07	Details
FLC-I-MW-IA-70190238-0625	FIRST COOPERATIVE ASSOCIATION .	2024-06-28	2025-06-27	CHEROKEE	IA		2027-04-03	Details
FLC-I-MW-IA-73189560-0625	EVELYN YARY RAMIREZ	2024-06-11	2025-06-10	COON RAPIDS	IA		2027-03-27	Details
FLC-I-MW-IA-78196466-0825	THE DIRT HOE WALKERS, INC.	2024-08-29	2025-08-28	GOLDFIELD	IA		2027-06-28	Details

### Search

Search FLC Business or FLC Individual

Certificate Number

(All)

Total Certificates

10,106

<https://www.dol.gov/agencies/whd/agriculture/mspa/farm-labor-contractors>



## Understanding Agricultural Law Educational Program

FLC Business or FLC Individual	Valid Start Date	Valid End Date	City	Driving Authority	Housing	Transportation
SIERRA JA	2024-10-30	2025-10-29	AVONDALE	N	N	N
CTL SERVICES, LLC.	2025-02-24	2026-02-23	AVONDALE	N	N	N
FLORES AND DIAZ HARVESTING INC.	2024-02-21	2026-02-20	AVONDALE	N	N	N
AA ORTIZ CONTRACTOR, INC.	2024-08-26	2026-08-25	AVONDALE	N	N	N
TURPIN LANDSCAPING, INC.	2024-02-10	2026-02-09	COATESVILLE	N	Y	Y
ALPIZAR ARCE CONTRACTOR, LLC.	2025-05-02	2026-05-01	COATESVILLE	N	N	N
ECN STAFFING, INC.	2023-09-25	2025-09-24	HAZLETON	N	N	N
PATRIOT FARMER SOLUTIONS, INC.	2024-11-17	2026-11-16	HAZLETON	N	Y	Y
CHRISTOPHER THOMAS LAFFERTY	2023-11-07	2025-11-06	KENNETT SQUARE	N	N	N
HILLENDAL SERVICES, LLC.	2023-06-24	2025-06-23	KENNETT SQUARE	N	N	N
D&B CONTRACTOR LLC	2024-12-21	2026-12-20	KENNETT SQUARE	N	N	N
VR CONTRACTOR INC.	2024-05-01	2026-04-30	KENNETT SQUARE	N	N	N
ANTONIO VERGARA	2024-05-18	2026-05-17	KENNETT SQUARE	N	N	N
BOBBY VORAVONG	2023-11-22	2025-11-21	KENNETT SQUARE	N	N	N
AYLLON CONTRACTOR, INC.	2023-12-13	2025-12-12	LINCOLN UNIV.	N	N	N
MARTINEZ FARM LABOR INC	2024-07-02	2025-07-01	LINCOLN UNIVSTY	N	N	N
MARLON C NUFABLE	2025-01-11	2026-01-10	MALVERN	N	N	N
STEPHANIE SANDOVAL	2025-05-18	2027-05-17	MONT ALTO	Y	Y	Y
ARA LABOR SOLUTIONS, INC.	2024-06-21	2025-06-20	NOTTINGHAM	N	N	N
BOB DOLINGER HAULING, INC.	2023-10-19	2025-10-18	NOTTINGHAM	N	N	N
S & P CONVEYORS, INC.	2024-07-22	2026-07-21	NOTTINGHAM	N	N	N

FLC Business or FLC Individual	Valid Start Date	Valid End Date	City	Driving Authority	Housing	Transportation
LIBERTY LABOR SERVICES INC	2025-02-15	2027-02-14	OXFORD	N	N	N
ROBLERO CONTRACTOR INC	2024-02-27	2026-02-26	OXFORD	N	N	N
LDJ CONTRACTOR INC	2023-12-29	2025-12-28	OXFORD	N	N	N
ALVAREZ SPAWNING SERVICES, INC.	2024-06-24	2026-06-23	OXFORD	N	N	N
E & H CONVEYORS, INC.	2024-06-29	2026-06-28	OXFORD	N	N	N
PRIME STAFFING SOLUTIONS, LLC.	2025-01-27	2026-01-26	PHILADELPHIA	N	N	N
KING LABOR LLC	2025-01-16	2026-01-15	PHILADELPHIA	N	N	N
TODOS UNIDOS CONTRACTORS	2023-11-15	2025-11-14	QUARRYVILLE	N	N	N
GOLDEN GROUP SERVICE, INC.	2025-04-10	2026-04-09	SPRINGFIELD	N	N	N
HILLCREST FARMS, INC.	2024-01-03	2026-01-02	TOUGHKENAMON	N	N	N
JZ FARM LABOR INC	2023-12-21	2025-12-20	TOUGHKENAMON	N	N	N
RAMOS CONTRACTOR, LLC	2023-09-15	2025-09-14	WEST GROVE	N	N	N
HARVEST LANE FILLING, INC.	2023-09-06	2025-09-05	WEST GROVE	N	N	N
I MARQUEZ CONTRACT LABORERS, INC.	2024-10-03	2025-10-02	WEST GROVE	N	N	N
LUIS ENRIQUE HERNANDEZ	2025-01-12	2027-01-11	WEST GROVE	N	N	N
JOSE VALDES-TINOCO	2024-09-25	2026-09-24	WEST GROVE	N	N	N
CONTRATISTAS INTERNACIONALES, INC	2024-02-13	2026-02-12	WEST GROVE	Y	N	N
BRAYAN VERGARA REYES	2024-11-20	2026-11-19	WEST GROVE	N	N	N
K&D LANDSCAPING, INC.	2024-04-18	2026-04-17	WEST GROVE	N	N	N
G & I FLORES ROSAS CONTRACTOR, INC.	2024-09-17	2025-09-16	WEST GROVE	N	N	N
MARIA G. RODRIGUEZ	2024-04-29	2026-04-28	WEST GROVE	N	N	N
MIGUEL GUZMAN-LOPEZ	2024-12-01	2025-11-30	WEST GROVE	N	N	N
GABRIEL VALDES	2024-05-03	2026-05-02	WEST GROVE	N	N	N
NATIONAL STAFFING SERVICES, INC.	2025-03-22	2026-03-21	YARDLEY	N	N	N



# MSPA Obligations for Ag Employers, Associations, & FLCs:

- “Provide **written disclosure** of the terms and conditions of employment;
- **Post information** about worker protections at the worksite;
- **Pay workers the wages owed when due** and provide an **itemized statement** of earnings and deductions;
- Comply with the terms of any **working arrangement** made with the workers; and
- Make and keep for three years payroll **records** for each employee.”



# MSPA Obligations for Ag Employers/FLCs:

## Written Disclosure of Employment Terms and Conditions

- “The location of the work”
- “The time period the work will cover”
- “The type of work, including the crops to be harvested”
- “The wage rates, including any piece rates”
- “Any benefits, such as housing or transportation, and the cost, if any”
- “Whether workers’ compensation or state unemployment insurance is provided (and information about the workers’ compensation)”
- “The existence of any employee-initiated work stoppage or slowdown at the worksite”
- “Whether the grower or its agents will receive any commissions or other benefits from any sales made to the workers”
- “Any other working terms or conditions”



# MSPA Obligations for Ag Employers/FLCs:

## Written Disclosure of Employment Terms and Conditions

- Migrant workers:
  - Must be provided with written contract when recruited
- Seasonal workers:
  - May be informed of job verbally during recruitment
  - Must provide written contract if requested

Contracts must be in writing and in a language the employee understands



# MSPA Obligations for Ag Employers/FLCs:

## Notice

### Migrant and Seasonal Agricultural Worker Protection Act

This federal law requires agricultural employers, agricultural associations, farm labor contractors and their employees to observe certain labor standards when employing migrant and seasonal farmworkers unless specific exemptions apply. Further, farm labor contractors are required to register with the U.S. Department of Labor.

#### Migrant and Seasonal Farmworkers Have These Rights

- To receive accurate information about wages and working conditions for the prospective employment
- To receive this information in writing and in English, Spanish or other languages, as appropriate
- To have the terms of the working arrangement upheld
- To have farm labor contractors show proof of registration at the time of recruitment
- To be paid wages when due
- To receive itemized, written statements of earnings for each pay period
- To purchase goods from the source of their choice
- To be transported in vehicles which are properly insured and operated by licensed drivers, and which meet federal and state safety standards

"Post (and maintain) in a conspicuous place at the place of employment a poster provided by the Secretary of Labor"

[29 CFR 500.75\(c\)](#)

<https://www.dol.gov/general/topics/posters>

<https://orders.gpo.gov/DOL/WHPS.aspx>



# FARM WORKER RIGHTS

The U.S. Department of Labor helps workers in the United States.

**As an agricultural worker, at most farms in the United States, your employer must provide:**

- Information about your job and your pay.
- Payment at the proper rate for every hour you work.



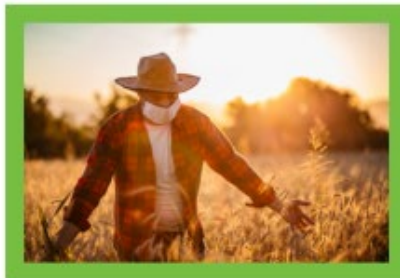
**In addition:**

- Housing provided must be safe and clean.
- Transportation provided must be safe.



**Temporary agricultural workers (H-2A visa) must also receive:**

- Reimbursement for visa-related expenses.
- Payment for your transportation, food, and lodging.



***Our services are free and confidential.*** It is illegal for you to be fired or retaliated against for contacting us or exercising your rights. We enforce the law regardless of immigration status.



[www.dol.gov/agencies/whd/agriculture](https://www.dol.gov/agencies/whd/agriculture)

**1-866-487-9243**



WH1528 REV 03/22

## Farm Worker Rights General Poster

[https://www.dol.gov/sites/dolgov/files/WHd/publications/Farm\\_Worker\\_Rights\\_Flyer.pdf](https://www.dol.gov/sites/dolgov/files/WHd/publications/Farm_Worker_Rights_Flyer.pdf)



# MSPA Obligations for Ag Employers/FLCs:

- Comply with the terms of any working arrangement
- Do not provide false/misleading information to workers
- Do not require workers to purchase goods/services solely from employer





# MSPA Obligations for Ag Employers/FLCs:

## Pay workers the wages owed when due

- Employees must be paid for all actual hours of work:
  - "waiting for a machine to be fixed"
  - "waiting for a field to dry"
  - "travel between fields during the day"
  - "time at work when the employee is not free to leave the worksite (for example, waiting for loading trucks to return to the field)"
  - "short rest breaks (for example, 10- or 15-minute breaks)"
  - "longer rest breaks when the employee is not free from his or her job duties"
- Piece rate must equal at least minimum wage (\$7.25)
- Must pay at least every two weeks

[29 U.S. Code § 1821](#); DOL, "Cultivating Compliance"

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/AgGuideEnglish.pdf>



# MSPA Obligations for Ag Employers/FLCs:

## Recordkeeping

- Retain all payroll records for three years:
  - Worker name, permanent address, and Social Security number
  - basis on which wages, are paid;
  - number of piecework units earned, if paid on a piecework basis;
  - number of hours worked;
  - total pay period earnings;
  - specific sums withheld and the purpose of each sum withheld; and
  - net pay.
- Also include on paystub & provide to worker



# What Does MSPA Do/Require?

Establishes compliance requirements for **health and/or safety** for **providers of**

- **Housing**
- **Transportation**



# MSPA: Housing

- Must comply w/ Fed & State safety & health standards
- May not be occupied until inspected & certified
- Written statement of terms & conditions of occupancy must be posted at the housing site



# MSPA: Housing—Minimum Standards

- "A bed for each person"
- "Hot and cold running water"
- "Heat available when it is cold outside"
- "Windows that open to provide adequate air flow in each room"
- "Screen doors with self-closing devices"
- "Adequate lighting"
- "No signs of infestations (no rodents, pests, insects, roaches in the housing)"
- "Clean kitchen area with a place to store food so it doesn't spoil"
- "Durable, clean trashcans with lids that keep out flies and rodents"
- "Place to wash and dry clothes"
- "First aid kit"
- "Fire extinguisher"
- "Sanitary bathrooms"
- "Separate toilets for men and women, with at least one toilet for every 15 people and an adequate amount of toilet paper"
- "At least one shower for every 10 people (every 15 people in some older camps)"
- "The area around the housing should be clean (no sewage, trash, or weeds)"



# MSPA: Housing—Terms & Conditions Posting

- "The name and address of the farm labor contractor, agricultural employer, or agricultural association providing the housing
- The name and address of the individual in charge of the housing
- The mailing address and phone number where persons living in the housing facility may be reached
- Who may live at the housing facility
- The charges to be made for housing
- The meals to be provided and the charges to be made for them
- The charges for utilities
- Any other charges or conditions of occupancy"



# MSPA: Transportation

- Vehicle must be insured
- Operated by licensed driver
- Meet Federal & State safety standards

DOL Employment Law Guide, Migrant and Seasonal Agricultural Worker Protection Act

<https://webapps.dol.gov/elaws/elg/mspa.htm>

See also DOL Agricultural Transportation Safety

<https://www.dol.gov/agencies/whd/agriculture/transportation-safety>



# MSPA: Transportation—Minimum Standards

- "A separate seat for each passenger"
- "Seats that are securely attached to the vehicle"
- "Windows that are not broken or cracked "
- "Properly attached doors with handles that open and close"
- "Adequate ventilation"
- "No holes or rusted areas inside the vehicle"
- "Adequate heating for cold weather"
- "Working brakes, lights, and turn signals"
- "Tires with adequate tread and tires of equal size"
- "Working horn "
- "Seatbelts, when required by state law"
- "Working windshield wipers"
- "Non-leaking exhaust and fuel systems"
- "Side and rearview mirrors"





# What Does MSPA Do/Require?

## Enforcement

- **Joint Employer liability**
- Administrative/Civil penalties
- Criminal prosecution
- **Private right of action for workers**
  - Anti-retaliation provision



# MSPA: Joint Employer Liability

- "joint employers could be any combination of the grower, the processor, the association, and the farm labor contractor"
- Joint employers must ensure that employees receive all MSPA rights
  - Terms & conditions, wage payments, written pay records
- FLC license not enough to render them independent contractor



# MSPA: Joint Employer Liability Economic Dependence/Reality Test

- "The nature and degree of the alleged employer's control as to the manner in which the work is performed;"
- "The alleged employee's opportunity for profit or loss depending upon his/her managerial skill;"
- "The alleged employee's investment in equipment or materials required for the task, or the alleged employee's employment of other workers;"
- "Whether the services rendered by the alleged employee require special skill;"
- "The degree of permanency and duration of the working relationship;"
- "The extent to which the services rendered by the alleged employee are in integral part of the alleged employer's business."



# MSPA: Joint Employer Liability

## No Joint Employer Liability for Housing

### DOL Says:

- "The MSPA does not impose responsibility for housing and transportation standards on an employer."
- "A person is responsible for MSPA-covered housing only if that person 'owns or controls' the housing occupied by a migrant agricultural worker."
- "A person is responsible for transportation requirements only if the person is 'using or causing to be used' any vehicle for providing transportation."
- "The fact that a person may be an agricultural employer or a joint employer does not necessarily mean the employer is also responsible for complying with MSPA housing an/or transportation requirements."



# MSPA: Private Right of Action

Claims often stacked with violations of other laws/programs: H-2A, FLSA

*Carvajal v. Cal Farms, Inc.* (D. Or., No. [3:22-cv-00678](#))

- Feb. 18, 2025: Jury awarded worker \$207,000 for MSPA violations
  - \$17,700 in lost wages
  - \$190,000 pain and suffering damages
- Failure to hire U.S. worker over H-2A worker deemed violation of MSPA working arrangement terms.



# MSPA Enforcement: States May Cooperate

## News Brief

US DEPARTMENT OF LABOR, PENNSYLVANIA OFFICE OF THE ATTORNEY GENERAL FORM PARTNERSHIP TO ENHANCE ENFORCEMENT, STRENGTHEN COORDINATION

**WHO:** U.S. Department of Labor's Wage and Hour Division

Office of the Attorney General of the Commonwealth of Pennsylvania

**WHAT:** A [five-year memorandum of understanding](#) signed on February 21 that establishes a formal partnership with these agencies.

**BACKGROUND:** The MOU maximizes and improves the enforcement of the laws administered by both agencies and provides greater coordination between them.

The agencies formed this partnership to more effectively and efficiently communicate and cooperate on areas of common interest, including sharing training materials, conducting joint investigations and sharing other information as appropriate.

**QUOTE:** "The Wage and Hour Division recognizes the value of enhancing our collaborative relationship with the Pennsylvania Office of the Attorney General to maximize the enforcement of the laws administered by the two agencies," said Wage and Hour Division Regional Administrator Mark Watson in Philadelphia. "Our partnership reflects a joint commitment to improve our effectiveness in serving workers and ensuring employers are compliant with federal and state laws."

[Learn more about the Wage and Hour Division.](#) Workers can call the Wage and Hour Division confidentially with questions – regardless of where they are from – and the department can speak with callers in more than 200 languages.

**Agency:** Wage and Hour Division

**Date:** February 22, 2024

**Release Number:** 24-299-PHI

<https://www.dol.gov/newsroom/releases/whd/whd20240222-1>



# MSPA: Review

- Applies when hiring Seasonal and Migrant Agricultural workers
- Requires Farm Labor Contractors to register with DOL
- Sets standards for Ag Employers/Associations, Farm Labor Contractors, and their employees regarding hiring and working arrangements
  - Wage/terms disclosure in understandable language
  - Timely wage payment
  - Recordkeeping
  - Posting requirements
  - Housing/Transportation safety & standards
- Private right of action for workers
  - Joint employer liability





## Understanding Agricultural Law Educational Program

# Thank you for joining us!

### Understanding Agricultural Law

June 27, 2025—PA's Clean & Green Program: County-Level Administration

July 25, 2025—ADA Compliance for Agritourism Operations

Aug. 22, 2025—Foreign Agricultural Land Ownership Laws

### Conservation Cornerstone w/ Penn State Extension:

June 24, 2025—PA Right to Farm Laws (no atty CLE)

### Quarterly Dairy Legal Webinar Series:

July 15, 2025—2025 Federal Milk Marketing Order Reforms

### Partner Programs with NALC:

June 18, 2025—An Overview of State Grain Dealer Statutes in the United States, *Center Director Ross Pifer (no atty CLE)*



***Registration Available—Reserve your spot now!***

**2025 Agricultural Law Symposium:**

**Thursday, September 18, 2025**

In-person at Penn State Dickinson Law,  
University Park  
6 CLE Credits!

**All events: <https://aglaw.psu.edu/events/>**