**Some Farm Workers May Not Qualify For Minimum Wage**

Do minimum wage laws apply to certain migrant farm workers? It's a question Rep. Andy [**SCHOR**](https://mirsnews.com/leg_bio.php?lid=532) (D-Lansing) and two state agencies are now asking the Attorney General.

The Michigan Civil Rights Commission (MCRC) last month reacted to what it said was a change in how the Michigan Department of Licensing and Regulatory Affairs (LARA) interprets the law (See "[Civil Rights: 6 Times The Amount Of Hate-Bias Reports Since Election](https://mirsnews.com/capsule.php?gid=4975#48609)," 12/5/16).

LARA, after receiving a claim by migrant workers, determined that it had been misinterpreting the law and that certain small farms are exempt from needing to pay its farm workers minimum wage.

LARA spokesperson Jason **MOON** said a misinterpretation of statute caused the department to previously believe there were no exemptions regarding agricultural workers.

Now the agency [believes](http://www.michigan.gov/documents/lara/WHD9925_WOWA_FACT_SHEET_11-15-16_549741_7.pdf) there are several, including any employee who worked for an employer that did not use more than 500 "man-days" of agricultural labor in any calendar quarter of the preceding calendar year.

LARA has asked the AG for a formal opinion. Schor said LARA's recent position is in contrast to the interpretation it held for almost 10 years.

AG spokesperson Andrea **BITELY** said the AG has received both letters and is reviewing them and the associated state law.

Earlier this week, the MCRC gave the Michigan Department of Civil Rights (DCR) the go-ahead to weigh in on the matter after the AG invited the DCR to do so, said DCR spokesperson Vicki **LEVENGOOD**.

DCR Director Agustin [**ARBULU**](https://mirsnews.com/dept_bio.php?lid=3) said the department's position is that the minimum wage protections do apply to the group of farm workers in question.

Arbulu also spoke about trying to acquire a "divisional memo" that had apparently guided LARA in the decision, which LARA is not releasing, citing attorney-client privilege.

According to the DCR, Michigan employs the largest number of migrant and seasonal farmworker families in the Midwest, with a population of more than 94,000 individuals, including more than 42,000 who are 19 years of age or younger.

Moon said previously LARA must administer the law as written, and the agency offered to facilitate discussions for groups that want to make amendments to the statute. But Moon said the agency has not started any discussions at this time between lawmakers and stakeholders.