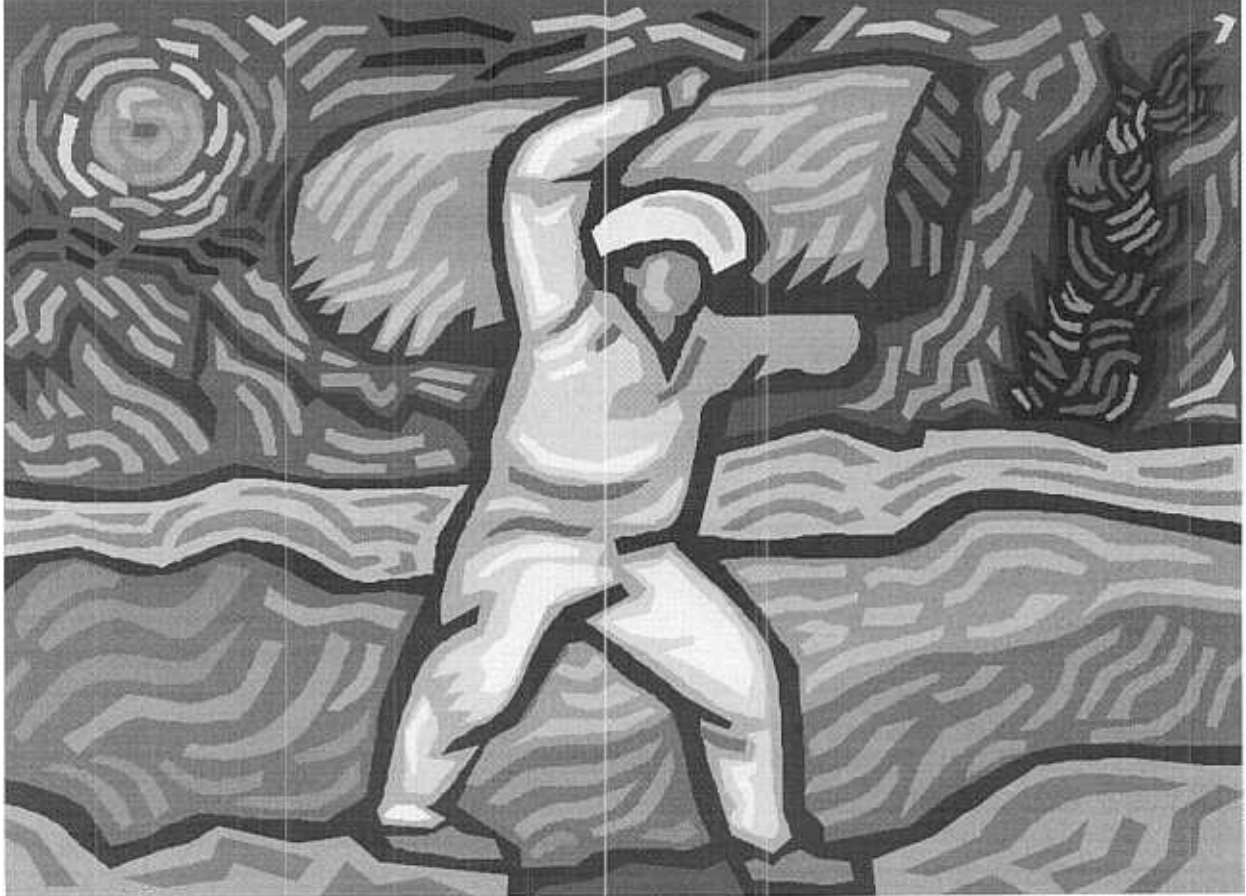


Empty Promises



**Farm workers face poverty wages and fraud in Idaho
while legislative committee offers false hope**

**Idaho Community Action Network (ICAN)
Northwest Federation of Community Organizations (NWFCO)
January, 2000**

Empty Promises

**Farm Workers Face Poverty Wages and
Fraud in Idaho while Legislative
Committee Offers False Hope**

by Carson Strege-Flora

with research and translation assistance from Lucille Silvaz

**Idaho Community Action Network (ICAN)
Northwest Federation of Community Organizations (NWFCO)
January 2001**

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Section I: Summary

"When I first talked to the farmer about work, he told me that he would pay me \$14 per acre. I worked nine hours every day for over a week, but the work was so hard I was only able to do three acres a day. On payday, my boss made up all kinds of excuses and ended up paying me just \$11 per acre, which comes out to about \$3.60 an hour.... I didn't know what to do. I have two children to feed."

– Gloria Paniagua, Cassia County, Idaho.

Idaho farm workers play an integral and indispensable role in Idaho's \$3.3 billion agricultural industry. Without their hard work, food would not move from the field to America's kitchen tables. Yet Idaho farm workers do not enjoy basic minimum wage or fraud protection that nearly every other worker in the state enjoys. This means that farm workers are not guaranteed \$5.15 an hour for their work and have little recourse if they do not receive pay for work they complete.

To demonstrate the need for minimum wage and fraud protection for farm workers, the Idaho Community Action Network (ICAN) surveyed 50 farm workers in Cassia County. The following are the study's key findings:

- 14 percent of farm workers report that they earned less than \$5.15 an hour during the past year.
- Farm workers report working an average of 10.5 hours per day and often work 6 days a week.
- 76 percent of farm workers report that they do not have health insurance.
- 92 percent of farm workers report that they had feelings of hunger during the last year.
- 14 percent of farm workers report they had been promised for payment for farm work in Idaho and then not received payment.
- 90 percent of farm workers report that they do not know how to contact wage enforcement authorities if they do not receive the payment that is promised to them.

ICAN's study findings are supported by scientific studies conducted by the U.S. Department of Labor and U.S. Department of Agricultural. These studies found that a similar number of farm workers earn less than a minimum wage in Idaho's region. Clearly, adopting legislation to include farm workers in Idaho's minimum wage law will improve the quality of life of some farm workers.

ICAN's study also indicates that fraud protection for farm workers is vital. Too many farm workers do not receive the wages that they have earned. Moreover, the overwhelming majority of farm workers do not know how to get help if they are victims of fraud. Legislation that will require farm labor contractors to be licensed and file surety bonds – as building contractors have long been required to do – will insure that farm workers have recourse if they do not receive promised payment.

Legislators in the 2001 legislative session have the opportunity to treat farm workers fairly by adopting minimum wage and fraud protection legislation. It is time to end the discrimination against farm workers and treat them the same as other Idaho workers. ICAN looks forward to working with legislators and others concerned about justice for farm workers during the 2001 legislative session.

To the Esteemed Members of the Idaho Legislature:

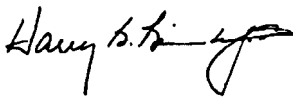
As the New Year begins, we are offered another chance at a fresh start. For the men and women who work in fields throughout the state, harvesting grain, fruits, and vegetables, the New Year brings hope that the establishment of a minimum wage will improve their lives. For members of the Idaho legislature, the New Year offers an opportunity to do something right by passing a minimum wage law for farmworkers.

Despite their hard work, Idaho's farmworkers remain invisible in our state. This invisibility allows us to ignore the fact that many are paid less than minimum wage, that they live in dilapidated housing, and that they and their families sometimes go without food even though they are surrounded by it. Because they are invisible, farmworkers are often treated like chattel. Despite the fact that they are a vital part of Idaho's \$3.3 billion agricultural industry, farmworkers are taken advantage of, their vulnerabilities exploited to expand the pocketbooks of a few individuals.

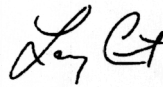
In Proverbs 21:13, it was said "If a man shuts his ears to the cry of the poor, he too will cry out and not be answered." For many years, the cries of farmworkers for justice and fair wages have fallen on deaf ears. The state of Idaho has an extraordinary opportunity and a moral responsibility to reverse course, to instead become a model for the nation in its treatment of farmworkers. Farmworkers are not asking for a handout, they are asking for what they rightfully deserve – just compensation for the work that they do.

In this New Year, we urge the state legislature to do what is just, and pass a minimum wage law for farmworkers. In closing, let us remember the words of Isaiah (58:10), "If you offer your compassion to the hungry and satisfy the famished creature then shall your light shine in darkness and your gloom shall be like noonday."

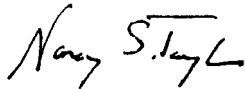
Sincerely,



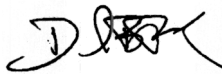
Bishop Harry Bainbridge
Episcopal Diocese



Rev. Dr. Larry Crist
Christian Church Disciples of Christ



Rabbi Daniel Fink
Ahavath Beth Israel



Rev. Dr. Nancy Taylor
First Congressional Church

Without the efforts of farm workers, Idaho's growing \$3.3 billion agricultural industry would grind to a halt.¹ Farm workers in Idaho maintain vital irrigation lines, harvest fruit, prune trees, operate farm machinery, dig potatoes and beets, and perform countless other tasks to insure that food reaches the nation's families. They work long hours – sometimes 16 or more hours a day during harvest season – in an industry that the U.S. Department of Labor describes as one of the most dangerous, accident-prone industries in the United States.²

In return for their backbreaking labor, most farm workers earn very low wages.³ They almost never have health insurance and often cannot obtain safe and sanitary housing.⁴ The majority of farm workers and their families – 61 percent – live in poverty and do not earn enough to provide for their families' basic needs.⁵ It would be difficult to find a group of U.S. workers more in need of basic minimum wage and fraud protection.

Yet Idaho excludes farm workers from the minimum wage protection it offers to almost every other occupation in the state. This means that most employers can pay farm workers any wage they wish. It means that unlike secretaries, factory workers, truck drivers or teachers, farm workers do not have the right to earn at least \$5.15 an hour for their labor.⁶

In addition, Idaho excludes farm workers from the fraud protection that nearly every other Idaho worker enjoys. This means that farm workers employed by farm labor contractors – a group that represents about 15 percent of all Idaho farm workers – have little recourse if they do not receive promised wages for their work.⁷ Unlike building trade contractors, farm labor contractors in Idaho are not required to post a bond to protect workers from non-payment of wages. For a group of workers living in poverty, these lost wages can mean hunger and homelessness.

During the 2000 legislative session, many legislators, advocacy organizations, and the Idaho Community Action Network worked to include the farm workers in the state's minimum wage law and provide them with protection against fraud. Despite a poll showing overwhelming public support – 76 percent – for providing farm workers with these protections, legislation failed to pass the legislature.⁸ Instead, the legislature agreed to create and fund an interim committee called the Minimum Wage for Farm Workers Interim Legislative Committee.

The Minimum Wage for Farm Workers Interim Legislative Committee met four times. At all of the meetings, farm workers and advocates voiced support for minimum wage protection for farm workers. At the July meeting in Burley, for example, over 200 minimum wage supporters attended to urge the Committee to adopt minimum wage protection.⁹

At the Committee's final meeting on October 11, 2000, a majority of the Committee voted to reject proposed legislation that would include most farm workers in Idaho's minimum wage law.¹⁰ ICAN's report demonstrates why fraud and minimum wage protection are essential to Idaho farm workers.

Findings from the ICAN farm worker study

The Idaho Community Action Network (ICAN) undertook this study in order to document the experiences of Idaho farm workers and to demonstrate that minimum wage and fraud protection will make a difference in many farm workers' lives. This study provides a glimpse of what farm workers themselves say about their work, their families, and their quality of life. Findings presented in this study are based on a nonrandom sample of 50 farm workers in Cassia County conducted between September 25 and October 17, 2000.

There are no definitive, scientifically-collected data about the number of farm workers earning less than the minimum wage in Idaho or the number of farm workers who have not received pay for their work. There are, however, regional studies that rely on scientifically-collected data by the U.S. Department of Labor and the U.S. Census Bureau that indicate a significant minority of farm workers earn less than the minimum wage in Idaho. The results of these studies are provided in this report.

While ICAN does not assert that our survey definitively answers the question of how many farm workers earn less than the minimum wage, we do believe that our data, coupled with data from government sources, show that a significant minority of Idaho farm workers earn less than \$5.15 an hour and will greatly benefit from minimum wage protection.

ICAN's study shows that a significant minority of Idaho farm workers earn less than \$5.15 an hour and would greatly benefit from minimum wage protection.

Characteristics of ICAN survey respondents

- 100 percent are farm workers who work in Cassia County, Idaho.
- Their average household income is \$1,370 per month.
- They work an average of 10.5 hours a day and often work six days a week.
- They support an average of 5.5 family members on their income.
- The vast majority — 98 percent — do not have any savings for the future.

■ ICAN study findings

How are Idaho farm workers faring?

Farm worker earnings

Farm workers in ICAN's study reported an average wage of **\$5.97 an hour**. The U.S. Department of Labor's 1997-98 National Agricultural Workers Survey (NAWS) scientific study found that the average farm workers nationally earned \$5.94 an hour.

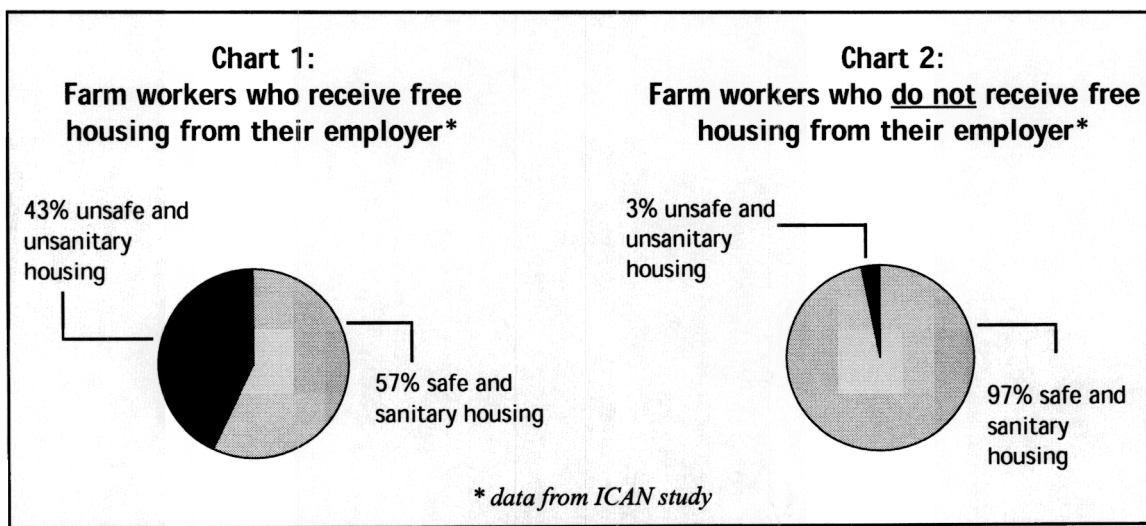
Employer-provided housing

Opponents of minimum wage protection for farm workers often say that employer-provided housing makes up for the fact that some farm workers earn less than the minimum wage.¹¹ However, ICAN's study found that the free housing provided to farm workers is often inadequate and it is doubtful that these inadequate housing units have any market value. Therefore, extreme caution should be used when measuring the value of free housing provided to farm workers.

"...[Our free housing] is very small, some of us sleep out in the shop. The bathroom is very dirty."

- Cassia County farm worker

Twenty-eight percent of the farm workers in ICAN's study report that they receive free housing from their employer. The U.S. Department of Labor 1997-98 National Agricultural Workers Survey (NAWS) found that 21 percent of farm workers nationally receive free housing from their employer.

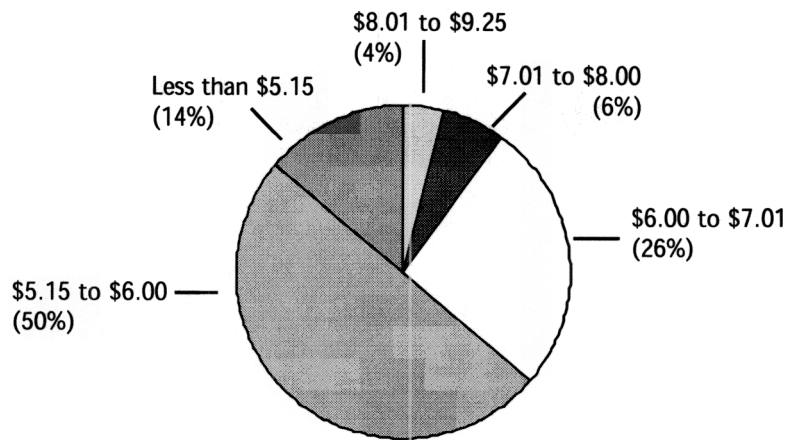


■ ICAN study findings

How many Idaho farm workers earn less than minimum wage?

The exact number of farm workers earning less than the minimum wage in Idaho is unknown. Some groups - like the Idaho Farm Bureau - have said that virtually no farm workers in Idaho earn less than a minimum wage. It is difficult to estimate the exact number of Idaho farm workers earning less than \$5.15 an hour and no scientific study of Idaho-only farm workers has ever been done. However, there are several studies, including ICAN's, that indicate a significant minority of Idaho farm workers are working for less than minimum wage.

Chart 3: Farm worker hourly wages reported in the ICAN Burley study



Studies have found a significant minority of farmworkers earn less than minimum wage.*

Name of study	Area covered in study	Earning less than minimum wage
ICAN Farm worker study, 2000	Cassia County, Idaho	14 percent of farm workers
US Department of Labor 1997-1998 farmworker survey	Idaho and Colorado	17.3 percent of farm workers
US Department of Agricultural 1999 CPS data analysis	Idaho, Montana, Oregon, Washington, and Wyoming	20.6 percent of farm workers

* For information on the methodology of these studies, see the Appendix.

Jorge Sierra

I am a husband and a father of two children. We have lived in Idaho for six years. For the past year and a half, I have worked as a ranch hand at Shane Fila.



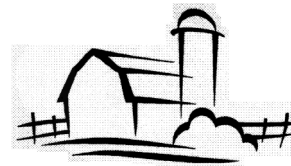
Before I worked at Shane Fila, I worked as a farm worker picking produce in the fields. I was paid at piece rate and my salary depended on how many acres of produce I cleared in a day. For this job, the owner paid me \$18 an acre. The farmer was very strict and wanted a perfect job. There were no bathrooms in the field and we weren't able to take breaks. The work was difficult and after 10 hours in the field, I had earned only \$20. That's about two dollars an hour.

I lived about 40 miles away from the fields. I was hardly earning enough to pay for my transportation to work. There was no way I could support my family on these wages. I've worked in the fields for years, but this was too much.

I was lucky to find a better paying job. But not all farm workers are as fortunate as myself when it comes to finding a better paying job. Good jobs are scarce these days.

I wish people would realize that farm workers need to put food on their families' tables just like everyone else.

Martin*



I have been a farm worker in Idaho for the past 15 years. My wife and I have four children between the ages of four and eleven.

I have been working year round for the same farmer for the past three years. I regularly work 16 hours per day and I work 6 days a week. There are times when I do not have time to even take a lunch break due to the amount of work I have to do.

My boss pays me a salary of \$2,200 per month, which is not enough to support my family of six. I can barely provide the basics. The only way I make a decent living is because my wife helps me during the farming season. Two of our children have serious health problems.

The majority of farmers do not pay well and they do not realize that we are human beings with families to take care of. Some farmers deal with chemicals but do not provide proper training and equipment for their employees. I feel that all this could affect farm workers, and sometimes, their families' health. Farmers should have more consideration for their farm workers and value our lives.

** last name withheld by request*

■ ICAN study findings

How is the health of Idaho farm workers?

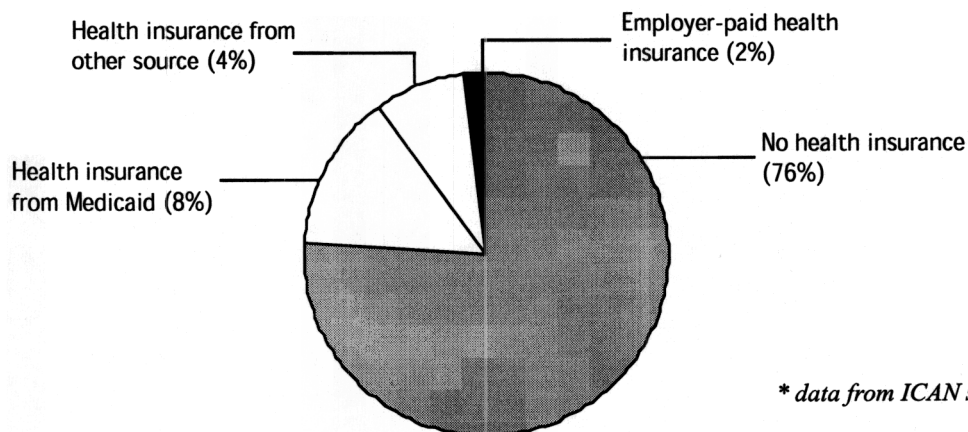
The hardships of farm work can result in serious health problems. According to the U.S. Department of Labor, the agricultural industry is one of the most accident-prone industries in the nation. Lack of safe drinking water and bathrooms in the field can lead to dehydration, heat stroke, or urinary track infections.¹² Moreover, fieldwork is physically difficult, and farm workers must accomplish their tasks in all weather conditions, including extreme heat, cold, and rain.¹³ These work conditions can threaten the health of farm workers.

Because of the hardships of farm work, farm workers need access to health care. Yet, farm workers are much less likely to have health insurance than other workers. Only five percent of farm workers nationally report receiving health insurance from their employer.¹⁴ Moreover, since few farm workers have sick leave, they face the loss of badly needed wages, or even the loss of their jobs, if they take time off to seek health care.¹⁵ Finally, most farm workers in Idaho are Hispanic and Hispanics often face linguistic and cultural barriers when attempting to access health.¹⁶ These factors mean that farm workers often cannot access the health care they need.

ICAN's study confirms that Idaho farm workers are at-risk of poor health:

- 76 percent of farm workers report that they have no health insurance.
- 22 percent of farm workers report that they had been injured at work during the last year.
- 18 percent of farm workers report that they do not always receive work breaks to eat and go to the bathroom while working.
- 92 percent of farm workers report feelings of hunger during the last year.

Chart 4: Farmworker health insurance status*



* data from ICAN study

Gloria Paniagua

I am married and have two children, four-year-old Oscar and five-year-old Joanna. We have lived in Idaho for the last seven years.

My husband works full-time at Mark Newcam's Farm, but we are not able to make a decent living from just my husband's pay. We don't have health insurance and we struggle to make ends meet. Recently, I began weeding sugar beets for piece rate.

When I first talked to the farmer about work, he told me that he would pay me \$14 per acre. I worked nine hours per day for over a week, but the work was so hard I was only able to do three acres per day. On pay day, he made up all kinds of excuses and ended up paying me just \$11 per acre, which comes out to about \$3.60 an hour.

There were no toilets available for us to use and I did not take any breaks because I was working for piece rate. I just wanted to hurry up and get the job done and, if I took a break to eat or rest for a second, I would lose money. I was so tired at the end of the day.

We have to work very hard to earn just a few dollars but we have no other options.



Maria Frausto

My husband and I have four children. A couple of years ago, I worked for a contractor during the farming season.

I got paid by the acre, but the field was very hard and very long. I'm a hard worker but I could not finish one acre in 12 hours. After working for 12 hours, I only got paid \$10. Because I was desperate for a job, I continued to work for the same contractor for the same amount of money [less than \$1 an hour] for a week. I became very tired and decided to stay home for two weeks.

The same contractor called me after two weeks and informed me that he had another field and that it was much better than the last one. I decided to give it a try because I really needed some money. I worked for one week, from 6:00 a.m. to 3:00 p.m., for \$35 an acre. I was able to finish one and a half acres a day without taking any breaks. I made \$50 a day and I worked for one week.

The following week, we started another field. I worked from 6:00 a.m. to 4:00 p.m., and was able to finish one acre a day, for which I got paid \$35. I always tried to hurry to make more money, but it was impossible. Most of the time, I didn't take a break, but still I couldn't make more money.

I only worked in the fields because I didn't have a choice.



■ ICAN study findings

Do Idaho farm workers need protection against fraud?

Fraud against farm workers in Idaho is not uncommon. To make matters worse, most farmworkers do not know how to get help if they are cheated out of their wages by unscrupulous labor contractors or farm owners. Because farm workers are generally quite poor, losing pay can mean hunger or homelessness for their families.

14 percent of farm workers report that they have been promised payment for farm work and then not received payment.

90 percent of farm workers report that they do not know how to contact wage enforcement authorities if they do not receive promised payment.

96 percent of farm workers report that they do not know how to file a complaint if their employment rights have been violated.

Testimonial

Guadalupe Jimenez

My wife and I have seven children, three of whom are grown and married. Last year, I worked for an Idaho farmer for 9 to 11 hours every day for six days a week. I was promised \$5.50 an hour for my work. I never got a regular paycheck and when I would ask, the farmer would tell me that he would pay me when he sold his hay. Instead of a paycheck, he would give me money for groceries.



At the end of the season, the farmer owed me about \$3,000 for my work. I told him that I needed the money for my family. He asked me if it was okay if he paid me next year. I said that was not possible because I needed the money to bring home to my family. Finally, we agreed that the farmer would give me \$2,000 to take home and save \$1,000 for me for next year. That would mean I wouldn't have to borrow money when I got started next year.

I went to the farmer next year and he hired my two sons and me. He gave me the rest of the money he owed me in two payments, which helped my sons and me get settled. I again worked for the farmer for 9 to 11 hours per day, six days a week. My sons worked 8 to 10 hours per day. Instead of paying us, he again gave us money to buy groceries. He also gave us money for emergencies like the time my family needed \$1,000 for a sick child.

We worked for this farmer the entire farming season. When the season was over he told us that he did not have any money and could not pay us. He owed my sons \$10,000 and owed me \$7,000. I did not know what to do because we needed that money to support the family.

Proposed legislation fails to protect Idaho farm workers

The legislation proposed by the Minimum Wage for Farm Workers Legislative Committee – a committee formed by the 2000 legislature to address the issue of farm worker minimum wage – fails to provide farm workers with real minimum wage and fraud protection.

Minimum wage protection

The Committee’s proposed legislation amends Idaho state law to cover farm workers who are *already* eligible for minimum wage protection under federal law. Since the federal minimum wage law already covers “most, if not all” of Idaho farms, the proposed legislation is meaningless for Idaho farm workers because it makes no change to Idaho’s current minimum wage policy.¹⁷ Farm workers who work at one of the many farms exempted from the federal minimum wage law – about two-thirds of all the farms in Idaho – will continue to lack minimum wage protection.¹⁸ Because of this reason, the proposed law is an empty gesture that offers no solution for Idaho farm workers.

Protection against fraud

Although the issue of fraud was discussed at several Committee meetings, the Committee proposed no legislation in the end. A significant minority of farm workers surveyed by ICAN – 14 percent – reported that they had not received payment for work they had completed. Although this finding indicates that the majority of employers are honest, it also means that fraud is a problem in Idaho for a significant minority of farm workers. Several other states, including Idaho’s neighbors Washington and Oregon, have adopted anti-fraud measures to protect farm workers.

In summary, the Minimum Wage for Farm Workers Legislative Committee has proposed legislation without substance. To pretend that their proposal will aid Idaho’s farm workers is tomfoolery.

The Committee’s proposed legislation amends Idaho state law to cover the few Idaho farm workers who are *already* eligible for minimum wage protection.

■ Analysis of minimum wage proposal

Chart 5: Comparison of Current Minimum Wage Law in Idaho with Proposed Minimum Wage Law

Type of farm worker	Minimum Wage Protection?		Additional farm workers covered by proposed law
	Current Law	Proposed Law	
Those who work at farms utilizing less than 500 "man days" of agricultural labor each quarter. <i>These farms represent about two-thirds of the farms in Idaho.</i>	NO	NO	None
Those engaged in the production of livestock.	NO	NO	None
Local hand harvesters who meet certain conditions. ^a	NO	NO	None
Non-local minors who meet certain conditions. ^b	NO	NO	None
Immediate family members of their employer.	NO	NO	None

Notes on Chart 5.

This table is based on a comparison of the federal Fair Labor Standards Act (FLSA) and the Idaho legislation (RS10457C1) approved at the October 11, 2000 meeting of the Minimum Wage for Farm Workers Interim Committee. According to the Idaho Department of labor, "most if not all" Idaho agricultural operations are covered by the FLSA.

a) Local hand harvesters are exempt from the FLSA if they commute daily from their permanent residence, are paid on a piece rate basis in traditionally piece-rated occupations, and were engaged in agriculture less than 13 weeks during the preceding calendar year.

b) Non-local minors are exempt from the FLSA if they are 16 years of age or under, are hand harvesters, are paid on a piece rate basis in traditionally piece-rated occupations, employed on the same farm as their parents, and paid the same piece rate as those over 16.

- Information about committee members

Chart 6: Interim Committee Member Vote Tally and Agricultural Industry Campaign Contributions

Minimum Wage for Farm Workers Committee members voted on legislation to provide minimum wage protection to farm workers on October 11, 2000.

Voted <u>AGAINST</u> extending farmworker minimum wage protection	Campaign contributions from agricultural industry in 1998 election
Representative Frances Field	\$1250
Representative Wayne Kendall	\$900
Senator Bart M. Davis	\$750
Senator J. Stanley Williams	\$650
Representative Douglas R. Jones	\$250
Senator Ric Branch	\$200

Voted <u>FOR</u> extending farmworker minimum wage protection	Campaign contributions from agricultural industry in 1998 election
Senator Lin Whitworth	\$0
Representative Ken Robison	\$0

Notes on Chart 6:

Vote tally is based on the Interim Committee Minutes: Minimum Wage for Farm Workers, October 11, 2000. Minutes are available at <www2.state.id.us/legislat/wageo11.html>.

1998 political campaign contributions information is from the online database managed by the Idaho Secretary of State available at <www.idsos.state.id.us>.

Section VI: Conclusion

Idaho farm workers are an integral and indispensable part of the state's \$3.3 billion dollar agricultural industry. Yet, despite their critical role in Idaho's economy, farm workers are denied the basic minimum wage and fraud protection enjoyed by nearly every other worker in Idaho.

The Idaho Community Action Network calls on the state legislature to end the injustice against farm workers by adopting minimum wage and fraud protection for them. Minimum wage and fraud protection for farm workers is a matter of fairness. Farm workers are the only significant group of workers excluded from Idaho's minimum wage law. Sample legislation that provides real protection for farm workers follows this section.

Unfortunately, the legislation recently proposed by the Minimum Wage for Farm Workers Legislative Committee (a committee formed by the 2000 legislature to address the issue of farm worker minimum wage) is meaningless, do-nothing legislation that should be rejected. The proposed legislation makes technical changes in Idaho's minimum wage law but does not offer any protection to additional Idaho farm workers. It is wrong and cruel to pretend that this legislation will make any improvements in the lives of Idaho farm workers.

In addition, the Committee failed to propose farm worker fraud protection legislation. Fraud protection is a necessary compliment to minimum wage protection. Without fraud protection, farm workers have little recourse if employers do not pay them for work they complete.

Idaho farm workers need and deserve minimum wage and fraud protection. Farm work is difficult, dangerous work that is essential for Idaho's economy. Farm workers deserve the right to earn a decent wage to support their families. They also deserve the right to know that they will be paid for their work.

Minimum wage and fraud protection for farm workers is at the top of ICAN's legislative priority list. ICAN looks forward to working with legislators and others concerned about fairness for farm workers during the 2001 legislative session to provide real protection for farm workers.

Methodology

Findings presented in this report are based on a survey of 50 farm workers conducted between September 25 and October 17, 2000 in the Cassia County area. Farm worker respondents were selected for this survey through snowball sampling. This means that an initial pool of farm workers were identified and surveyed and then these individuals were asked to refer researchers to other farmworkers.

Surveys were administered in English and Spanish by trained ICAN researchers. The survey instrument included closed-ended questions and, hence, there was no need to test for inter-coder reliability. For a copy of the survey instrument, please contact the Northwest Federation of Community Organizations (NWFCO).

To calculate real wages of farm workers, ICAN follows the methodology used by the National Agricultural Workers Survey (NAWS). The hourly wage is constructed from normal hourly wages as well as piece and combination wages converted to the hourly basis. Housing provided by the employer is not calculated in the wage. This is because there is no reasonable way to calculate the value of the housing without inspecting each unit. In addition, nearly half of the housing provided to farm workers surveyed is inadequate and therefore has no market rental value.

Other resources used in this report:

National Agricultural Workers Survey (NAWS): NAWS is an annual national survey of farm workers conducted by the United States Department of Labor. In some cases, NAWS was able to provide NWFCO with regional results from its 1997-1998 scientific survey of 208 farm workers in Idaho and Colorado. NAWS cannot provide Idaho only results because the sample size is too small to adequately protect the privacy of the farm workers. The 1997-1998 Region 12 NAWS survey is the most recent and only scientific study available in which Idaho farm workers represent a significant sample size.

Agricultural Wage and Practice Surveys, 2000: The Idaho Department of Labor recently released an unscientific survey of farm worker employers for the purpose of determining the prevailing wage rates for administration of the H2-A program. A survey of farm workers is forthcoming.

Analysis of U.S. Census Bureau Current Population Survey data by the U.S. Department of Agriculture (USDA): The estimate used in this report was generated by the USDA includes data reported in Idaho, Montana, Washington, Oregon, and Wyoming in 1998. The inclusion of Washington likely decreases the number of workers in the region who reported earning less than the federal minimum wage of \$5.15 an hour. This is because Washington includes farm workers in its minimum wage law and no farm workers in Washington lawfully earn less than the minimum wage.

Sample acceptable minimum wage legislation:

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 44-1504, Idaho Code, be, and the same is hereby amended to read as follows: 44-1504. EMPLOYEES EXCEPTED FROM PROVISIONS OF ACT. The provisions of this act shall not apply to any employee employed in a bona fide executive, administrative, or professional capacity, ~~to agricultural labor as that term is defined in section 72-1304, Idaho Code~~, to anyone engaged in domestic service, to any individual employed as an outside salesman, to seasonal employees of a non-profit camping program, or to any child under the age of sixteen (16) years working part-time or at odd jobs not exceeding a total of four (4) hours per day with any one (1) employer. **The provisions of Chapter 16, Title 44, Idaho Code, shall apply to agricultural labor as that term is defined in section 72-1304, Idaho Code. The overtime provisions of this act shall not apply to an individual employed in agriculture.**

SECTION 2. That Title 44, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW CHAPTER**, to be known and designated as Chapter 16, Title 44, Idaho Code, and to read as follows: CHAPTER 16 MINIMUM WAGE — AGRICULTURAL PIECE RATE WORKERS 44-1601. MINIMUM WAGE FOR AGRICULTURAL PIECE RATE WORKERS. When an agricultural worker is paid by a piece rate, the wages received by the worker must equal at least the minimum hourly wage as provided for in section 44-1502, Idaho Code. In order to ensure that the worker receives at least the minimum hourly wage, the employer shall maintain records of the piece rate, the number of pieces or units achieved, and the hours worked by the worker.

SECTION 3. This act shall be in full force and effect on and after January 1, 2002.

Endnotes

- ¹ Estimate of value of Idaho's agricultural industry from Idaho Department of Labor, "Economic Analysis of Removing the Agricultural Labor Exemption in the Idaho Minimum Wage Law," January 2000.
- ² Jack Runyan, "Injuries and Fatalities on U.S. Farms," Food and Rural Economics Division, U.S. Department of Agriculture, January 1998.
- ³ Jack Runyan, "Profile of Hired Farmworkers, 1996 Annual Averages," Food and Rural Economics Division, U.S. Department of Agriculture, April 1998.
- ⁴ National Center for Farmworker Health, "About America's Farmworkers," n.d. <<http://www.ncfh.org/aboutfws.htm>>.
- ⁵ "A Demographic and Employment Profile of United States Farmworkers," Research Report No. 8, U.S. Department of Labor, Office of Program Economics, March 2000.
- ⁶ Idaho Code Section 44-1504
- ⁷ Northwest Federation of Community Organizations, *Bitter Harvest*, February 2000, <www.nwfco.org>.
- ⁸ See "Farmworkers' bill shelved yet again," *Messenger Index*, n.d.
- ⁹ "Asking for the Minimum," *The Times-News*, July 28, 2000.
- ¹⁰ Interim Committee Minutes: Minimum Wage for Farm Workers, Senate Caucus Room, Statehouse, Boise, Idaho, October 11, 2000. Senators Williams, Branch, and Davis as well as Representatives Jones, Kendell, and Field voted to reject proposed legislation to cover farmworkers in Idaho's minimum wage law. Senator Whitworth and Representative Robison voted to support this legislation.
- ¹¹ Ken Miller, "House panel kills bill to set farm worker minimum wage," *The Idaho Statesmen*, October 30, 2000.
- ¹² National Center for Farmworker Health, "About America's Farmworkers," n.d. <<http://www.ncfh.org/aboutfws.htm>>.
- ¹³ *Ibid.*
- ¹⁴ "Findings from the National Agricultural Workers Survey (NAWS) 1997-1998," U.S. Department of Labor, March 2000.
- ¹⁵ National Center for Farmworker Health, "About America's Farmworkers," n.d. <<http://www.ncfh.org/aboutfws.htm>>.
- ¹⁶ Darrell J. Gaskin and Catherine Hoffman, "Racial and Ethnic Differences in Preventable Hospitalizations Across 10 states," *Medical Care Research and Review*, Vol. 57, Supplement 1, 2000.
- ¹⁷ "Summary of Testimony by Idaho Department of Labor for Interim Legislative Committee on Agricultural Minimum Wage," Idaho Department of Labor, September 8, 2000.
- ¹⁸ A 1990 analysis of farms in Idaho indicates that about two-thirds of Idaho farm operations are not large enough to be covered by federal minimum wage law and, thus, the proposed Idaho minimum wage law. The research analysis shows that 36 percent of farm operations are large enough to be covered by federal minimum wage law. See "Interim Committee Minutes: Minimum Wage for Farm Workers," Senate Caucus Room, Statehouse, Boise, Idaho, October 11, 2000.

About the Organizations Releasing This Report

The Idaho Community Action Network (ICAN) serves as a powerful, consolidated voice for Idaho's poor, with chapters and membership clusters in six Idaho communities, including the state's three largest cities as well as numerous rural towns. Through ICAN, low-income Idaho families have a voice in the decisions that impact their lives. In addition to its direct action work, ICAN runs a statewide, volunteer-driven food program that helps low-income families supplement their monthly budgets. ICAN's community organizing model integrates the provision of food with training, leadership development and action on issues.

The Northwest Federation of Community Organizations (NWFCO) is a regional federation of five statewide, community-based social and economic justice organizations located in the states of Idaho, Montana, Oregon and Washington: Idaho Community Action Network (ICAN), Montana People's Action (MPA), Oregon Action (OA), Washington Citizen Action (WCA) and Coalition of Montanans Concerned with Disabilities (CMCD). Collectively, these organizations engage in community organizing and coalition building in fourteen rural and major metropolitan areas, including the Northwest's largest cities (Seattle and Portland) and the largest cities in Montana and Idaho.

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