Figure 1. Which minimum wage applies to farm workers?

This flowchart is available on CISA’s website to help farmers understand the complex wage and hour laws for farmworkers: www.buylocalfood.org/wage-and-hour-laws

**Is the farm a non-profit?**

- Yes:
  - **Does the worker qualify as a volunteer?**
    - Yes: No minimum wage
    - No: Minimum wage is $8/hour
  - **Does the farm clock <500 man days in every quarter?**
    - No: Minimum wage is $8/hour
    - Yes: Is the worker a spouse, parent, child, or sibling of the owner?
      - No: Minimum wage is $4.25/hour for 90 days after initial hire, then $7.25/hour
      - Yes: Is the worker a hand harvester who did farm work for <13 weeks last year, gets paid piece-rate, and commutes daily to work?
        - No: Minimum wage is $8/hour
        - Yes: Is the worker doing any of the following non-agricultural tasks?
          - Yes: Does the worker do any cleaning, packing, sorting, office, delivery, or other post-harvest tasks, or do any of the worker’s tasks otherwise fall outside the definition of agriculture in MA wage and hour laws?
            - No: Minimum wage is $8/hour
            - Yes: Is the worker the immediate family of owner or under 18?
              - Yes: No minimum wage
              - No: Minimum wage is $12/hour as of 2019 for non-agricultural tasks, and $8/hour for agricultural tasks

- No:
  - **Is the worker a hand harvester who did farm work for <13 weeks last year, gets paid piece-rate, and commutes daily to work?**
    - No: Is the worker doing any of the following non-agricultural tasks?
      - Yes: Does the worker do any cleaning, packing, sorting, office, delivery, or other post-harvest tasks, or do any of the worker’s tasks otherwise fall outside the definition of agriculture in MA wage and hour laws?
        - No: Minimum wage is $8/hour
        - Yes: Is the worker under 18?
          - Yes: Minimum wage is $8/hour
          - No: Minimum wage is $12/hour as of 2019 for non-agricultural tasks, and $8/hour for agricultural tasks

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1 A *volunteer* is one who donates their services, usually part-time, to a non-profit organization for public service, religious, or humanitarian objectives, not as an employee and without contemplation of pay.

2 A *man day* is any day where a worker (except immediate family of owner) reports to work for at least one hour.

3 MA wage and hour laws define *agriculture* as “labor on a farm and the growing and harvesting of agricultural, floricultural, and horticultural commodities.” For more information, see www.buylocalfood.org/what-is-considered-farm-work

4 Note: workers performing both agricultural and non-agricultural tasks should be paid at least $12/hour unless agricultural and non-agricultural hours are tracked separately. Non-agricultural minimum wage will be $12.75/hour in 2020, $13.50/hour in 2021, $14.25/hour in 2022, and $15/hour in 2023.

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This chart is designed to help farmers ensure that they are adhering to applicable laws, but it is not a legal document and is not exhaustive. The chart was last updated March 2019.