

HOUSE RESOLUTION NO. 301

Rep. Elder offered the following resolution:

1 A resolution to join with the Michigan Civil Rights Commission
2 in requesting that Michigan Attorney General Dana Nessel reconsider
3 the opinion that certain migrant and seasonal farm workers are not
4 entitled to minimum wage under Michigan law.

5 Whereas, In 2017, Michigan Attorney General Bill Schuette
6 issued Opinion No. 7301, which stated that some small Michigan
7 farms can pay seasonal and migrant farm workers less than the
8 minimum wage under an exemption from federal minimum wage
9 requirements; and

10 Whereas, Without minimum wage protections, these workers may
11 earn less than a living wage and be unable to support themselves or
12 their families. Many farm workers are paid at a piecework rate, or
13 a certain amount per quantity harvested. In 2015, a family of five



1 migrant workers was reported to earn less than \$4 per hour while
2 working at an asparagus pickling operation in Oceana County; and

3 Whereas, Migrant and seasonal farm workers are a critical part
4 of Michigan's food supply chain and economy. In 2013, the Michigan
5 Department of Civil Rights reported that there were 49,135 migrant
6 and seasonal farm workers in Michigan, which ranked 5th in the
7 nation. These workers play an important role in the planting,
8 cultivating, harvesting, and packaging of crops worth an estimated
9 \$2.3 billion annually; and

10 Whereas, The importance of these workers has been reinforced
11 by the recent COVID-19 Pandemic. While many Michigan residents have
12 been ordered to stay home to prevent the virus' spread, farm
13 workers have been declared essential and have continued to work in
14 these dangerous conditions. It is unfair that any essential worker
15 would lack the most basic labor protections available to other
16 workers; and

17 Whereas, Attorney General Opinion No. 7301 may discourage
18 migrant and seasonal farm workers from coming to Michigan for work.
19 These workers often work in several states each year, and the lack
20 of minimum wage protections may incentivize them to choose jobs in
21 other states. This may significantly affect Michigan farmers'
22 ability to employ enough workers to harvest their entire crop,
23 negatively impacting Michigan's economy; and

24 Whereas, In 2019, the Michigan Civil Rights Commission
25 requested that Attorney General Dana Nessel reconsider the opinion
26 issued by her predecessor to ensure the continued success of
27 Michigan's vital agricultural industry; now, therefore, be it

28 Resolved by the House of Representatives, That we join with
29 the Michigan Civil Rights Commission in requesting that Michigan



1 Attorney General Dana Nessel reconsider Attorney General Opinion
2 No. 7301 that certain migrant and seasonal farm workers are not
3 entitled to minimum wage under Michigan law; and be it further
4 Resolved, That copies of this resolution be transmitted to the
5 Michigan Attorney General and the Chair of the Michigan Civil
6 Rights Commission.

