

Basics in Farm Employment Law: New Hampshire

Minimum Wage: New Hampshire farm and ranch businesses are obligated to pay at least the minimum wage of \$7.25/hour to workers **if** the farm assigns non-agricultural labor at any time during that workweek.

New Hampshire farm and ranch businesses that assign exclusively agricultural labor in a workweek might still be obligated to pay at least the minimum wage rate of \$7.25/hour, depending on the size of the business. If the farm business employed more than 500 man-days in any calendar quarter of the previous year, then the minimum wage of \$7.25/hour is required for the entire year (regardless of whether the work assigned is agricultural or not). If the farm business employed fewer than 500 man-days in any calendar quarter of the previous year, then the farm business is not obligated to pay a minimum wage (except for a week in which non-agricultural labor was assigned as described above).

A "man-day" is defined as any day during which an employee performs agricultural work for at least one hour. For example, if two individuals perform at least one hour of agricultural work in a day, the employer has two man-days.

Overtime: New Hampshire farm and ranch businesses are not obligated to pay overtime wages to workers so long as the worker performs exclusively agricultural labor. If the worker performs non-agricultural labor, non-agricultural rules apply and the employee is owed overtime pay for all hours worked over 40 in that week. Employees with salary-based pay may qualify for an exemption if they make at least \$684 per week (regardless of time spent working) AND have managerial authority.

Meal and Rest Breaks: Farm businesses in New Hampshire are required by law to offer a 30-minute meal break after an employee has worked five-consecutive hours, unless the employee can eat while working and it is feasible for the employee to do so.

Workers' compensation: New Hampshire farm and ranch businesses are obligated to secure workers' compensation for agricultural workers just as for other workers.

Unemployment Insurance: Farms and ranches in New Hampshire must begin paying unemployment insurance tax for agricultural workers through the Federal Unemployment Tax Act (FUTA) and state unemployment program when either of the following occurs: 1) during any calendar quarter of the current or preceding calendar year the farm paid wages of \$20,000 or more, OR 2) the farm employed 10 or more individuals in agricultural labor during at least some part of a day (whether or not at the same time) during any 20 or more different weeks of the current or previous year.

Disclaimer: This is a highly-abbreviated selection of specific agricultural employment laws and is not an encompassing list of obligations or detailed description of rules. It is intended for educational use only and is not to be construed as legal advice. Other obligations and rules may apply, particularly when a worker performs non-agricultural labor or is a sole proprietor, owner, manager, or family member of the farm business. For information, specific to an individual situation, a person must consult a qualified attorney licensed to practice in their state.