

# Maryland Wage and Hour Agriculture Exemptions

*Helping agricultural employers know which employees are exempt from minimum wage and overtime requirements under Maryland law*

## **Employees are exempt from both minimum wage and overtime requirements if:**

- Employed by an employer who is engaged in canning, freezing, packing, or first processing of perishable or seasonal fresh fruits, vegetables, or horticultural commodities, poultry, or seafood.
- Employed in agriculture if the employer used no more than 500 agricultural-worker days per quarter during the preceding year. An agricultural-worker day is any day that an employee works at least one hour.
- Engaged principally in the range production of livestock.
- Employed as a hand-harvest laborer and is paid on a piece-rate basis in an operation that has been and is customarily recognized as having been paid on that basis, if:
  - A.** The individual commutes daily from their permanent residence to the farm where he or she is employed and if during the preceding calendar year, was employed in agriculture less than 13 weeks **-OR-**
  - B.** The individual is under the age of 17, is employed on the same farm as a parent or guardian, and is paid at the same rate as an employee who is at least 17 years old on the same farm. *(Reminder: Teen workers must have a minor work permit to work in Maryland)*

*For additional information about the Maryland Wage and Hour Law exemptions for agricultural workers or to ask specific questions about your eligibility for an exemption, please contact the Employment Standards Unit of the Division of Labor and Industry under the Maryland Department of Labor.*

**NOTE:** *This brochure only pertains to the Maryland Wage and Hour Law, which does not exempt employers from the requirements of the Federal Fair Labor Standards Act. For more information on the requirements of the Fair Labor Standards Act, please visit: [www.dol.gov](http://www.dol.gov).*

## **Other Employees Are Entitled to Over Time After 60 Hours Per Week If:**

**Engaged in agriculture and exempt from the overtime provisions of the federal act.**

*Agriculture means work performed by a farmer or on a farm as incidental to or in conjunction with farming operations.*



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