

# **R Real Sweet Melons, LLC**

## **Response to Violations of Federal Labor Laws**

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### **Who is Responsible for Enforcement**

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The U.S. Department of Labor (DOL) administers and enforces more than 180 federal laws. These mandates and the regulations that implement them cover many workplace activities for about 165 million workers and 11 million workplaces.

Following is a brief description of many of DOL's principal statutes most commonly applicable to businesses, job seekers, workers, retirees, contractors and grantees. This brief summary is intended to acquaint you with the major labor laws and not to offer a detailed exposition. For authoritative information and references to fuller descriptions on these laws, you should consult the statutes and regulations themselves.

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### **Potentially Applicable Federal Labor Laws**

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#### **Wages and Hours**

The Fair Labor Standards Act prescribes standards for wages and overtime pay, which affect most private and public employment. The act is administered by the Wage and Hour Division. It requires employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay of one-and-one-half-times the regular rate of pay. For nonagricultural operations, it restricts the hours that children under age 16 can work and forbids the employment of children under age 18 in certain jobs deemed too dangerous. For agricultural operations, it prohibits the employment of children under age 16 during school hours and in certain jobs deemed too dangerous.

The Wage and Hour Division also enforces the labor standards provisions of the Immigration and Nationality Act that apply to aliens authorized to work in the U.S. under certain nonimmigrant visa programs (H-1B, H-1B1, H-1C, H2A).

#### **Workplace Safety and Health**

The Occupational Safety and Health (OSH) Act is administered by the Occupational Safety and Health Administration (OSHA). Safety and health conditions in most private industries are regulated by OSHA or OSHA-approved state programs, which also cover public sector employers. Employers covered by the OSH Act must comply with OSHA's regulations and safety and health standards. Employers also have a general duty under the OSH Act to provide their employees with work and a workplace free from recognized, serious hazards. OSHA enforces the law through workplace inspections and investigations. Compliance assistance and other cooperative programs are also available.

#### **Workers' Compensation**

If you worked for a **private company or a state government**, you should contact the **workers' compensation program** for the state in which you lived or worked. The U.S. Department of Labor's Office of Workers' Compensation Programs does not have a role in the administration or oversight of state workers' compensation programs.

#### **Employee Protection**

Most labor and public safety laws and many environmental laws mandate whistleblower protections for employees who complain about violations of the law by their employers. Remedies can include job reinstatement and payment of back wages. OSHA enforces the whistleblower protections in most laws.

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#### **Employee Polygraph Protection Act**

This law bars most employers from using lie detectors on employees, but permits polygraph tests only in limited circumstances. It is administered by the Wage and Hour Division.

#### **Garnishment of Wages**

Garnishment of employee wages by employers is regulated under the Consumer Credit Protection Act which is administered by the Wage and Hour Division.

#### **Family and Medical Leave Act**

Administered by the Wage and Hour Division, the Family and Medical Leave Act (FMLA) requires employers of 50 or more employees to give up to 12 weeks of unpaid, job-protected leave to eligible employees for the birth or adoption of a child or for the serious illness of the employee or a spouse, child or parent.

#### **Migrant and Seasonal Agricultural Workers**

The Migrant and Seasonal Agricultural Worker Protection Act regulates the hiring and employment activities of agricultural employers, farm labor contractors, and associations using migrant and seasonal agricultural workers. The Act prescribes wage protections, housing and transportation safety standards, farm labor contractor registration requirements, and disclosure requirements. The Wage and Hour Division administers this law.

The Fair Labor Standards Act (FLSA) exempts agricultural workers from overtime premium pay, but requires the payment of the minimum wage to workers employed on larger farms (farms employing more than approximately seven full-time workers). The Act has special child-labor regulations that apply to agricultural employment; children under 16 are forbidden to work during school hours and in certain jobs deemed too dangerous. Children employed on their families' farms are exempt from these regulations. The Wage and Hour Division administers this law. OSHA also has special safety and health standards that may apply to agricultural operations.

The Immigration and Nationality Act requires employers who want to use foreign temporary workers on H-2A visas to get a labor certificate from the Employment and Training Administration certifying that there are not sufficient, able, willing and qualified U.S. workers available to do the work. The labor standards protections of the H-2A program are enforced by The Wage and Hour Division.

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#### **What to do if a Violation of Federal Labor Law is Detected**

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**In the event that R Real Sweet Melons, LLC management, worker or concerned party suspects a violation of any federal labor law then a complaint will be immediately filed.**

#### **How to File a Complaint**

The Wage and Hour Division is responsible for enforcing some of the nation's most comprehensive federal labor laws. Complaints are confidential. The name of the complainant, the nature of the complaint, and whether a complaint exists may not be disclosed. An employer cannot retaliate against a worker for exercising their rights, filing a complaint or cooperating with an investigation.

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### Complaint Process

#### 1. Gather Information

In the event that Gather information you will need to file your complaint. While third-party complainants may not be able to provide all the information needed, the more information made available the better we can address concerns raised.

The information below is useful to file a complaint with WHD:

- Your name
- Your address and phone number (how you can be contacted)
- The name of the company where you work(ed)
- Location of the company (this may be different from where you worked)
- Phone number of the company
- Manager or owners name (who should we ask to speak to?)
- Type of work you did
- How and when you were paid (e.g., cash or check, every Friday)


Any additional information that you can provide such as copies of pay stubs, personal records of hours worked, or other information on your employers pay practices are helpful.

#### 2. How to File

### Contact the Wage and Hour Division (WHD)

Welcome to the Wage and Hour Division's Contact Us page. We are committed to ensuring that you are paid properly for all hours worked. We strive not only to answer your questions but also to help you understand how federal labor laws affect your individual situation.

Contact us:




#### By Telephone

Toll-Free Line: 1-866-4-USWAGE (1-866-487-9243)

- Monday to Friday 8:00 a.m. to 4:30 p.m. local time. Hours vary by region.


*\*If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.*



#### Online

Submit your question or concern online and a Wage and Hour Representative will contact you by telephone or email.

[Submit a General Question or Concern](#)



#### Visit your local Wage and Hour Office

Some offices may have limited hours for in-person visits, please contact your local office to learn more.

[Find your local Wage and Hour office](#)

#### 3. We Work with You

We will work with you to answer your questions and determine whether an investigation is the best course of action.