

Potential MSPA Violations Checklist

U.S. Department of Labor
Wage and Hour Division

Name and address of person investigated

Permanent:

(Typed or Stamped address of AO)

A review of your business operations subject to the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) disclosed the potential violations of the Act shown on this preliminary report. The investigation report of the Compliance Officer(s) will be reviewed to establish whether there were MSPA violations and what, if any, further action will be taken by the Wage and Hour Division.

If it is subsequently determined that civil money penalties are to be assessed against you or any or all of the MSPA violations disclosed, you will be advised by letter concerning specific violations involved and the civil money penalty amounts to be assessed. Persons who violate the provisions of MSPA are subject to both criminal and civil sanctions.

		MSPA Sections Violated					FLC	AgEr	AgAs	User	HP
		Migrant Workers	Both	Seasonal Workers							
Employment conditions disclosure	1. Failure to disclose employment conditions to workers	201(a), 201(g)		301(a), 301(f)							
	2. Failure to post MSPA poster at worksite	201(b)		301(b)							
	3. Misrepresenting employment conditions to workers	201(f)		301(e)							
Working Arrangements	4. Breach of working arrangements with workers	202(c)		302(c)							
Recordkeeping	5. Failure to make/keep employer records	201(d)(1)		301(c)(1)							
	6. Failure to provide wage statement to workers	201(d)(2)		301(c)(2)							
	7. Failure to provide records to growers	201(e)		301(d)							
	8. Failure to maintain records provided by FLC	201(e)		301(d)							
Prompt payment	9. Failure to pay wages when due	202(a)		302(a)							
Worker purchases	10. Restricting workers purchases of goods or services	202(b)		302(b)							
Housing Standards	11. Failure to post housing conditions	201(c)		NA							
	12. Failure to ensure housing safety and health	203(a) and (b)		NA							
Transportation	13. Failure to provide safe transportation vehicles	401(b)(1)(A), 401(b)(2)(C)									
	14. Failure to ensure that each driver of a transportation vehicle has a valid license	401(b)(1)(B)									
	15. Failure to obtain prescribed insurance coverage for transportation vehicles	401(b)(1)(C)									
General Provisions											
Confirmation of registration	16. Utilizing services of unregistered FLC		402								
Discrimination	17. Discriminating against worker who files complaint or testifies, etc.		505								
Investigative interference	18. Interfering with DOL official during investigation		512(c)								
Farm Labor Contractor Violations											
Registration	19. Failure to register		101(a)								
	20. Failure to register employee		101(b)								
	21. Failure to exhibit certificate		101(c)								
	22. Knowingly made misrepresentations in application		103(a)(1)								
	23. Failure to comply with any court judgement or final order of the Secretary		103(a)(4)								
	24. Was not the real party in interest		103(a)(2)								
	25. Transported workers without certificate authorization		101(a)								
	26. Housed workers without certificate authorization		105(2)(c)								
	27. Failure to provide notice of change of permanent residence		105(1)								
	28. Failure to apply to amend certificate to engage in another contracting activity, to use another vehicle or to use another real property site for housing		105(2)								
Illegal Aliens											
Agreements with users	29. Engaged illegal aliens										
	30. Failure to abide by agreements with employers and associations		404								

FLC - Farm Labor Contractor
AE - Agricultural Employer
AA - Agricultural Association
User - User

Compliance officer(s)

Date

Name and title of individual receiving form

Date