

AGRICULTURAL EMPLOYERS' COMPLIANCE CHEAT SHEET: WINTER 2026

Insights
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Agricultural Employers' Compliance Cheat Sheet: Winter 2026

Managing a farm workforce can be a heavy lift. That's because agricultural employers need to keep up with farm labor laws and workplace regulations that seem to constantly change. That's why we created this zero-waste resource for ag professionals and agribusinesses. Read on for the latest updates impacting farm labor management and HR compliance in your industry for Winter 2026.



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Nationwide

H-2A Wage Compliance

- **Snapshot:** The US DOL's new framework for calculating the Adverse Effect Wage Rate (AEWR) for H-2A job orders significantly lowers wage costs for H-2A agricultural employers and helps prevent severe labor shortages across the farm industry. However, the interim final rule behind these changes – which is expected to be replaced by a “final” final rule any day now – is under challenge in a federal lawsuit brought by the United Farm Workers. The federal government is opposing the UFW's request for the court to set the rule aside, and Fisher Phillips attorneys filed a friend-of-the-court brief on behalf of the National Council of Agricultural Employers and the California Farm Bureau Federation in support of that opposition.
- **Takeaway:** Stay tuned to see how the UFW's lawsuit to the interim final rule plays out in court, and whether the DOL's “final” final rule reflects any of the comments submitted by worker advocates or industry groups late last year. In the meantime, H-2A employers must be extremely careful about how they construct their job orders for H-2A positions to ensure compliance with the new AEWR methodology.
- **Learn More:** [DOL Issues Game-Changer Rule for H-2A Farmworker Wages: 8 Key Takeaways for Agricultural Employers](#)

New “No Tax on Overtime” Rules

- **Snapshot:** Even if your state has agricultural overtime requirements, most on the farm ag workers won't qualify for the new federal tax deduction related to OT pay.

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- **Takeaway:** Make sure you understand how these rules work because they impose new tax filing and information reporting requirements and may impact your payroll withholding obligations – not to mention employee relations, as some employees may be unpleasantly surprised by their inability to deduct overtime compensation on their federal income tax returns.
- **Learn More:** [“No Tax on Overtime” Hits Different for Agricultural Employers: Why Most On the Farm Ag Workers Won’t Benefit + Key Compliance Points for Your Business](#)

Workplace Safety

- **Snapshot:** Both winter weather and summer heat can create workplace safety risks and legal obligations for employers.
- **Takeaway:** In extreme temperatures, employers must ensure compliance with OSHA’s general duty clause. As warmer days approach, now is the time to start preparing for heat safety, especially in states that maintain heat illness prevention rules. In addition, a proposed national heat standard remains on the table, so stay tuned for updates.
- **Learn More:**
 - [Winter Weather Is Here: Safety and Pay Practices Businesses Should Have On The Forecast](#)
 - [OSHA Receives Thousands Of Comments on Heat Stress Rule: What Employers Had to Say and What’s Next](#)

FP Forecast 2026: In case you missed it, be sure to check out our [FP Forecast 2026](#) for a recap of the major workplace law developments in 2025 and our top predictions for this year, including an entire section specific to the agriculture industry.

State Specific

- **California** agricultural employers should be aware of several key updates:

- A new law ([AB 845](#)) that took effect Jan. 1 **makes it easier for ag workers to report problems**, such as unsafe conditions or labor violations, to state agencies.
- Under another new law, California employers are required to provide an **immigration-related rights notice** annually to current employees (**Feb. 1** was the deadline for 2026) and upon hire for new employees. Plus, by **March 30** (or upon hire for new employees after that date) employers must give current employees an **opportunity to designate an emergency contact** whom the employer must notify if the employee is detained or arrested at their worksite (or away from the worksite if certain conditions are met). [Learn more here.](#)
- Last month, California lawmakers **introduced a bipartisan bill (SB 921)** that, if enacted, would allow agricultural employers to claim a tax credit for overtime wages paid during a quarter to certain covered workers.
- Another bill introduced on Feb. 20 **proposes a major wage hike** for certain agricultural employees. Read more [here](#).
- **Colorado** lawmakers introduced a bill ([SB26-081](#)) this month that would require agricultural employees to be paid at an overtime rate for hours worked beyond 40 in a workweek or 12 in a workday (or beyond any 12 consecutive hours).
- A new **Maine** law, which kicked in Jan. 1, [increases the state's minimum wage and expands those requirements to cover agricultural employees](#) who were previously exempt. For 2026, covered ag workers must be paid at least **\$15.10 per hour**.
- **Minnesota's** Department of Labor and Industry [announced](#) in November that it recovered more than \$163,000 from an agricultural employer with potato farm operations, including \$82K for 442 workers related to earned safe and sick time violations and another \$80K in penalties for failing to provide required employer statements (available [here in English](#) and [here in Spanish](#)) to 101 recruited migrant workers. The DLI said that this investigation is "part of a broader effort to improve compliance with labor laws in the agricultural industry and to ensure that both workers and employers have clear,

accessible information about their rights and responsibilities."

- **New Jersey's [minimum wage for agricultural employees increased](#)** on Jan. 1 from \$13.40 to **\$14.20 per hour**.
- **New York** now requires certain farm employees to be paid overtime for hours worked **beyond 52 hours per week** (prior to Jan. 1, the hours threshold was 56 hours per week). This change is part of a scheduled phase-in, which will, by 2032, require eligible farm employees to be paid overtime for hours worked beyond 40 in a workweek. In an [announcement from state's Department of Agriculture](#) last month, the agency encouraged eligible farmers to register for the overtime tax credit and begin recordkeeping for the period ending July 1 to receive reimbursement later this year.

Conclusion

We will continue to monitor workplace law developments impacting agricultural employers. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Agriculture Team](#).