

115TH CONGRESS
2D SESSION

H. R. 6230

To amend the Fair Labor Standards Act of 1938 to provide increased labor law protections for agricultural workers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2018

Mr. GRIJALVA (for himself, Mrs. NAPOLITANO, Mr. NADLER, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Ms. JUDY CHU of California, Mr. CÁRDENAS, Ms. DELAURO, Ms. NORTON, Ms. VELÁZQUEZ, Mr. POCAN, Ms. BROWNLEY of California, Ms. ESHOO, Mr. GUTIÉRREZ, Mr. TED LIEU of California, Ms. JACKSON LEE, Mr. HASTINGS, Mr. LOWENTHAL, Ms. CLARKE of New York, Mr. TAKANO, Ms. PELOSI, Ms. MAXINE WATERS of California, Ms. WILSON of Florida, Mr. DOGGETT, Ms. JAYAPAL, Ms. BARRAGÁN, Ms. LEE, Mr. SHERMAN, Mr. ESPAILLAT, Mr. SERRANO, Ms. FUDGE, Mr. SCOTT of Virginia, Mr. PALLONE, Ms. SÁNCHEZ, Mr. KHANNA, Mr. CAPUANO, Mr. MCGOVERN, Mr. CASTRO of Texas, Ms. BASS, Mr. SOTO, Mr. VARGAS, Mr. GOMEZ, Mr. RASKIN, Mr. DESAULNIER, Ms. LOFGREN, Mr. PETERS, Mr. SWALWELL of California, Mr. COHEN, Ms. SHEA-PORTER, Mr. SABLAN, Mr. CARBAJAL, and Mr. NORCROSS) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to provide increased labor law protections for agricultural workers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fairness for Farm
3 Workers Act”.

4 **SEC. 2. REDRESSING DISCRIMINATION AGAINST AGRICUL-**
5 **TURAL WORKERS UNDER THE FAIR LABOR**
6 **STANDARDS ACT OF 1938.**

7 (a) **ENDING DISCRIMINATION WITH RESPECT TO**
8 **OVERTIME HOURS REQUIREMENTS.**—Section 7 of the
9 Fair Labor Standards Act of 1938 (29 U.S.C. 207) is
10 amended—

11 (1) in subsection (a), by adding at the end the
12 following:

13 “(3)(A) Except as provided in subparagraph (C), be-
14 ginning on January 1, 2019, no employer shall employ any
15 employee employed in agriculture (who in any workweek
16 is engaged in commerce or in the production of goods for
17 commerce, or is employed in an enterprise engaged in
18 commerce or in the production of goods for commerce) for
19 a workweek that is longer than the hours specified under
20 subparagraph (B), unless such employee receives com-
21 pensation for employment in excess of the hours specified
22 in such subparagraph at a rate not less than one and one-
23 half times the regular rate at which the employee is em-
24 ployed.

25 “(B) The hours specified in this subparagraph are,
26 subject to subparagraph (C), as follows:

1 “(i) Beginning on January 1, 2019, fifty-five
2 hours in any workweek.

3 “(ii) Beginning on January 1, 2020, fifty hours
4 in any workweek.

5 “(iii) Beginning on January 1, 2021, forty-five
6 hours in any workweek.

7 “(iv) Beginning on January 1, 2022, forty
8 hours in any workweek.

9 “(C) With respect to any employer that employs 25
10 or fewer employees—

11 “(i) the requirement under subparagraph (A)
12 shall begin on January 1, 2022; and

13 “(ii) the hours specified under subparagraph
14 (B) shall apply as follows:

15 “(I) The number of hours specified under
16 subparagraph (B)(i) shall begin on January 1,
17 2022.

18 “(II) The number of hours specified under
19 subparagraph (B)(ii) shall begin on January 1,
20 2023.

21 “(III) The number of hours specified
22 under subparagraph (B)(iii) shall begin on Jan-
23 uary 1, 2024.

1 “(IV) The number of hours specified under
2 subparagraph (B)(iv) shall begin on January 1,
3 2025.”; and

4 (2) by repealing subsection (m).

5 (b) REMOVING CERTAIN EXEMPTIONS FOR AGRICUL-
6 TURAL WORK.—Section 13 of the Fair Labor Standards
7 Act of 1938 (29 U.S.C. 213) is amended—

8 (1) in subsection (a)(6), by striking “(A)” and
9 all that follows through the semicolon and inserting
10 “if such employee is the parent, spouse, child, or
11 other member of the employer’s immediate family;”;

12 (2) in subsection (b), by repealing paragraphs
13 (12) through (16); and

14 (3) by striking subsections (h) through (j).

15 (c) EFFECTIVE DATES.—The amendments made
16 by—

17 (1) subsections (a)(2), (b)(1), (b)(3), and (d)
18 shall take effect—

19 (A) with respect to an employer that em-
20 ploys more than 25 employees, on January 1,
21 2022; and

22 (B) with respect to an employer that em-
23 ploys 25 or fewer employees, on January 1,
24 2025; and

25 (2) subsection (b)(2) shall take effect—

1 (A) with respect to an employer that em-
2 ploys more than 25 employees, on January 1,
3 2019; and

4 (B) with respect to an employer that em-
5 ploys 25 or fewer employees, on January 1,
6 2022.

7 (d) CONFORMING AMENDMENT.—Section 4(a)(2) of
8 the Migrant and Seasonal Agricultural Worker Protection
9 Act (29 U.S.C. 1803(a)(2)) is amended by striking “for
10 whom the man-days exemption” and all that follows
11 through the period and inserting “who did not, during any
12 calendar quarter during the preceding calendar year, use
13 more than 500 man-days of agricultural labor (within the
14 meaning of the exemption under section 13(a)(6)(A) of the
15 Fair Labor Standards Act of 1938 (29 U.S.C.
16 213(a)(6)(A)), as in effect on the day before the date of
17 enactment of the Fairness for Farm Workers Act).”.

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