

115TH CONGRESS
2D SESSION

S. 3131

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

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2018

Ms. HARRIS (for herself, Mrs. FEINSTEIN, Mr. BOOKER, Mr. MERKLEY, Mr. BLUMENTHAL, Ms. HIRONO, Ms. WARREN, Mr. VAN HOLLEN, Mr. UDALL, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness for Farm
5 Workers Act”.

1 **SEC. 2. REDRESSING DISCRIMINATION AGAINST AGRICUL-**
2 **TURAL WORKERS UNDER THE FAIR LABOR**
3 **STANDARDS ACT OF 1938.**

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

8 (1) in subsection (a), by adding at the end the
9 following:

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

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

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

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

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

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

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

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

11 “(ii) the hours specified under subparagraph
12 (B) shall apply as follows:

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

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

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

22 “(IV) The number of hours specified under
23 subparagraph (B)(iv) shall begin on January 1,
24 2025.”; and

25 (2) by repealing subsection (m).

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

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

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

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

11 (c) EFFECTIVE DATES.—The amendments made
 12 by—

13 (1) subsections (a)(2), (b)(1), (b)(3), and (d)
 14 shall take effect—

15 (A) with respect to an employer that em-
 16 ploys more than 25 employees, on January 1,
 17 2022; and

18 (B) with respect to an employer that em-
 19 ploys 25 or fewer employees, on January 1,
 20 2025; and

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

22 (A) with respect to an employer that em-
 23 ploys more than 25 employees, on January 1,
 24 2019; and

1 (B) with respect to an employer that em-
2 ploys 25 or fewer employees, on January 1,
3 2022.

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

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