

115TH CONGRESS
2D SESSION

S. _____

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

Ms. HARRIS introduced the following bill; which was read twice and referred to the Committee on _____

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”.

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

9 (a) **ENDING DISCRIMINATION WITH RESPECT TO**
10 **OVERTIME HOURS REQUIREMENTS.**—Section 7 of the

1 Fair Labor Standards Act of 1938 (29 U.S.C. 207) is
2 amended—

3 (1) in subsection (a), by adding at the end the
4 following:

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

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

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

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

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

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

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

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

7 “(ii) the hours specified under subparagraph
8 (B) shall apply as follows:

9 “(I) The number of hours specified under
10 subparagraph (B)(i) shall begin on January 1,
11 2022.

12 “(II) The number of hours specified under
13 subparagraph (B)(ii) shall begin on January 1,
14 2023.

15 “(III) The number of hours specified
16 under subparagraph (B)(iii) shall begin on Jan-
17 uary 1, 2024.

18 “(IV) The number of hours specified under
19 subparagraph (B)(iv) shall begin on January 1,
20 2025.”; and

21 (2) by repealing subsection (m).

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

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

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

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

8 (c) EFFECTIVE DATES.—The amendments made
9 by—

10 (1) subsections (a)(2), (b)(1), (b)(3), and (d)
11 shall take effect—

12 (A) with respect to an employer that em-
13 ploys more than 25 employees, on January 1,
14 2022; and

15 (B) with respect to an employer that em-
16 ploys 25 or fewer employees, on January 1,
17 2025; and

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

19 (A) with respect to an employer that em-
20 ploys more than 25 employees, on January 1,
21 2019; and

22 (B) with respect to an employer that em-
23 ploys 25 or fewer employees, on January 1,
24 2022.

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