

SENATE No. 1205

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing fairness for agricultural workers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Adam Gomez</i>	<i>Hampden</i>	
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/29/2021</i>

SENATE No. 1205

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 1205) of Adam Gomez, Adam G. Hinds and James B. Eldridge for legislation to establish fairness for agricultural workers. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act establishing fairness for agricultural workers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 136 of the General Laws is hereby amended by adding the
2 following new section: Section 17. Every person employed in seasonal agricultural and farm
3 work as defined in section 2 of chapter 151 who is not the parent, child, spouse or other member
4 of the employer’s immediate family shall be allowed at least 24 consecutive hours of rest in each
5 calendar week. Twenty-four consecutive hours spent at rest due to circumstances such as
6 inclement weather or unfavorable crop conditions shall be deemed to constitute the rest required
7 by this section. No provision of this section shall prohibit an employee engaged in seasonal
8 agricultural and farm work from voluntarily agreeing to work on such day of rest required by this
9 paragraph, provided that the work is compensated at a rate which is at least one and one-half
10 times the laborer's regular rate of pay for all hours worked on such day of rest.

11 SECTION 2. Section 1A of chapter 151 of the General Laws is hereby amended by
12 inserting at the end of the first sentence, after the word “employed”, the following provision:

13 ; provided, however, that with respect to employers employing employees engaged in
14 seasonal agricultural and farm work as defined in section 2, no employer in the commonwealth
15 shall employ any such employee for a work week longer than 55 hours unless such employee
16 receives compensation for his employment in excess of 55 hours at a rate not less than one and
17 one-half times the regular rate at which he is employed.

18 SECTION 3. Said section 1A of said chapter 151 is hereby further amended by striking
19 out clause 19.

20 SECTION 4. Section 2 of said chapter 151 is hereby amended by striking out, in the first
21 sentence of the definition of 'Occupation,' after the words "professional service", the words
22 "agricultural and farm work,".

23 SECTION 5. Said section 2 of said chapter 151 is hereby further amended by adding the
24 following definition: "Seasonal", when modifying "agricultural and farm work" as used in this
25 chapter, means labor performed during a period of an agricultural business's operation of
26 growing and harvesting (a) lasting not more than 235 continuous days that includes the months
27 of June, July and August, or (b) beginning not earlier than the first day of August nor later than
28 the first day of September and lasting not more than 100 continuous days.