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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 587

Session of  
1977

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INTRODUCED BY ARLENE AND COPPERSMITH, MARCH 28, 1977

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REFERRED TO LABOR AND INDUSTRY, MARCH 28, 1977

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AN ACT

1 Regulating the use of seasonal farm labor and providing  
2 penalties.

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29 The General Assembly of the Commonwealth of Pennsylvania  
30 hereby enacts as follows:

1 CHAPTER 1

2 PRELIMINARY PROVISIONS

3 Section 101. Short title.

4 This act shall be known and may be cited as the "Seasonal  
5 Farm Labor Act."

6 Section 102. Declaration of intent.

7 It is declared to be the intent of the Legislature by this  
8 act to improve the conditions of seasonal farm workers by  
9 establishing standards for their wages, hours, conditions of  
10 work and housing; by making unlawful the practices by which such  
11 workers may be isolated from the community, and from services to  
12 which they are by law entitled and by limiting child labor among  
13 such workers.

14 Section 103. Definitions.

15 The following words and phrases when used in this act shall  
16 have, unless the context clearly indicates otherwise, the  
17 meanings given to them in this section:

18 "Employer." Every individual, firm, partnership,  
19 association, trust, corporation, receiver or other officer of a  
20 court of this Commonwealth, or any person or group of persons  
21 acting, directly or indirectly, in the interest of an employer  
22 in relation to any employee, employing or permitting to work any  
23 seasonal farm worker in this Commonwealth, and includes every  
24 farmer, grower, processor, canner, packing shed operator,  
25 nurseryman or landowner who employs, or on whose premises or in  
26 whose interest is employed, any seasonal farm worker.

27 "Farm labor contractor." Any person who, for payment, wages,  
28 salary, fee or other consideration, either for himself or on  
29 behalf of another person, recruits, solicits, hires, furnishes  
30 or transports five or more seasonal farm workers (excluding

1 members of his immediate family) in any calendar year for  
2 employment in agriculture or in agriculture-related industry.  
3 Such term shall not include any person, firm, partnership,  
4 association or corporation which is the holder of a valid and  
5 current license pursuant to the act of July 31, 1941 (P.L.616,  
6 No.261), known as the "Employment Agency Law" or any nonprofit  
7 charitable organization, public or nonprofit private educational  
8 institution, or similar organization. Whenever a firm,  
9 partnership, association, trust, or corporation engages in such  
10 activity for the purpose of supplying seasonal farm workers  
11 solely for its own operation, the term "farm labor contractor"  
12 means that officer, official, supervisor or employee most  
13 directly responsible for such activity. Whenever an individual  
14 farmer, grower, processor, canner, packing shed operator,  
15 nurseryman or landowner engages in such activity for the purpose  
16 of supplying seasonal farm workers solely for his own operation,  
17 or in which an employee of such individual engages in such  
18 activity on his behalf, the term "farm labor contractor" means  
19 such individual or employee.

20 "Seasonal farm labor." Labor or employment engaged in by an  
21 individual defined in this act as a seasonal farm worker.

22 "Seasonal farm labor camp." Any living quarters, housing  
23 accommodations, dwelling, hotel, inn, motel, rooming house,  
24 boarding house, dormitory, tenement, bunkhouse or barracks, or  
25 any building or buildings so used or intended for use,  
26 maintained directly or indirectly in connection with any work or  
27 place where work is being performed by seasonal farm workers  
28 whether or not rent is paid or reserved for use or occupancy,  
29 and includes the premises or site upon which such a building is  
30 situated, and any facilities necessary to or associated with

1 such a building, and any area or site set aside and provided for  
2 camping of seasonal farm workers. It includes migrant labor  
3 camps, farm labor camps, seasonal labor camps, agricultural  
4 labor camps, and labor camps operated in connection with  
5 agricultural situations, such as mushroom production, flower  
6 production, nurseries and similar agricultural operations  
7 including crop and related food processing. It shall not include  
8 buildings reserved exclusively for the personal use of the  
9 landowner.

10 "Seasonal farm worker." An individual employed in raising,  
11 cultivating, fertilizing, seeding, planting, pruning,  
12 harvesting, gathering, washing, sorting, weighing, handling,  
13 drying, packing, packaging, processing, freezing, grading,  
14 storing or delivering to market or to storage or to a carrier  
15 for transportation to market, in its unmanufactured state, any  
16 agricultural commodity as defined in the act of September 20,  
17 1961 (P.L.1541, No.657), known as the "Pennsylvania Agricultural  
18 Commodities Marketing Act of 1968," or any farm product as that  
19 term is defined in 1 Pa. C.S. § 1991 (relating to definitions)  
20 on a seasonal or other temporary basis, and includes every  
21 individual irrespective of his primary employment if he performs  
22 agricultural labor on a seasonal or other temporary basis.

23 "Secretary." In Chapter 2 and Chapter 3, the Secretary of  
24 Labor and Industry, and in Chapter 4, the Secretary of  
25 Environmental Resources, except where clearly stated otherwise.

## 26 CHAPTER 2

### 27 WAGES AND HOURS

28 Section 201. Minimum wages.

29 (a) Every employer shall pay to each seasonal farm worker  
30 wages at a rate of not less than:

1           \$2.00 an hour effective immediately.

2           \$2.20 an hour effective January 1, 1978.

3           \$2.30 an hour effective January 1, 1979.

4       (b) Such wages shall be paid at such rates notwithstanding  
5 any contrary provision or exclusion of the act of January 17,  
6 1968 (P.L.11, No.5), known as "The Minimum Wage Act of 1968."  
7 Section 202. Overtime wages.

8       A seasonal farm worker shall be paid not less than one and  
9 one-half times his regular rate, for each hour of labor  
10 performed by him in excess of 40 hours in a workweek.

11 Section 203. Piece rates.

12       (a) Notwithstanding the provisions of sections 201 and 202,  
13 an employer of seasonal farm labor may adopt a piece rate or  
14 rates, or differential piece rate or rates, as a basis for, or a  
15 partial or additional basis for, the compensation of seasonal  
16 farm workers in his employment: Provided, That any such piece  
17 rate or rates, or differential piece rate or rates, shall yield  
18 to each seasonal farm worker in his employment, in each  
19 workweek, not less than the applicable minimum hourly wage rate  
20 and overtime wage rate which such seasonal farm worker would  
21 have received pursuant to the provisions of sections 201 and  
22 202, taken together, in the same workweek.

23       (b) An employer of seasonal farm labor who adopts a piece  
24 rate or rates, or differential piece rate or rates, as a basis  
25 for or a partial or additional basis for the compensation of  
26 seasonal farm workers in his employment, shall apply such piece  
27 rate or rates to the work done by every minor in his employment  
28 in the same manner as such rates are applied to adult workers,  
29 and shall compensate such minor at such rates as are applied to  
30 work done by adult workers, subject to the minimum and overtime

1 wage provisions of sections 201 and 202.

2 Section 204. Portal-to-portal pay.

3 An employer of seasonal farm labor shall pay to each seasonal  
4 farm worker minimum wages pursuant to section 201, and overtime  
5 wages pursuant to section 202, on account of walking, riding, or  
6 traveling to and from the actual place of performance of the  
7 principal activity or activities which such worker is employed  
8 to perform, where the place of residence for the seasonal farm  
9 worker is provided by the employer, for walking, riding or  
10 traveling from one such place of performance to another during  
11 any workday, and for activities which precede or follow said  
12 principal activity or activities, which occur either prior to  
13 the time on any particular workday at which such worker  
14 commences, or subsequent to the time on any particular workday  
15 at which he ceases, such principal activity or activities.

16 Section 205. Employment of minors.

17 (a) A minor under 14 years of age shall not be required to  
18 work or be penalized for failure to work as a seasonal farm  
19 worker except that this subsection shall not apply to any member  
20 of an employer's immediate family.

21 (b) A minor between the ages of 14 and 17 years who is  
22 employed or permitted to work as a seasonal farm worker, an  
23 employer of such minor, and the school district in which such  
24 minor is employed, shall be subject to the provisions of the act  
25 of May 13, 1915 (P.L.286, No.177), known as the "Child Labor  
26 Law"; and to the provisions of the act of June 23, 1931  
27 (P.L.923, No.309) relating to child labor, except that no such  
28 minor shall be employed between the hours of 7:00 a.m. and one  
29 hour following the end of the school day on any regular school  
30 day of the school district wherein he is a resident, whether or

1 not such minor is registered as a pupil in such school district.

2 (c) Notwithstanding the contrary provision of any other law,  
3 every person 17 years or older who is employed as a seasonal  
4 farm worker shall be considered an adult for the purposes of  
5 this act.

6 Section 206. Discrimination on account of sex prohibited.

7 An employer of seasonal farm labor shall not discriminate,  
8 within the purview of his activities, between workers on the  
9 basis of sex by paying wages to workers at a rate less than the  
10 rate at which he pays wages to workers of the opposite sex for  
11 equal work on jobs, the performance of which requires equal  
12 skill, effort, and responsibility, and which are performed under  
13 similar working conditions, except where such payment is made  
14 pursuant to a system which measures earnings by quantity or  
15 quality of production. The Secretary of Labor and Industry shall  
16 have the power, and it shall be his duty, to carry out and  
17 administer the provisions of this section pursuant to the act of  
18 December 17, 1959 (P.L.1913, No.694), known as the "Equal Pay  
19 Law."

20 Section 207. Records required; notice to workers.

21 (a) An employer of seasonal farm labor, and every farm labor  
22 contractor, shall make, keep and preserve such records,  
23 including the social security number of the persons employed by  
24 him, contracted for or recruited by him, or employed under his  
25 supervision, the wages, hours, wage rate or rates, piece rate or  
26 rates, and other conditions and practices of employment  
27 maintained by him, and shall preserve them for such periods of  
28 time, and make such reports therefrom as shall be required by  
29 Federal law or regulation, the laws or regulations of this  
30 Commonwealth, and the local taxing authority. Such records shall



1 include satisfactory evidence of timely payment of wages, either  
2 by signed receipt or by check endorsed by the payee.

3 (b) An employer of seasonal farm labor shall furnish to each  
4 seasonal farm worker, at the time of payment of wages, salaries,  
5 or other compensation for time, or labor, or work performed, a  
6 written statement in such manner and in such form as may be  
7 prescribed by the Department of Revenue, showing the amount of  
8 compensation paid by the employer to the seasonal farm worker,  
9 the wage rate or rates, hours worked, piece rate or rates and  
10 units of work performed if applicable, the computation of gross  
11 compensation, the amounts deducted or withheld for every  
12 purpose, and such other information as the Department of Revenue  
13 may require.

14 Section 208. Wage payment.

15 (a) Notwithstanding any contrary provision of the act of  
16 July 14, 1961 (P.L.637, No.329), known as the "Wage Payment and  
17 Collection Law," an employer of seasonal farm labor shall pay  
18 directly to every seasonal farm worker all wages due him, on  
19 account of time, labor or employment in any calendar week,  
20 including overtime pay and any payment for piece rates, or  
21 differential piece rates, excepting only lawful deductions, on  
22 regular paydays designated in advance by the employer but in no  
23 case more than seven days after the end of that calendar week.

24 (b) Wages shall be paid in lawful money of the United States  
25 or by check.

26 (c) Notwithstanding any provision of subsection (a), or of  
27 any other law, an employer of seasonal farm labor shall pay in  
28 full, pursuant to subsection (b), all wages or other  
29 compensation for time, labor and employment due and payable to a  
30 seasonal farm worker, immediately upon the termination of the

1 period of employment for which the seasonal farm worker was  
2 employed.

3 (d) An employer of seasonal farm labor shall not deduct,  
4 withdraw, withhold or otherwise retain from the wages of any  
5 seasonal farm worker, any amount on account of debts accrued or  
6 anticipated, regardless of purpose or circumstance: Provided,  
7 That nothing in this subsection shall prohibit any employer of  
8 seasonal farm labor from deducting or withholding from wages  
9 paid, such amounts as may be required on account of a tax,  
10 social security payment, dues payable to a recognized labor  
11 organization, a contribution or voluntary subscription for the  
12 support of a charitable organization or institution, a premium  
13 or other charge due from the employee or worker for group  
14 insurance pursuant to any contract with an insurance company, or  
15 a nonprofit corporation providing medical, osteopathic, dental  
16 or legal services, which the employee or worker has authorized  
17 in writing, or an amount or partial amount of any advance  
18 payment by the employer to the employee or worker against  
19 subsequent earnings pursuant to a contract or prior agreement  
20 with such seasonal farm worker.

21 (e) An employer of seasonal farm labor shall not designate  
22 as his agent, or shall permit to act or perform as his agent,  
23 with respect to the payment of wages or other compensation, a  
24 farm labor contractor or a person engaged in activities as a  
25 farm labor contractor. This subsection shall not apply to a  
26 person, copartnership, association or corporation holding a  
27 valid and current license pursuant to the act of July 31, 1941  
28 (P.L.616, No.261), known as the "Employment Agency Law." If no  
29 such farm labor contractor exists, this requirement shall apply  
30 also to the farmer, grower, nurseryman, or landowner.

(f) The provisions of this section shall not be construed to deprive a seasonal farm worker of a right or privilege to which he is entitled under any law of this Commonwealth, or by any rules or regulations promulgated pursuant thereto.

Section 209. Hours of labor.

(a) A seasonal farm worker shall not be required to work or be penalized for failure to work on any premises for more than six days in any one week or more than 48 hours in any one week, or more than 10 hours in any one day.

(b) Whenever a seasonal farm worker shall be employed or permitted to work on the premises of more than one employer in any one week or in any one day, the aggregate number of hours during which he shall be required to work on such premises shall not exceed 48 in any one week or 10 in any one day.

(c) A seasonal farm worker shall not be required to work for more than 5 hours continuously on any premises without a meal or rest period of at least 30 minutes, which period shall not be considered a part of the hours of labor. No period of less than 30 minutes shall be deemed to interrupt a continuous period of work.

Section 210. Collective bargaining.

(a) Seasonal farm workers shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Seasonal farm workers and employers of seasonal farm labor, shall be subject to the provisions of the act of June 1, 1937 (P.L.1168, No.294), known as the "Pennsylvania Labor Relations Act."

1 (b) An employer of seasonal farm labor shall not be deemed  
2 to have violated section 209 by employing a person for a  
3 workweek in excess of the maximum workweek, or for a workday in  
4 excess of the maximum workday, during a period or periods of not  
5 more than 14 workweeks in the aggregate in any calendar year, if  
6 the seasonal farm worker is employed pursuant to an agreement  
7 made as a result of collective bargaining by representatives of  
8 employees.

### 9 CHAPTER 3

#### 10 REGULATIONS AND INSPECTIONS

11 Section 301. Rules and regulations.

12 (a) The secretary, subject to the prior comment of the  
13 Seasonal Farm Labor Committee established in subsection (b), may  
14 adopt, amend and repeal such rules and regulations as he deems  
15 necessary for carrying out the functions of the Department of  
16 Environmental Resources under this act. The Seasonal Farm Labor  
17 Committee may submit comments on existing rules and regulations  
18 to the secretary and the Environmental Quality Board.

19 (b) There is hereby established in the Department of  
20 Environmental Resources a Seasonal Farm Labor Committee  
21 consisting of the Secretary of Environmental Resources or his  
22 designee, who shall be chairman, the Secretary of Agriculture or  
23 his designee, the Secretary of Labor and Industry or his  
24 designee and six persons appointed by the Governor for terms of  
25 four years, three of whom shall be employers of seasonal farm  
26 labor or persons with experience in using seasonal farm labor  
27 for agricultural purposes and three of whom shall be  
28 representatives of organizations or agencies concerned with the  
29 welfare of seasonal farm labor. Of the members first appointed,  
30 one shall serve one year, one shall serve two years, two shall

1 serve three years and two shall serve four years. The public  
2 members shall be reimbursed for necessary expenses incurred in  
3 the performance of their duties.

4 (c) The Environmental Quality Board shall not adopt rules or  
5 regulations for seasonal farm labor or labor camps except after  
6 receiving written comments on the proposed rules or regulations  
7 from the Seasonal Farm Labor Committee which shall be submitted  
8 to the Environmental Quality Board no later than 30 days after  
9 receipt from the secretary. The chairman of the Seasonal Farm  
10 Labor Committee shall call a meeting of the committee whenever  
11 rules or regulations are proposed.

12 Section 302. Inspections and entry.

13 (a) Seasonal farm labor camps shall be inspected by the  
14 Department of Environmental Resources from time to time, but at  
15 least once each six months. At least one such inspection shall  
16 be made while the camps are occupied by seasonal farm workers.  
17 Inspectors shall consult with and assist camp owners and  
18 operators with respect to the requirements of this act, the  
19 rules and regulations issued pursuant thereto, and other  
20 statutes and ordinances. They shall ascertain and report to the  
21 department violations of this act or any other act and the rules  
22 and regulations issued pursuant thereto which are apparent in  
23 the course of any inspection.

24 (b) The secretary, and his authorized officers and agents,  
25 upon proper identification, may for the purposes of this act:

26 (1) Enter public or private property to determine  
27 whether there exists a camp to which this act applies.

28 (2) Enter and inspect all camps wheresoever situate, and  
29 inspect all sites, accommodations, equipment or facilities  
30 associated therewith.

1           (3) Enter and inspect the land adjacent to any camp,  
2       excluding that reserved solely for the owner's personal use,  
3       to determine whether the requirements of this act, or of any  
4       rules and regulations issued pursuant to this or any other  
5       act, are being complied with.

6 Section 303. Drinking water; toilet facilities.

7       On any premises where seasonal farm workers are employed or  
8       permitted to work, the employer shall provide in the working  
9       area and readily accessible to them, a sufficient supply of  
10      cool, potable water, sufficient, suitable and separate toilet  
11      facilities for each sex which shall be properly screened,  
12      ventilated and maintained in a clean and sanitary condition, and  
13      suitable facilities for the washing of hands.

14 Section 304. Prohibition of violations.

15      A person, corporation or association shall not construct,  
16      establish, maintain or operate any seasonal farm labor camp in  
17      violation of any requirement of this chapter, or of any rule or  
18      regulation promulgated pursuant thereto.

19 Section 305. Appeals.

20      Any person aggrieved by any action or the Secretary of  
21      Environmental Resources under this chapter may file an appeal  
22      with the Environmental Quality Board pursuant to the act of June  
23      4, 1945 (P.L.1388, No.442), known as the "Administrative Agency  
24      Law."

25                                   CHAPTER 4

26                                   ACCESS AND ENTRY

27 Section 401. Tenancy rights.

28      A seasonal farm worker who resides in any structure or  
29      property of the employer, whether or not under any contract of  
30      rental or lease, and whether or not consideration is given for

1 the right or privilege of such residence, and for whatever time,  
2 shall be deemed to be the tenant in possession and shall have  
3 every right and recourse to law as if he were the tenant in  
4 possession for such time as he shall reside therein.

5 Section 402. Interference prohibited.

6 A person shall not prohibit, bar, or interfere with, or  
7 attempt to prohibit, bar, or interfere with, the access to or  
8 egress from the grounds of any seasonal farm labor camp by any  
9 peaceable person, either by the erection or maintenance of any  
10 physical barrier, or by physical force or violence, or by threat  
11 of force or violence, or by posting, or by any order or notice  
12 given in any manner.

13 Section 403. Privileged persons.

14 The entry to, or egress from the premises of any seasonal  
15 farm labor camp shall not be denied by any means, nor shall any  
16 person attempt to deny or to limit the access to or egress from  
17 any seasonal farm labor camp at any time; to:

18 (1) any inspector employed by any department, board,  
19 agency, bureau, commission or service of the United States,  
20 the Commonwealth of Pennsylvania, a local government, or the  
21 executive or administrative officer of any such department,  
22 board, agency, bureau, commission or service, or his duly  
23 authorized representative who shall, upon request, present  
24 proper identification; or

25 (2) to guests of seasonal farm workers, persons working  
26 under the auspices of private organizations whose primary  
27 objective is the health, safety, welfare or dignity of  
28 seasonal farm workers or any individual, group or public  
29 agency whose primary purpose is to provide a service to the  
30 owner of a seasonal farm labor camp.

CHAPTER 5

REGISTRATION OF FARM LABOR CONTRACTORS

Section 501. Annual registration required.

A person shall not act as a farm labor contractor unless he possesses or has applied for a certificate of registration issued by the secretary. A certificate of registration may not be transferred or assigned. Every certificate shall be effective until midnight of December 31 of the year during which it is issued, unless suspended or revoked pursuant to this act. The certificate of registration shall be displayed by the registrant upon request of the Secretary of Labor and Industry, the Secretary of Environmental Resources, the Attorney General, the Secretary of Health, the Secretary of Education or the Secretary of Public Welfare or their authorized agents; or of any peace officer, or of any person who is a contractor or a prospective contractor for farm labor services, or any seasonal farm worker or prospective seasonal farm worker, or an employer or a prospective employer of seasonal farm labor, or any qualified officer of the United States or of any local government.

Section 502. Registration; application; renewal.

The secretary shall issue to every qualified registrant a certificate of registration, subject to such rules and regulations and upon payment of such fees as the secretary shall require. The secretary shall renew a certificate of registration previously issued upon application by the registrant, subject to the qualifications, rules, and regulations required of a new applicant and upon payment of any renewal fee which the secretary may require. The secretary shall prescribe the form of application for registration and for renewal of registration, and shall supply application forms upon reasonable request.



1 Section 503. Qualifications of registrants.

2 The secretary, after notice, may refuse to issue a  
3 certificate of registration, and may suspend or revoke any  
4 certificate previously issued, if he shall find that the  
5 applicant or registrant:

6 (i) has violated any provision of this act, or of  
7 any rules or regulations promulgated under this act;

8 (ii) has made any deliberate misrepresentation or  
9 has knowingly made any false statement in or with respect  
10 to an application for registration or renewal;

11 (iii) has failed to comply with the provisions of  
12 Title 75 of the Pennsylvania Consolidated Statutes  
13 (relating to Vehicles), or of any other law of this  
14 Commonwealth or of any Federal statute or rule with  
15 relation to the regulation or operation of motor vehicles  
16 for the transportation of persons or property by motor  
17 vehicle; or

18 (iv) is subject to Public Law 88-582 (7 U.S.C. §  
19 2041 et seq.), known as the "Farm Labor Contractor  
20 Registration Act of 1963," and has failed to apply for  
21 and to obtain a certificate of registration pursuant to  
22 that law, or whose certificate of registration has  
23 expired and has not been renewed, or has been suspended  
24 or revoked, or if he has violated any provision of said  
25 law. Refusal to issue or to renew a certificate of  
26 registration, or the suspension or revocation of a  
27 certificate or renewal, shall be in addition to any other  
28 penalties provided by this act or under any other law.  
29 Any applicant or registrant who has been refused a  
30 certificate of registration or who has had their

1 certificate of registration revoked or suspended pursuant  
2 to this section shall have the right to file an appeal,  
3 within 30 days of receipt of notice of such refusal,  
4 revocation or suspension, with the Industrial Board  
5 pursuant to the act of June 4, 1945 (P.L.1388, No.442),  
6 known as the "Administrative Agency Law."

7 Section 504. Agents exempt from registration; employment  
8 agencies.

9 (a) A full-time or regular employee of any person holding a  
10 valid certificate of registration pursuant to this act, who  
11 shall have been designated an agent of the registrant and who is  
12 employed partly or solely for the purpose of engaging in  
13 activities as a farm labor contractor on behalf of the  
14 registrant, shall not be required to obtain a certificate of  
15 registration in his own name under this act. Every such agent  
16 shall have in his immediate possession when engaging in  
17 activities as a farm labor contractor such identification as the  
18 secretary may require, showing such employee to be an agent of a  
19 registrant. Every agent shall be subject to the provisions of  
20 this act and of any rules and regulations promulgated pursuant  
21 to this act to the same extent as if he were required to obtain  
22 a certificate of registration in his own name. The secretary  
23 shall require that every registrant identify all persons who  
24 have been, or who subsequently become, agents of the registrant,  
25 and may disallow, suspend or revoke the designation as agent of  
26 any person pursuant to the qualifications of registrants  
27 required by section 503. For the purposes of this act, every  
28 registrant shall be responsible for the activities of every  
29 agent designated by him, and shall be subject to any penalties,  
30 including the refusal, suspension or revocation of a certificate

1 of registration, proceeding from any act of any agent designated  
2 by him, while such agent is engaged in activities as a farm  
3 labor contractor. No such agent shall be permitted separately to  
4 engage in activities as a farm labor contractor, nor to contract  
5 with or become the employee of any employer of seasonal farm  
6 labor, except on behalf of the registrant for whom he is the  
7 agent, and in the same employment, and on the same premises and  
8 at the same time as the registrant for whom he is the agent. No  
9 employer may act as, or be designated as, the agent of a farm  
10 labor contractor at any time that such farm labor contractor is  
11 providing, or intends to provide, seasonal farm workers for  
12 employment by, or in the interest of, said employer.

13 (b) A person, copartnership, association or corporation  
14 which is the holder of a valid and current license pursuant to  
15 the act of July 31, 1941 (P.L.616, No.261), known as the  
16 "Employment Agency Law," shall be exempt from the registration  
17 requirements of this act.

18 Section 505. Farm labor contractors and agents; prohibited  
19 activities.

20 Persons engaged in activities as farm labor contractors, and  
21 persons acting as agents for any such persons, shall not:

22 (1) Knowingly give or represent to any person who is a  
23 farm laborer or a prospective farm laborer, any false or  
24 misleading information, or fail fully to disclose to any such  
25 person pertinent information, concerning terms of employment,  
26 wages to be paid and the terms and conditions under which  
27 wages are to be paid, conditions of employment, conditions of  
28 residence, arrangements for transportation, arrangements for  
29 providing or furnishing food, clothing, and other personal  
30 goods or services, or the demand for or existence of

1 opportunity for employment, for the purpose of inducing such  
2 laborer or prospective laborer to accept or to reject any  
3 offer of employment, whether made by the farm labor  
4 contractor, or his agent, or by any other person.

5 (2) Violate any provision of, or fail to comply with  
6 every requirement of, Public Law 88-582 (7 U.S.C. § 2041 et  
7 seq.), known as the "Farm Labor Contractor Registration Act  
8 of 1963."

9 (3) Recruit, employ, utilize the services of, or enter  
10 into any agreement with, any person with knowledge that such  
11 person is in violation of any provision of the immigration  
12 and naturalization laws of the United States, or is a  
13 fugitive from justice in any state or under any Federal  
14 statute.

15 (4) Manufacture, transport, resell, dispense, or in any  
16 way engage in activities as a dealer of any liquor, wine, or  
17 any malt or brewed beverage, unless he shall have obtained a  
18 license or a permit pursuant to the act of April 12, 1951  
19 (P.L.90, No.21), known as the "Liquor Code"; nor make,  
20 transport, purchase, sell, or dispense any drug or any  
21 controlled substance as defined by the act of April 14, 1972  
22 (P.L.221, No.63), known as the "Pennsylvania Drug and Alcohol  
23 Abuse Control Act," or by the act of April 14, 1972 (P.L.233,  
24 No.64), known as "The Controlled Substance, Drug, Device and  
25 Cosmetic Act"; or has violated any provision of the act of  
26 July 22, 1970 (P.L.513, No.178), known as the "Pennsylvania  
27 Cigarette Tax Act."

28 (5) Receive, accept, disburse, withhold, manage or  
29 administer, any wages, salaries, emoluments, or any other  
30 rewards of or payment for the time, labor or employment of

1 any farm worker. This paragraph shall not relieve any farm  
2 labor contractor or agent from any requirement of this or any  
3 act, or of any Federal statute, that he keep and maintain  
4 adequate records of hours of labor, or of work done, or of  
5 payment made or due, or of amounts withheld for any purpose  
6 from payments made for the time, labor or employment of  
7 others; and except that this paragraph shall not apply in any  
8 case in which the employer is the farm labor contractor.

9 (6) Levy, charge, assess, or collect from any person, on  
10 account of any loan of money, credit, goods, or things in  
11 action, a rate of interest, discount, fines, charges or  
12 consideration, unless he shall be in compliance with the  
13 provisions of the act of April 8, 1937 (P.L.262, No.66),  
14 known as the "Consumer Discount Company Act."

15 (7) Levy, charge, assess, or collect from any farm  
16 laborer, whether or not recruited by him, or under his  
17 supervision or direction, or under any contract or agreement  
18 with him, written or verbal, any money, goods or any other  
19 thing, for any service offered or performed, including the  
20 purchase and resale of any personal goods or services, except  
21 for a reasonable charge for transportation of the farm  
22 laborer and his relatives and their possessions from the  
23 place of their residence or recruitment to the premises of an  
24 employer of seasonal farm labor, or from the premises of one  
25 employer to those of another, and return to the place of  
26 their residence or recruitment, and except for a reasonable  
27 charge for the preparation and serving of meals during the  
28 farm laborer's term of employment or transportation.

29 (8) Charge more than a reasonable amount for  
30 transportation of the farm laborer and his relatives and

1 their possessions from the place of their residence or  
2 recruitment to the premises of an employer of seasonal farm  
3 labor, or from the premises of one employer to those of  
4 another, and return to the place of their residence or  
5 recruitment, and for a reasonable amount for the preparation  
6 and serving of meals during the farm laborer's term of  
7 employment or transportation; such charges for transportation  
8 and for the preparation and serving of meals may be levied  
9 and collected only if the full amount of such charges is  
10 correctly stated and disclosed to the farm laborer and agreed  
11 to by the farm laborer at the time any contract or agreement  
12 of recruitment is negotiated, and such agreement as to  
13 charges for transportation and for the preparation and  
14 serving of meals shall be a part of any contract or agreement  
15 between the farm labor contractor and the farm laborer.

16 Section 506. Secretary of Labor and Industry, powers and  
17 duties.

18 The Secretary of Labor and Industry is authorized, and it  
19 shall be his duty to:

20 (1) Promulgate and enforce rules and regulations for the  
21 enforcement and implementation of this chapter.

22 (2) Investigate, or cause to be investigated, all  
23 matters which may aid in carrying out the provisions of this  
24 chapter, including the investigation of any complaint filed  
25 with the secretary regarding any violation of this chapter or  
26 with respect to which the secretary has reasonable grounds to  
27 believe that any person has violated any provisions of this  
28 chapter, and may, in connection therewith, enter and inspect  
29 any premises, inspect such records and make transcriptions  
30 thereof, question such persons, and investigate such facts,

1 conditions, practices, or matters as may be necessary or  
2 appropriate to determine whether a violation of this chapter  
3 has been committed.

4 (3) Gather and compile data and information relative to  
5 the enforcement of this chapter, for the purpose of  
6 ascertaining conditions under which seasonal farm laborers  
7 are recruited, employed, compensated and protected in the  
8 Commonwealth, and to file reports with the Governor and the  
9 General Assembly, showing the results of his investigations  
10 and of the compilation of data and information.

11 (4) In cooperation with the Departments of Environmental  
12 Resources, Agriculture, Health, Public Welfare, Education,  
13 Community Affairs, and any other departments, agencies, or  
14 Commonwealth employees, to conduct field surveys and censuses  
15 adequate to determine the number, location, character and the  
16 condition of seasonal farm workers and the needs of the  
17 workers and of the employers, and from time to time but no  
18 less often than annually to report to the Governor and the  
19 General Assembly the results of such surveys and censuses,  
20 and to make recommendations for legislation and for executive  
21 action to improve service and enforcement programs relating  
22 to seasonal farm workers and their employers.

23 (5) Pursuant to section 8 of Public Law 88-582 (7U.S.C.  
24 § 2049), known as the "Farm Labor Contractor Registration Act  
25 of 1963," to enter into agreements with the Secretary of the  
26 United States Department of Labor for the enforcement of any  
27 law or the performance of any function, and further to enter  
28 into agreements with the appropriate officers or agencies of  
29 any other state or states, for the enforcement of any  
30 provision of or the performance of any function under this

chapter.

(6) Enforce or to cause to be enforced, the provisions of this chapter, and to cooperate with other officers, departments, boards, agencies or commissions of the Commonwealth, or of the United States, or of any other state, or of any local government, or with other persons or organizations in the enforcement of the provisions of this chapter.

(7) On the credible report or discovery of a violation or a probable violation of any section of this act, or of any rule or regulation promulgated pursuant to this act, or of any other statute or ordinance, to report and refer information concerning such violation or probable violation to the department or agency responsible for enforcement of said section, statute, ordinance, rule or regulation.

## CHAPTER 6

### CONSTRUCTION, REPEALS, PENALTIES,

#### EFFECTIVE DATE

Section 601. Administrative procedure.

The act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law," shall be applicable in its entirety to the Department of Labor and Industry with reference to Chapter 2 and Chapter 3, and to the Department of Environmental Resources with reference to Chapter 4, in the administration of this act.

Section 602. Saving provision.

The provisions of this act shall not affect any act done, liability incurred, right accrued or vested, or any suit or prosecution pending to enforce any right or penalty or punish any offense under the authority of any act of assembly, or part



1   thereof, repealed by this act.

2   Section 603.   Continuation of regulations.

3       Orders and regulations promulgated under any law affected by  
4   this act and in effect on the effective date of this act and not  
5   in conflict with it shall continue in effect until modified,  
6   superseded or repealed.

7   Section 604.   Pending proceedings.

8       Prosecution for any violation of law occurring prior to the  
9   effective date of this act shall not be affected or abated by  
10   this act. Injunction proceedings commenced prior to the  
11   effective date of this act shall not be affected by this act.  
12   Administrative proceedings pending under prior laws which are  
13   superseded by this act shall be continued and brought to a final  
14   determination in accord with the laws and rules in effect prior  
15   to the effective date of this act.

16   Section 605.   Repeals.

17       All acts and parts of acts inconsistent herewith are  
18   repealed. The provisions of this act shall not be construed to  
19   repeal or modify the powers and duties of any agency of the  
20   Commonwealth pursuant to section 9 of the act of May 18, 1937  
21   (P.L.654, No.174), entitled, as amended, "An act to provide for  
22   the safety and to protect the health and morals of persons while  
23   employed; prescribing certain regulations and restrictions  
24   concerning places where persons are employed, and the equipment,  
25   apparatus, materials, devices and machinery used therein;  
26   prescribing certain powers and duties of the Department of Labor  
27   and Industry relative to the enforcement of this act; and fixing  
28   penalties."

29   Section 606.   Penalties.

30       (a)   Whoever violates any provision of sections 201, 202,

1 203, 204, 206 or 207 shall, for the first offense, be guilty of  
2 a misdemeanor of the second degree and, upon conviction, shall  
3 be sentenced to pay a fine not to exceed \$500 or to imprisonment  
4 not exceeding two years, or both; and for each subsequent  
5 offense, be guilty of a misdemeanor of the first degree and,  
6 upon conviction, shall be sentenced to pay a fine not exceeding  
7 \$1,000 or to imprisonment not exceeding five years, or both.

8 (b) A person who prevents the Department of Environmental  
9 Resources from carrying out its duties under the provisions of  
10 section 302 shall, for the first offense, be guilty of a summary  
11 offense, and, upon conviction, shall be sentenced to pay a fine  
12 not exceeding \$500 or to imprisonment not exceeding 90 days, or  
13 both; and for each subsequent offense, shall be guilty of a  
14 misdemeanor of the first degree and, upon conviction, shall be  
15 sentenced to pay a fine not exceeding \$1,000 or to imprisonment  
16 not exceeding five years, or both.

17 (c) Whoever violates any provision of sections 401, 402, or  
18 403 shall, for the first offense, be guilty of a summary  
19 offense, and, upon conviction shall be sentenced to pay a fine  
20 not exceeding \$500 or to imprisonment not exceeding 90 days, or  
21 both; and for each subsequent offense, shall be guilty of a  
22 misdemeanor of the first degree and, upon conviction, shall be  
23 sentenced to pay a fine not exceeding \$1,000 or to imprisonment  
24 not exceeding five years, or both.

25 (d) Each violation of a provision of a section of this act  
26 enumerated in this section shall be considered a subsequent  
27 offense for the purposes of this section if the person convicted  
28 shall previously have been convicted of a violation of any  
29 provision of any section of this act enumerated in this section.

30 (e) Prosecution for a violation of any section of this act

1 shall not bar prosecution for a violation of any other section  
2 of this act, or of any other law, statute or ordinance resulting  
3 from any action of the offender.

4 Section 607. Effective date.

5 The licensing provisions of Chapter 2 hereof shall take  
6 effect January 1 hereafter and the remainder of the act shall  
7 take effect in 90 days.