

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1360 Session of 2021

INTRODUCED BY HOHENSTEIN, D. MILLER, BURGOS, GUZMAN, HILL-EVANS, SANCHEZ, SCHLOSSBERG, N. NELSON, DELLOSO, PASHINSKI, D. WILLIAMS, HOWARD, FREEMAN, McCLINTON, O'MARA, SCHWEYER, ISAACSON AND CIRESI, MAY 7, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 7, 2021

AN ACT

1 Amending the act of June 23, 1978 (P.L.537, No.93), entitled "An  
 2 act establishing minimum wages and providing for hours of  
 3 labor of seasonal farm workers and requiring certain records;  
 4 providing for inspection of seasonal farm labor camps;  
 5 providing for the promulgation of rules and regulations;  
 6 establishing rights of access and egress, providing  
 7 penalties; and repealing certain acts," in preliminary  
 8 provisions, further providing for short title, for  
 9 declaration of intent and for definitions; in wages and  
 10 hours, further providing for minimum wages, for piece rates,  
 11 for employment of minors, for discrimination on account of  
 12 sex prohibited, for records required and notice to workers,  
 13 for wage payment and for hours of labor and providing for  
 14 minimum guaranteed period of employment; in regulations and  
 15 inspections, further providing for rules and regulations, for  
 16 inspections and entry, for permit to operate a seasonal farm  
 17 labor camp, for enforcement orders, for civil remedies and  
 18 for drinking water and toilet facilities and providing for  
 19 food service and cooking facilities, for cooperative  
 20 agreements with Federal and State agencies, for medical  
 21 services and for posting of information concerning housing;  
 22 in access and entry, further providing for tenancy rights,  
 23 for interference prohibited and for privilege persons and  
 24 providing for privacy rights of tenants; in registration of  
 25 farm labor contractors, further providing for annual  
 26 registration required, for qualifications of registrants, for  
 27 agents exempt from registration and employment agencies, for  
 28 farm labor contractors and agents and prohibited activities  
 29 and for Secretary of Labor and Industry and powers and  
 30 duties; in construction, repeals, penalties and effective  
 31 date, further providing for criminal penalties and providing  
 32 for retaliation prohibited, for private right of action and

1 for civil penalties and enforcement orders; and making an  
2 editorial change.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Sections 101 and 102 of the act of June 23, 1978  
6 (P.L.537, No.93), known as the Seasonal Farm Labor Act, are  
7 amended to read:

8 Section 101. Short title.

9 This act shall be known and may be cited as the "[Seasonal]  
10 Farm Labor Protection Act."

11 Section 102. Declaration of intent.

12 It is declared to be the intent of the Legislature by this  
13 act to improve the conditions of [seasonal] farm workers by  
14 establishing standards for their wages, hours, conditions of  
15 work, housing, sanitation, food facilities, fire protection and  
16 safety; by requiring permits for the operation and occupancy of  
17 [seasonal] farm labor camps; by making unlawful the practices by  
18 which such workers may be isolated from the community and from  
19 services to which they are by law entitled; and by limiting  
20 child labor among such workers.

21 Section 2. The definitions of "employer," "farm labor  
22 contractor," "seasonal farm labor," "seasonal farm labor camp,"  
23 "seasonal farm worker" and "secretary" in section 103 of the act  
24 are amended and the section is amended by adding definitions to  
25 read:

26 Section 103. Definitions.

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

30 "Committee." The Farm Labor Committee established under  
31 section 301.

1 "Department." In Chapters 2, 4, 5 and 6, the Department of  
2 Labor and Industry, in Chapter 3, the Department of Agriculture,  
3 except where clearly stated otherwise.

4 "Employer." Every individual, firm, partnership,  
5 association, trust, corporation, receiver or other officer of a  
6 court of this Commonwealth, or any person or group of persons  
7 acting directly or indirectly in the interest of an employer in  
8 relation to any employee, employing or permitting to work any  
9 [seasonal] farm worker in this Commonwealth, and includes every  
10 farmer, grower, nurseryman or landowner who employs, or on whose  
11 premises or in whose interest is employed, any [seasonal] farm  
12 worker. Notwithstanding any other provisions of law, a farmer,  
13 grower, nurseryman or landowner shall not be considered an  
14 "employer" for purposes of Chapter 2 or 5 if the farmer, grower,  
15 nurseryman or landowner:

16 (1) employs or utilizes fewer than four farm workers  
17 during each of the current and previous calendar years;

18 (2) pays less than \$10,000 in gross compensation for  
19 farm labor during each of the current and previous calendar  
20 years; and

21 (3) employs only farm workers who commute daily from the  
22 farm workers permanent residence.

23 "Farm labor." Labor or employment engaged in by a farm  
24 worker.

25 "Farm labor camp." The following shall apply:

26 (1) The term includes:

27 (i) any living quarters, including housing  
28 accommodations, dormitories, mobile homes, buildings or  
29 group of buildings within an individual land tract that  
30 provides or is intended to provide housing to one or more

1 farm workers, whether or not rent is paid or reserved for  
2 use or occupancy;

3 (ii) the immediate premises or site upon which any  
4 building or buildings under subparagraph (i) is situated,  
5 including the facilities necessary to or associated with  
6 any building or buildings; and

7 (iii) any area or site set aside and provided for  
8 camping of farm workers.

9 (2) The term does not include:

10 (i) any single-family dwelling unit which is  
11 occupied on a year-round basis and is provided to a farm  
12 worker who is permanently domiciled in this Commonwealth,  
13 provided that the occupants are treated as tenants in  
14 possession with all rights and remedies under the act of  
15 April 6, 1951 (P.L.69, No.20), known as "The Landlord and  
16 Tenant Act of 1951";

17 (ii) any hotel, motel, inn, hostel, boarding  
18 facility or other similar facility providing housing on a  
19 commercial basis to the general public and providing  
20 housing to farm workers of the same character and on the  
21 same or comparable terms and conditions as is provided to  
22 the general public; and

23 (iii) any building reserved exclusively for personal  
24 use of the landowner.

25 "Farm labor contractor." Any person who, for payment, wages,  
26 salary, fees or other consideration, either for himself or on  
27 behalf of another person, recruits, solicits, hires, furnishes  
28 or transports five or more [seasonal] farm workers (excluding  
29 members of his immediate family) in any calendar year for  
30 employment in agriculture or in agriculture-related industry. In

1 any case in which a firm, partnership, association, corporation  
2 or organization engages in such activities for the purpose of  
3 supplying [seasonal] farm workers solely for its own operation,  
4 the term "farm labor contractor" means that officer, official,  
5 supervisor or employee most directly responsible for such  
6 activity. [Such] The term shall not include:

7 [(1) any person, firm, partnership, association or  
8 corporation which is the holder of a valid and current  
9 license pursuant to the act of July 31, 1941 (P.L.616,  
10 No.261), known as the "Employment Agency Law";]

11 (2) any nonprofit charitable organization, public or  
12 nonprofit private educational institution, or similar  
13 organization; or

14 (3) an individual farmer, grower, nurseryman or  
15 landowner who engages in such activity for the purpose of  
16 supplying [seasonal] farm workers solely for his own  
17 operation, except that an employee of an individual farmer  
18 who engages in such activity on such a farmer's behalf shall  
19 be considered a "farm labor contractor" for the purposes of  
20 this act. [; or

21 (4) any person who engages in such activity for the  
22 purpose of obtaining seasonal farm workers of any foreign  
23 nation for employment in the United States if the employment  
24 is subject to:

25 (i) an agreement between the United States and such  
26 foreign nation; or

27 (ii) an arrangement with the government of any  
28 foreign nation under which written contracts for the  
29 employment of such workers are provided for through the  
30 United States by an instrumentality of such foreign

1 nation.]

2 "Farm worker." An individual employed in raising,  
3 cultivating, fertilizing, seeding, planting, pruning,  
4 harvesting, gathering, washing, sorting, weighing, handling,  
5 drying, packing, packaging, grading, storing or delivering to  
6 market, to storage or to a carrier for transportation to market,  
7 any agricultural commodity as defined in 3 Pa.C.S. § 4502  
8 (relating to definitions) or any farm product as defined in 1  
9 Pa.C.S. § 1991 (relating to definitions) in the farm product's  
10 or agricultural commodity's unmanufactured state. The  
11 immigration and employment authorization status of an  
12 individual shall not be relevant to any protections for or  
13 rights of farm workers under this act.

14 "Living quarters." The aggregate of the domestic housing  
15 accommodations on the premises. The term includes a sleeping  
16 room, kitchen, dining and general assembly room and a room used  
17 by a farm worker. The term does not include a building reserved  
18 exclusively for the personal use of the landowner.

19 "Permanent resident." A person that:

20 (1) is permanently domiciled within this Commonwealth;

21 (2) has lived continuously for more than one year in  
22 housing which has not been provided by an employer or farm  
23 labor contractor and which is located in the same county in  
24 this Commonwealth where the person currently resides;

25 (3) resides within 25 miles of the person's principal  
26 daily agricultural work location; and

27 (4) does not have transportation to work arranged by or  
28 provided by an employer or farm labor contractor, whether or  
29 not there is a charge for the transportation.

30 "Permanently domiciled within this Commonwealth."

1 Notwithstanding any other law to the contrary, an individual  
2 shall be presumed to be permanently domiciled within this  
3 Commonwealth if:

4 (1) the individual was born in this Commonwealth and has  
5 lived in this Commonwealth continuously throughout the  
6 previous calendar year;

7 (2) the individual was born in the United States and has  
8 lived continuously in this Commonwealth for more than two  
9 years;

10 (3) the individual lives in housing that is not provided  
11 by an employer or farm labor contractor or operated in  
12 connection with a place of employment and has lived  
13 continuously at that same location in this Commonwealth for  
14 more than one year; or

15 (4) the individual has lived in this Commonwealth  
16 continuously throughout the previous calendar year and lives  
17 as the tenant in possession in a single-family home which is  
18 provided by an employer or farm labor contractor under terms  
19 of a written lease which may not be terminated with less than  
20 30 days' notice.

21 \* \* \*

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

24 "Seasonal farm labor camp." Any living quarters, including,  
25 without limitation, housing accommodations, motel, rooming  
26 house, dormitory, or mobile home, maintained directly or  
27 indirectly in connection with any work of, or place where work  
28 is being performed by, seasonal farm workers whether or not rent  
29 is paid or reserved for use or occupancy; includes the immediate  
30 premises or site upon which any such building or buildings are

1 situated; includes the facilities necessary to or associated  
2 with any such building or buildings; and includes any area or  
3 site set aside and provided for camping of seasonal farm  
4 workers; but shall not include buildings reserved exclusively  
5 for the personal use of the landowner.

6 "Seasonal farm worker." An individual employed in raising,  
7 cultivating, fertilizing, seeding, planting, pruning,  
8 harvesting, gathering, washing, sorting, weighing or handling,  
9 drying, packing, packaging, grading, storing or delivering to  
10 market or to storage or to a carrier for transportation to  
11 market in its unmanufactured state, any agricultural commodity  
12 as defined in the act of September 20, 1961 (P.L.1541, No.657),  
13 known as the "Pennsylvania Agricultural Commodities Marketing  
14 Act of 1968," or any farm product as defined in 1 Pa.C.S. § 1991  
15 (relating to definitions) on a seasonal or other temporary  
16 basis; includes every individual, irrespective of his primary  
17 employment, while he performs agricultural labor on a seasonal  
18 or other temporary basis, except any person who commutes daily  
19 from his permanent residence to the work site unless  
20 transportation is provided such a person by a farm labor  
21 contractor; and, other provisions of this act to the contrary  
22 notwithstanding, includes any person residing in living quarters  
23 owned, leased or operated by an employer or a farm labor  
24 contractor and occupied by four or more unrelated persons.]

25 "Secretary." In Chapters 2 [and 5,], 4, 5 and 6, the  
26 Secretary of Labor and Industry, and in Chapter 3, the Secretary  
27 of [Environmental Resources] Agriculture, except where clearly  
28 stated otherwise.

29 Single-family home." A detached residential dwelling in  
30 which an individual or two or more individuals related as

1 spouses, children, parents or siblings to the farm worker  
2 occupant function as a single household unit.

3 Section 3. Sections 201, 202, 203, 204, 205, 206 and 207 of  
4 the act are amended to read:

5 Section 201. Minimum wages.

6 (a) Except as may otherwise be provided under this chapter,  
7 every employer of [seasonal] farm labor shall pay to each  
8 [seasonal] farm worker wages at a rate which is as great or  
9 greater than the minimum hourly wage rate in force under the act  
10 of January 17, 1968 (P.L.11, No.5), known as "The Minimum Wage  
11 Act of 1968," at the time payment is due to the [seasonal] farm  
12 worker.

13 (b) [Such wages] Wages under subsection (a) shall be paid at  
14 [such] the rates specified under subsection (a) notwithstanding  
15 any contrary provision or exclusion in The Minimum Wage Act of  
16 1968, relating to labor on a farm.

17 (c) [No employer shall be required to pay wages at a rate  
18 greater than that provided for in subsection (a) even if the  
19 number of hours worked by any seasonal farm worker in any one  
20 workweek exceeds 40 hours.] An employer shall pay overtime wages  
21 to an employee who is a farm worker on the same basis as  
22 required for other employees under section 4 of the Minimum Wage  
23 Act of 1968.

24 (d) All farm workers shall have the same rights, remedies  
25 and procedures to enforce their rights to wages in accordance  
26 with section 9 of The Minimum Wage Act of 1968. The secretary  
27 shall administer this subsection in accordance with The Minimum  
28 Wage Act of 1968.

29 Section 202. Piece rates.

30 (a) Notwithstanding the provisions of section 201, an

1 employer of [seasonal] farm labor may adopt a piece rate or  
2 rates, or differential piece rate or rates, as a basis for, or a  
3 partial or additional basis for, the compensation of [seasonal]  
4 farm workers in [his] the employer's employment: Provided, That  
5 any such piece rate or rates, or differential piece rate or  
6 rates, shall yield to each [seasonal] farm worker in his  
7 employment, in each and every workweek, not less than the  
8 applicable minimum hourly wage rate which [such seasonal] the  
9 farm worker would have received pursuant to the provisions of  
10 section 201 in the same workweek.

11 (b) Every employer of [seasonal] farm labor who adopts a  
12 piece rate or rates, or differential piece rate or rates, as a  
13 basis for, or a partial or additional basis for, the  
14 compensation of [seasonal] farm workers in his employment, shall  
15 apply such piece rate or rates to the work done by every minor  
16 in his employment in the same manner as such rates are applied  
17 to adult workers, and shall compensate such minor at such rates  
18 as they are applied to work done by adult workers, subject to  
19 the minimum wage provisions of section 201.

20 Section 203. Employment of minors.

21 (a) No minor under 14 years of age shall be required to  
22 work, or penalized for failure to work, as a [seasonal] farm  
23 worker, except that this subsection shall not apply to any  
24 member of an employer's immediate family.

25 (b) Every minor from the ages of 14 to 17 years inclusive,  
26 who is employed or permitted to work as a [seasonal] farm  
27 worker, every employer of such minor, and every school district  
28 wherein such minor is so employed, shall be subject to the  
29 provisions of the act of May 13, 1915 (P.L.286, No.177), known  
30 as the "Child Labor Law," and to the provisions of the act of

1 June 23, 1931 (P.L.923, No.309) (relating to child labor),  
2 except that no such minor shall be employed between the hours of  
3 seven o'clock in the morning and one hour following the end of  
4 the school day or any regular school day of the school district  
5 wherein he is then a resident, whether or not such minor is  
6 registered as a pupil in such school district.

7 Section 204. Discrimination on account of sex prohibited.

8 (a) No employer of [seasonal] farm labor shall discriminate  
9 within the purview of his activities between workers on the  
10 basis of sex by paying wages to workers at a rate less than the  
11 rate at which he pays wages to workers of the opposite sex for  
12 equal work on jobs the performance of which requires equal  
13 skill, effort, and responsibility, and which are performed under  
14 similar working conditions, except where such payment is made  
15 pursuant to an established system which measures earnings by  
16 quantity or quality of production. The Secretary of Labor and  
17 Industry shall have the power, and it shall be his duty to carry  
18 out and administer the provisions of this section pursuant to  
19 the act of December 17, 1959 (P.L.1913, No.694), known as the  
20 "Equal Pay Law".

21 (b) Notwithstanding the provisions of the act of October 27,  
22 1955 (P.L.744, No.222), known as the "Pennsylvania Human  
23 Relations Act," all farm workers shall be entitled to the same  
24 protections and shall have the same remedies and procedures as  
25 are available to persons who are defined as an "employee" under  
26 the Pennsylvania Human Relations Act. All employers of farm  
27 workers shall have the same duties and responsibilities and  
28 shall be subject to the same procedures as an "employer" as  
29 defined under the Pennsylvania Human Relations Act.

30 (c) Notwithstanding the provisions of the Pennsylvania Human

1 Relations Act, the Pennsylvania Human Relations Commission shall  
2 be responsible for administration and determination of claims by  
3 a farm worker of unlawful discriminatory practices in accordance  
4 with procedures and regulations under the Pennsylvania Human  
5 Relations Act.

6 Section 205. Records required; notice to workers.

7 (a) Every employer of [seasonal] farm labor and every farm  
8 labor contractor shall make, keep and preserve such records,  
9 including the Social Security number of the persons employed by  
10 him, or of the persons contracted for or recruited by him, or  
11 employed under his supervision, and of the wages, hours, wage  
12 rate or rates, piece rate or rates, and other conditions and  
13 practices of employment maintained by him, and shall preserve  
14 such records for such periods of time, and shall make such  
15 reports therefrom as shall be required by Federal law or  
16 regulation, by Commonwealth law or regulation, and by the local  
17 taxing body. Such records shall include satisfactory evidence of  
18 timely payment of wages, either by receipt signed or by check  
19 endorsed by the payee.

20 (b) Every employer of [seasonal] farm labor shall furnish to  
21 each [seasonal] farm worker, at the time of payment of wages,  
22 salaries or other compensation for time, or labor, or work  
23 performed, a written statement in such manner and in such form  
24 as may be prescribed by the [Department of Revenue] department,  
25 showing the amount of compensation paid by the employer to the  
26 [seasonal] farm worker, the wage rate or rates, hours worked,  
27 piece rate or rates, and units of work performed if applicable,  
28 the computation of gross compensation, the amounts deducted or  
29 withheld for every purpose, [and such other information as the  
30 Department of Revenue shall prescribe.] other information as may

1 be required by the United States Department of Labor to be  
2 disclosed on wage statements to workers subject to the Migrant  
3 and Seasonal Agricultural Worker Protection Act (Public Law 97-  
4 470, 29 U.S.C. § 1801 et seq.) and other information as the  
5 department shall prescribe.

6 (c) Every employer of farm labor shall furnish a copy to  
7 each employee, at the time of hiring, a written statement  
8 setting forth the terms and conditions of employment. The  
9 statement shall include:

- 10 (1) the wage rate or rates;
- 11 (2) the piece rate or rates;
- 12 (3) the terms and conditions under which wages are to be  
13 paid;
- 14 (4) any charges for benefits or services;
- 15 (5) the availability of housing and terms and conditions  
16 of residence;
- 17 (6) the anticipated period of demand for employment;
- 18 (7) arrangements for transportation;
- 19 (8) arrangements for providing or furnishing food,  
20 beverages, clothing and other personal goods or services;
- 21 (9) conditions and practices of employment which have  
22 been agreed upon prior to hiring;
- 23 (10) all information required to be provided by  
24 employers to migrant agricultural workers under the terms of  
25 the Migrant and Seasonal Agricultural Worker Protection Act;  
26 and
- 27 (11) information which may be further required by the  
28 secretary.

29 (d) If a farm worker was recruited either outside of this  
30 Commonwealth for employment within this Commonwealth or at a

1 location within this Commonwealth that is more than 25 miles  
2 from the work location for employment which was anticipated to  
3 be for less than ten months, an employer shall continue to offer  
4 terms and conditions of employment no less favorable than those  
5 disclosed at the time of initial recruitment or hiring, as  
6 provided in sections 208 and 505(a)(8), throughout the period of  
7 employment.

8 (e) For all other farm workers not covered under subsection  
9 (d), at least two weeks prior to any changes in terms and  
10 conditions of employment, every employer of farm labor shall  
11 furnish a copy to each employee of a revised statement of the  
12 terms and conditions of employment, indicating thereon those  
13 terms and conditions of employment which have been changed and  
14 the effective date of the changes. The written statements of  
15 terms and conditions of employment shall be posted at all times  
16 at locations that are easily accessible to the farm workers,  
17 including at each farm labor camp facility operated in  
18 connection with the place of employment. Additional copies of  
19 the written statements shall be provided upon request of the  
20 farm worker or the farm worker's representative.

21 (f) All written notices required under this act to be  
22 provided by employers or farm labor contractors to farm workers  
23 shall be provided both in English and, as necessary and  
24 reasonable, in Spanish or other language common to farm workers  
25 who are not fluent and literate in English. If two or more farm  
26 workers employed share a common language and are not both fluent  
27 and literate in English, the statements shall be provided in the  
28 native national language to any of these farm workers. If an  
29 employer has not previously been required to provide the notices  
30 in the language of the worker and is unable to provide the

1 notices sooner because the need could not be anticipated, a  
2 written notice in the native language of the worker in  
3 conformity with this requirement shall be provided within seven  
4 calendar days after the commencement of employment of workers  
5 affected.

6 (g) Employers and farm labor contractors shall be required  
7 to maintain records for three years, containing copies of all  
8 written wage and disclosure statements provided to farm workers  
9 in accordance with this section and sections 208 and 505(a)(8).  
10 The records shall establish the dates on which required  
11 disclosure statements and any additional copies thereof were  
12 provided to each farm worker and the name of the individual  
13 providing the disclosure statements on behalf of the employer or  
14 farm labor contractor.

15 Section 206. Wage payment.

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

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

27 (c) Notwithstanding any provisions of subsection (a), or of  
28 any other law, every employer of [seasonal] farm labor, pursuant  
29 to subsection (b), shall pay in full all wages or other  
30 compensation for time, labor and employment due and payable to

1 every [seasonal] farm worker by the end of the next business day  
2 after termination of the period of employment for which the  
3 [seasonal] farm worker was employed: Provided, however, That  
4 such payment must be made before the closing of the [seasonal]  
5 farm labor camp.

6 (d) No employer of [seasonal] farm labor shall deduct,  
7 withdraw, withhold or otherwise retain from the wages of any  
8 [seasonal] farm worker any amount on account of debts accrued or  
9 anticipated, regardless of purposes of circumstances: Provided,  
10 That nothing in this subsection shall prohibit any employer of  
11 [seasonal] farm labor from deducting or withholding from any  
12 wages paid such amounts as may be required on account of any  
13 tax, or of any Social Security payment, or of dues payable to a  
14 recognized labor organization, or any contribution or voluntary  
15 subscription for the support of a charitable organization or  
16 institution or on account of any premium or other charge due  
17 from the [seasonal] farm worker for group insurance pursuant to  
18 any contract with any insurance company, or with any nonprofit  
19 corporation providing medical, osteopathic, dental or legal  
20 services, or reasonable charges for housing and meals provided  
21 by the employer, which the [seasonal] farm worker has authorized  
22 in writing, or of any amount or partial amount of any advance  
23 payment by the employer to the [seasonal] farm worker against  
24 subsequent earnings pursuant to a contract or prior agreement  
25 with [such seasonal] the farm worker.

26 (e) No employer of [seasonal] farm labor shall designate as  
27 his agent or shall permit to act or perform as his agent, with  
28 respect to the payment of wages or other compensation, any farm  
29 labor contractor or any person engaged in activities as a farm  
30 labor contractor; except as provided in subsection (g); and

1 except that this subsection shall not apply to any person, firm,  
2 partnership, association or corporation which is the holder of a  
3 valid and current license pursuant to the act of July 31, 1941  
4 (P.L.616, No.261), known as the "Employment Agency Law," or the  
5 farmer, grower, nurseryman or landowner acting as his own farm  
6 labor contractor.

7 (f) No provision of this section shall be construed to  
8 deprive any [seasonal] farm worker of any right or privilege to  
9 which he is or would be entitled under any general law of the  
10 Commonwealth, or by any rules or regulations promulgated  
11 pursuant to any such law.

12 (g) [If an employer of seasonal farm workers furnishes a  
13 statement to each seasonal farm worker including the wage rate  
14 or rates, piece rate or rates and other conditions and practices  
15 of employment which have been agreed upon prior to hiring and  
16 also posts such statement in a place easily accessible to the  
17 seasonal farm workers, then the employer may allow a farm labor  
18 contractor to act as his agent. If the employer decides to allow  
19 a farm labor contractor to act as his agent, then for the  
20 purposes of section 205(b) and section 206 the farm labor  
21 contractor shall be considered to be the employer.] If an  
22 employer of a farm worker has furnished the statement required  
23 by section 205(c) and (f) to each farm worker and included the  
24 name and tax or account identification number of the employer  
25 entity providing any unemployment insurance, employer Social  
26 Security contributions and workers' compensation insurance, and  
27 also posts the statement in a place that is easily accessible to  
28 the farm workers, then the employer may allow a farm labor  
29 contractor to act as the employers agent for the payment of  
30 wages. If the employer decides to allow a farm labor contractor

1 to act as the employer's agent, then, for the purposes of  
2 section 205(b) and this section, the farm labor contractor shall  
3 be considered to be jointly responsible for those duties with  
4 the employer.

5 Section 207. Hours of labor.

6 (a) No [seasonal] farm worker shall be required to work or  
7 be penalized for failure to work on any premises for more than  
8 six days in any one week, or more than 48 hours in any one week,  
9 or more than ten hours in any one day.

10 (b) Whenever any [seasonal] farm workers shall be employed  
11 or permitted to work on the premises of more than one employer  
12 in any one week or in any one day, the aggregate number of hours  
13 during which he shall be required to work on all such premises  
14 shall not exceed 48 in any one week or ten in any one day.

15 (c) No [seasonal] farm worker shall be required to work for  
16 more than five hours continuously on any premises without a meal  
17 or rest period of at least 30 minutes, which period shall not be  
18 considered a part of the hours of labor, and no period of less  
19 than 30 minutes shall be deemed to interrupt a continuous period  
20 of work.

21 Section 4. The act is amended by adding a section to read:

22 Section 208. Minimum guaranteed period of employment.

23 (a) If an employer, farm labor contractor or agent of an  
24 employer or farm labor contractor recruits a farm worker either  
25 outside of this Commonwealth for employment within this  
26 Commonwealth or at a location within this Commonwealth that is  
27 more than 25 miles from the work location, and if the  
28 agricultural employment with the employer in this Commonwealth  
29 is anticipated to be available for less than ten months, the  
30 employer shall be required at the time of the recruitment to:

1       (1) provide written notice, stating the anticipated  
2 dates during which employment will be available and the  
3 anticipated average number of hours per week of employment to  
4 be offered;

5       (2) state the basis of payment of wages and the minimum  
6 guaranteed hourly rate of pay, even if paid on a piece rate  
7 basis;

8       (3) guarantee to pay wages for not less than three-  
9 quarters of the amount of average weekly hours of work  
10 anticipated which shall be calculated and paid on a monthly  
11 basis throughout the period of promised employment unless the  
12 farm worker is terminated from work early for good cause  
13 related to work; and

14       (4) provide all other information required to be  
15 provided under section 505(a)(8).

16       (b) Additional copies of the notice under subsection (a)  
17 shall be provided on request to any farm worker or to the farm  
18 worker's legal representative. If employment is anticipated to  
19 be available for ten months or more, the written statement  
20 provided to the farm worker at the time of recruitment in  
21 accordance with section 505(a)(8) shall reflect at least the  
22 anticipated period of employment.

23       (c) If the hours of work within a pay period after the  
24 initial pay period are less than three-quarters of the  
25 anticipated average number of hours of work stated at the time  
26 of recruitment of the farm worker, the wages paid by the  
27 employer for the pay period shall include payment for minimum  
28 guaranteed wages due for the pay period unless the farm worker  
29 has refused available work. Where guaranteed wages are being  
30 paid, the basis for calculation for guaranteed wages shall be

1 reflected on the wage statement provided to the farm worker.

2 (d) If an employee has refused available work during a pay  
3 week and has been paid less than the minimum guaranteed wages  
4 due, the employer shall provide a statement to the farm worker  
5 at the time of payment of wages stating the dates and daily  
6 hours of available work refused by that farm worker and shall  
7 retain a record of the statement reflecting the name of the  
8 supervisory employee or agent of the employer who communicated  
9 the availability of work on each of the days on which the work  
10 was refused.

11 (e) If an employer terminates a farm worker prior to the  
12 period of minimum guaranteed employment, guaranteed wages shall  
13 be due at the same time as wages for the final period of  
14 employment by the farm worker unless the employer has terminated  
15 the farm worker for good cause related to the work. If  
16 guaranteed wages are being paid, the basis for calculation of  
17 guaranteed wages shall be reflected on the wage statement  
18 provided to the farm worker.

19 (f) If an employer terminates a farm worker who is otherwise  
20 entitled to payment of guaranteed wages for good cause related  
21 to the work, the employer shall provide a statement to the farm  
22 worker as to the basis for termination of employment. The  
23 employer shall retain records identifying the name of any  
24 persons relied upon as witnesses to misconduct sufficient to  
25 terminate the farm worker for good cause related to the work.

26 (g) Each employer shall maintain, for a period of three  
27 years, a record of the names and home addresses of the farm  
28 workers recruited by the employer, farm labor contractor or  
29 agents of the employer or farm labor contractor who were  
30 recruited for employment either outside of this Commonwealth for

1 employment within this Commonwealth or at a location within this  
2 Commonwealth that is more than 25 miles from the work location.  
3 The employer shall maintain, for a period of three years, a copy  
4 of the written disclosure statement provided to the each farm  
5 worker, with records indicating the name of the person providing  
6 the disclosure, the date on which the disclosure was provided  
7 and the location at which the disclosure was provided, together  
8 with any other records required under this section.

9 Section 5. Sections 301, 302, 303, 304, 307 and 308 of the  
10 act are amended to read:

11 Section 301. Rules and regulations.

12 (a) The Environmental Quality Board, subject to the  
13 provisions for receipt of prior comment from the [Seasonal] Farm  
14 Labor Committee established in subsection (b), shall adopt,  
15 amend and repeal such rules and regulations as it deems  
16 necessary or appropriate to assure safe or healthful employment  
17 and places of employment, to provide safe, healthful and  
18 sanitary [seasonal] farm labor camps, including standards for  
19 housing, sanitation, food facilities, fire protection and  
20 safety, and to establish criteria for carrying out the functions  
21 of the Department of [Environmental Resources] Agriculture under  
22 this act. The [Seasonal Farm Labor Committee] committee shall  
23 submit comments on existing rules and regulations to the  
24 [secretary] Secretary of Agriculture and the Environmental  
25 Quality Board.

26 (a.1) The Secretary of Agriculture and the Secretary of  
27 Labor and Industry shall submit annual reports to the committee,  
28 summarizing activities under this act during the previous year.  
29 Members of the committee may receive additional information upon  
30 request from the Secretary of Agriculture and the Secretary of

1 Labor and Industry if the information is not confidential or  
2 protected. Individual members of the committee may propose rules  
3 and regulations for consideration by the Secretary of  
4 Agriculture and the full committee consistent with bylaws to be  
5 adopted by the committee. Members of the public shall be  
6 entitled upon request to receive copies of reports provided to  
7 the committee and to attend meetings of the Farm Labor  
8 Committee.

9 (b) There is hereby established in the Department of  
10 [~~Environmental Resources a Seasonal~~] Agriculture a Farm Labor  
11 Committee consisting of the Secretary of [~~Environmental~~  
12 ~~Resources or his~~] Agriculture or a designee, who shall be  
13 [~~chairman, the Secretary of Agriculture or his designee,~~]  
14 chairperson, the Secretary of Labor and Industry or [~~his~~] a  
15 designee, the Secretary of Health or [~~his~~] a designee and six  
16 persons appointed by the Governor for terms of four years, three  
17 of whom shall be selected from lists submitted by employer  
18 organizations and shall be employers of [~~seasonal farm laborers~~]  
19 farm workers or persons with experience in using [~~seasonal~~] farm  
20 labor for agricultural purposes, and three of whom shall be  
21 representatives of Statewide organizations or agencies actively  
22 engaged in the welfare of [~~seasonal~~] farm workers. Of the  
23 members first appointed, one shall serve one year, one shall  
24 serve two years, two shall serve three years and two shall serve  
25 four years. The public members shall be reimbursed for necessary  
26 expenses incurred in performing their duties under this section.  
27 Each person appointed by the Governor shall be entitled to  
28 designate an alternate to act on behalf of the appointee in the  
29 absence of the appointee under this section in accordance with  
30 bylaws to be adopted by the committee. The committee shall

1 convene at least twice every calendar year, and special meetings  
2 may be called upon written request of any three members of the  
3 committee.

4 (c) The Environmental Quality Board shall have no power to  
5 adopt rules or regulations for [seasonal] farm labor or  
6 [seasonal] farm labor camps until receipt of written comments on  
7 the proposed rules or regulations from the [Seasonal Farm Labor  
8 Committee] committee, or until 60 days have expired from the  
9 date when such rules and regulations were submitted by the  
10 secretary to the committee for their comments. Existing rules  
11 and regulations shall continue until modified, superseded or  
12 repealed by the Environmental Quality Board under this section.  
13 Section 302. Inspections and entry.

14 (a) Each [seasonal] farm labor camp shall be inspected by  
15 the Department of [Environmental Resources] Agriculture from  
16 time to time during a calendar year. At least one such  
17 inspection shall be made prior to the issuance or renewal of a  
18 permit for such camps. Inspectors shall be authorized to consult  
19 with and to assist camp owners and operators with respect to the  
20 requirements of this act, the rules and regulations or permits  
21 issued pursuant to this act, and other relevant statutes and  
22 ordinances. Inspectors shall ascertain and report to the  
23 department the violations of this act or of rules and  
24 regulations or permits issued thereunder, or of any other act,  
25 rules or regulations apparent in the course of any inspection.  
26 The inspector shall provide the camp owner with a copy of the  
27 inspection sheet immediately following the inspection.

28 (b) The secretary and [his] any authorized officers and  
29 agents, upon proper identification, may for the purpose of this  
30 act:

1           (1) enter public or private property to determine  
2 whether there exists any camp to which this act applies;  
3           (2) enter and inspect all camps wheresoever situated,  
4 and inspect all sites, accommodations, equipment or  
5 facilities associated therewith; and  
6           (3) enter and inspect the immediate land surrounding any  
7 camp, excluding that reserved solely for the owner's personal  
8 use, to determine whether the requirements of this act, any  
9 rules and regulations, permits or orders issued pursuant to  
10 this or any other act are being complied with.

11 It shall be unlawful for any person to prevent, interfere with,  
12 or hinder the secretary or [his] any authorized officers and  
13 agents when, after presentation of proper identification, [such]  
14 an officer or agent attempts to exercise any power authorized by  
15 this subsection.

16       (c) Any [seasonal] farm worker or representative of  
17 [seasonal] farm workers who believes that a violation of this  
18 act, rules and regulations, permits or orders issued pursuant to  
19 this act or of any other act, may request an inspection by  
20 giving notice to the secretary or [his] an authorized  
21 representative of [such] a violation. Any [such] notice shall be  
22 reduced to writing, shall set forth with reasonable  
23 particularity the grounds for the notice, and shall be signed by  
24 the [seasonal] farm worker or representative of [seasonal] the  
25 farm [workers] worker. A copy shall be provided to the employer  
26 or [his] the employer's agent no later than at the time of  
27 inspection, except that, upon the request of the person giving  
28 [such] a notice, [his] the name and the names of individual  
29 [seasonal] farm workers referred to [therein] in the notice  
30 shall not appear in [such] the copy. If upon receipt of [such] a

1 notification, the secretary or [his] an authorized  
2 representative determines there are reasonable grounds to  
3 believe that [such] a violation exists, [he] the secretary or an  
4 authorized representative shall make an inspection in accordance  
5 with the provisions of this subsection as soon as practicable to  
6 determine if [such] a violation exists. If the secretary  
7 institutes enforcement proceedings on the basis of a notice  
8 provided for in this subsection, [he] the secretary shall, in a  
9 timely fashion, inform the employer of the name of the person  
10 who filed the notice. If the secretary determines there are no  
11 reasonable grounds to believe that a violation exists [he], the  
12 secretary shall notify the [seasonal] farm workers or  
13 representative of the [seasonal] farm workers in writing of  
14 [such] the determination.

15 Section 303. Permit to operate a [seasonal] farm labor camp.

16 (a) It shall be unlawful for any person who owns lands,  
17 buildings or facilities to allow the occupancy, operation or use  
18 thereof as a [seasonal] farm labor camp without first obtaining  
19 a permit authorizing the operation and occupancy of [said  
20 seasonal] the farm labor camp from the department.

21 (a.1) Application for a permit to operate and occupy a  
22 [seasonal] farm labor camp shall be made at least 60 days prior  
23 to the first date of occupancy, or within 60 days of the  
24 effective date of this act for any [seasonal] farm labor camp  
25 which is occupied on the effective date of this act. The  
26 application shall specify the period for which permission to  
27 occupy the [seasonal] farm labor camp is requested, the date  
28 when the camp will be ready for inspection which date shall be  
29 at least 45 days prior to the first date for which permission to  
30 occupy is requested, the maximum number of occupants for which

1 facilities will be provided and [such] other information as may  
2 be required by the department to properly evaluate the  
3 application.

4 (a.2) The department [shall] may not issue or renew a permit  
5 authorizing the occupancy of a [seasonal] farm labor camp until  
6 an inspection is completed and the department finds that the  
7 camp facilities comply with the regulations applicable to  
8 [seasonal] farm labor camps adopted under this act and will not  
9 result in the exposure of [seasonal] farm workers or their  
10 families to unhealthy, unsanitary or unsafe conditions[;  
11 provided, however, in]. In the event the department fails to  
12 conduct an inspection within 60 days following receipt of a  
13 complete application for a permit to occupy [said] a farm labor  
14 camp, a permit to occupy shall be deemed to have been issued  
15 under this act effective until [such] an inspection is conducted  
16 and the department acts upon the permit application.

17 [Permits] (a.3) A permit issued under this section shall be  
18 limited to the term of occupancy requested, but not to exceed  
19 one year, and shall specify the maximum number of occupants who  
20 may occupy the approved farm labor camp facilities.

21 (b) The department may revoke a permit issued pursuant to  
22 subsection (a) prior to the expiration of [said] the permit if,  
23 after inspection, the department finds a violation of the  
24 permit, the act or any applicable standard or any condition at  
25 the [seasonal] farm labor camp which would provide sufficient  
26 reason for refusing to issue or renew [such] a permit. The  
27 following shall apply:

28 (1) Revocation shall be written notice to the permittee,  
29 which shall be served either personally or by certified mail.  
30 The notice shall specify the reasons for revocation and shall

1 set a date by which the violation or unhealthful, unsanitary  
2 or unsafe condition shall be corrected or the [seasonal] farm  
3 labor camp vacated.

4 (2) The date for vacating a [seasonal] farm labor camp  
5 shall be at least ten days after the issuance of the notice,  
6 unless the department finds that a condition exists which  
7 presents a substantial risk to life, health or safety.

8 (3) Revocation shall be effective on the date set in the  
9 notice for vacating the camp unless, prior to the effective  
10 date, any affected person shall have obtained a supersedeas  
11 in accordance with the rules of practice of the Environmental  
12 Hearing Board.

13 (4) When a petition is filed for a supersedeas from a  
14 notice of revocation, the board shall act upon such petition  
15 prior to the effective date of revocation, or as  
16 expeditiously thereafter as possible in the case of a  
17 revocation which is effective in less than ten days after  
18 notice. Failure to the permittee to close a [seasonal] farm  
19 labor camp after a revocation becomes effective shall  
20 constitute a violation of this section.

21 Section 304. Enforcement orders.

22 (a) The department may issue orders requiring the abatement  
23 of any violation of this act or any rule or regulation adopted  
24 under section 301, or any condition which may be unhealthful,  
25 unsanitary or unsafe to which [migrants or their families are] a  
26 farm worker or the farm worker's family is exposed. Any order  
27 issued under this subsection shall be written, shall identify  
28 the person or persons to whom it applies, including officers of  
29 corporations, shall specify the violations and conditions which  
30 are to be abated, and may establish a schedule of abatement,

1 require the submission of an abatement plan or specify the  
2 abatement action to be taken, including, but not limited to, the  
3 temporary or permanent closing of identified [seasonal] farm  
4 labor camp facilities.

5 (b) Any order issued under this section shall be served  
6 personally or by certified mail and shall be effective upon  
7 receipt.

8 [Section 307. Civil remedies.]

9 In addition to any other remedies provided for in this act,  
10 an action in equity may be filed in the court of appropriate  
11 jurisdiction for an injunction to restrain any violation of this  
12 act, the rules and regulations, or any order of the department  
13 issued under this act, or to restrain any public nuisance or  
14 condition which may be detrimental to the health or safety of  
15 seasonal farm laborers or their families. In any such  
16 proceeding, the court shall, upon motion of the plaintiff, issue  
17 a mandatory preliminary injunction if it finds that the  
18 defendant is engaging in conduct prohibited by this act, has  
19 failed to comply with an effective order of the department or  
20 the conditions of a permit issued under this act, or is  
21 maintaining a condition which is causing immediate and  
22 irreparable harm to seasonal farm laborers or their families. In  
23 addition to granting relief in equity, the court in any  
24 proceeding under this section shall have jurisdiction to assess  
25 civil penalties as provided for in section 306.]

26 Section 308. Drinking water; toilet facilities.

27 On any premises where [seasonal] farm workers are employed or  
28 permitted to work, the employer shall provide in the working  
29 area a sufficient supply of cool, potable water, and within a  
30 reasonable distance of the working area sufficient, suitable,

1 and separate toilet facilities.

2 Section 6. The act is amended by adding sections to read:

3 Section 309. Food service and cooking facilities.

4 Each farm labor camp operated or controlled by an employer or  
5 farm labor contractor shall be required to provide sufficient  
6 facilities for the preparation and serving of meals by an  
7 occupant.

8 Section 310. Cooperative agreements with Federal and State  
9 agencies.

10 The secretary is authorized to enter into an agreement with:

11 (1) the Secretary of the United States Department of  
12 Labor for the enforcement of any law or the performance of  
13 any function, under section 513 of the Migrant and Seasonal  
14 Agricultural Worker Protection Act (Public Law 97-470, 29  
15 U.S.C. § 1801 et seq.) or any other Federal law authorizing  
16 the agreements;

17 (2) the appropriate officers or agencies of any other  
18 State for the enforcement of any provision or performance of  
19 any function under this chapter; and

20 (3) the appropriate officers or other agencies of the  
21 Commonwealth for the cooperative enforcement of any provision  
22 or performance of any function under this chapter.

23 Section 311. Medical services.

24 (a) Every agricultural employer or farm labor contractor who  
25 provides farm labor camp housing to a farm worker shall be  
26 required by the department to establish procedures to provide  
27 emergency medical services, including transportation to a  
28 hospital for emergency services, to occupants of farm labor camp  
29 housing. Notices of the procedures for obtaining the emergency  
30 medical services shall be posted in a location that is

1 accessible to the occupants of a farm labor camp, and copies of  
2 the notice shall be provided to each occupant.

3 (b) Every agricultural employer or farm labor contractor who  
4 employs four or more farm workers shall be required by the  
5 department to establish procedures to provide emergency medical  
6 services, including transportation to a hospital for emergency  
7 services, to a farm worker at all work locations. Notices of the  
8 procedures for obtaining the emergency medical services shall be  
9 posted in locations that are easily accessible to a farm worker,  
10 and copies of the notices shall be provided to each occupant.

11 (c) Every medical facility and the doctor providing  
12 treatment to a farm worker and their family members living in  
13 farm labor camp housing within this Commonwealth shall be  
14 required to periodically report in a summary statistical manner  
15 to the department or other State agency or department as may be  
16 designated by the department consistent with procedures to be  
17 established by the department or other State agency. A report  
18 under this subsection shall specifically itemize injuries or  
19 illnesses related to work or occurring in a farm labor camp that  
20 is operated or controlled by an employer or farm labor  
21 contractor and shall include any instances of suspected  
22 pesticide exposure or injury.

23 (d) The department or other State agency or designee shall  
24 provide training and instruction available to medical facilities  
25 and doctors as to the recognition and treatment of pesticide  
26 exposure among farm workers. Annual statistical summaries of the  
27 information under this subsection shall be compiled by the  
28 department or other State agency or designee and shall be  
29 provided to members of the Farm Labor Committee and general  
30 public on request.

1 (e) No medical facility or doctor shall refuse to provide  
2 medical services to a farm worker on the same basis as medical  
3 services are available to members of the general public.

4 Section 312. Posting of information concerning housing.

5 (a) Each farm labor camp shall be required to post, in  
6 locations that are accessible to all occupants of a farm labor  
7 camp, a copy of the permit for occupancy of the farm labor camp  
8 required under this act and to display on the permit copy the  
9 maximum number of occupants permitted to reside in the farm  
10 labor camp and any specific permit conditions governing the farm  
11 labor camp. The department shall display on the permits a notice  
12 to occupants of rights to make complaints concerning conditions  
13 of housing and appropriate addresses and telephone numbers to  
14 contact for making a complaint.

15 (b) Each farm labor camp that is owned or operated by an  
16 employer or farm labor contractor shall be required to display,  
17 in locations accessible to all occupants of the farm labor camp,  
18 all information required to be provided by an employer or farm  
19 labor contractor who provides housing to migrant agricultural  
20 workers who are subject to the Migrant and Seasonal Agricultural  
21 Worker Protection Act (Public Law 97-470, 29 U.S.C. § 1801 et  
22 seq.) and any further information which may be required by the  
23 department or the Secretary of Labor and Industry under this  
24 act.

25 (c) Each farm labor contractor, agricultural employer or  
26 agent of a farm labor contractor or agricultural employer who  
27 sells food, beverages or prepared meals in a farm labor camp  
28 shall be required at all times to post, in locations accessible  
29 to all occupants of the farm labor camp, including each location  
30 where a good or service is sold, a notice setting forth the

1 daily, weekly, per item or other periodic charges for food,  
2 beverages, the preparation and serving of meals or for any other  
3 goods or services provided.

4 (d) Where notices under this act are required by section  
5 205(f) to be provided to farm workers in Spanish or other  
6 language common to farm workers, the notices required under this  
7 chapter from employers, farm labor contractors or agents thereof  
8 shall be timely provided and posted in accordance with the terms  
9 of section 205(f).

10 Section 7. Sections 401, 402 and 403 of the act are amended  
11 to read:

12 Section 401. Tenancy rights.

13 A [seasonal] farm worker who resides in any structure or  
14 property owned, leased or operated by an employer or farm labor  
15 contractor [and occupied during at least six months in a  
16 calendar year], whether or not under any contract of rental or  
17 lease, whether or not consideration is given for the right or  
18 privilege of [such] the residence, and for whatever time, shall  
19 be deemed to be the tenant in possession and shall have every  
20 right and recourse to law as if [he were] the person was the  
21 tenant in possession for [such time as he shall reside therein]  
22 the period of time the person resided in the residence,  
23 including, without limitation, the right to [three days notice  
24 prior to eviction from such a structure or a property unless the  
25 seasonal farm worker resides in such structure or property with  
26 one or more dependents, in which case the seasonal farm worker  
27 and his family shall be given two weeks notice prior to  
28 eviction.] notice prior to eviction from the structure or  
29 property of the same period of time as allowed for tenants  
30 subject to the act of April 6, 1951 (P.L.69, No.20), known as

1 "The Landlord and Tenant Act of 1951."

2 Section 402. Interference prohibited.

3 No person shall prohibit, bar, or interfere with, or attempt  
4 to prohibit, bar, or interfere with, reasonable access to, or  
5 egress from, the grounds of any [seasonal] farm labor camp by a  
6 privileged person, either by the erection or maintenance of any  
7 physical barrier, or by physical force or violence, or by threat  
8 of force or violence, or by posting, or by any order of notice  
9 given in any manner.

10 Section 403. Privileged persons.

11 The entry to or egress from the premises of any [seasonal]  
12 farm labor camp shall not be denied by any means, nor shall any  
13 person attempt to deny or to limit the access to or egress from  
14 any [seasonal] farm labor camp at any time, to:

15 (1) any inspector employed by any department, board,  
16 agency, bureau, commission or service of the United States,  
17 the Commonwealth of Pennsylvania, a local government, or the  
18 executive or administrative officer of any such department,  
19 board, agency, bureau, commission or service, or his duly  
20 authorized representative who shall, upon request, present  
21 proper identification to the owner, provided that such  
22 organization has within the present year of occupancy  
23 notified the owner of the camp stating their purpose and the  
24 agent of the organization visiting the [seasonal] farm labor  
25 camp;

26 (2) guests of [seasonal] farm workers or persons working  
27 under the auspices of private organizations whose primary  
28 objective on entering the premises is the health, safety,  
29 welfare or dignity of [seasonal] farm workers; or

30 (3) any individual, group or public agency whose primary

1 purpose is to provide a service to the owner of a [seasonal]  
2 farm labor camp rather than the [seasonal] farm workers.

3 Section 8. The act is amended by adding a section to read:

4 Section 404. Privacy rights of tenants.

5 All farm workers residing in a farm labor camp shall have the  
6 same rights of privacy in any living quarters that are provided  
7 for a farm worker's exclusive possession and occupancy as would  
8 any other tenant in possession. All farm workers residing in  
9 dormitory or communal sleeping facilities shall be provided with  
10 sufficient private lockers or closets that are able to be  
11 secured to protect private possessions within a communal  
12 sleeping facility. Any guest or visitor to a communal sleeping  
13 facility shall leave the sleeping area of any occupant on  
14 request of the occupant.

15 Section 9. The heading of Chapter 5 and sections 501, 503,  
16 504, 505, 506 and 606 of the act are amended to read:

17 CHAPTER 5

18 [REGISTRATION] RESPONSIBILITIES OF FARM LABOR CONTRACTORS

19 Section 501. Annual registration required.

20 (a) No person shall act as a farm labor contractor unless  
21 [he] that person possesses or has applied for a certificate of  
22 registration issued by the secretary. A certificate of  
23 registration may not be transferred or assigned. Every  
24 certificate shall be effective until 12 midnight of December 31  
25 of the year during which it is issued, unless suspended or  
26 revoked pursuant to this act. The certificate of registration  
27 shall be displayed by the registrant upon request of the  
28 Secretary of Labor and Industry, the Secretary of [Environmental  
29 Resources] Agriculture, the Attorney General, the Secretary of  
30 Health, the Secretary of Education, or the Secretary of Public

1 Welfare, or their authorized representatives; or of any peace  
2 officer, or of any person who is a contractor or a prospective  
3 contractor for farm labor services, or any [seasonal] farm  
4 worker or prospective [seasonal] farm worker; or of an employer  
5 or a prospective employer of [seasonal] farm labor, or of any  
6 qualified officer of the United States or of any local  
7 government.

8 (b) The provisions of subsection (a) to the contrary  
9 notwithstanding, if an employee of an individual farmer, grower,  
10 nurseryman[, ] or landowner engages in the activities of a farm  
11 labor contractor on an emergency basis solely for the benefit of  
12 [his] an employer's operation, [he] the employee may apply for a  
13 certificate of registration from the secretary after having  
14 engaged in [such] the activity.

15 (c) Any farm labor contractor who is to be utilized by an  
16 agricultural employer for the payment of wages shall be  
17 specifically authorized by the department. Prior to issuance of  
18 authorization by the department, the farm labor contractor  
19 shall:

20 (1) provide to the department an agreement from each  
21 agricultural employer proposing to utilize the farm labor  
22 contractor for the payment of wages an agreement from the  
23 agricultural employer stating those employment and payroll  
24 taxes that will be directly paid by the agricultural employer  
25 and those that will be the responsibility of the farm labor  
26 contractor; and

27 (2) establish that the farm labor contractor has an  
28 active and valid employer account number for each employment  
29 or payroll tax to be paid by the farm labor contractor.

30 (d) In the event the farm labor contractor has been

1 previously authorized or permitted by an employer to pay wages,  
2 the department shall require the farm labor contractor to  
3 establish that all employment and payroll taxes have been timely  
4 paid and that any necessary reports as to employee earnings have  
5 been filed.

6 Section 503. Qualifications of registrants.

7 The secretary, after notice, may refuse to issue a  
8 certificate of registration, and may suspend or revoke any  
9 certificate previously issued, if [he shall find] the secretary  
10 finds that the applicant or registrant:

11 (1) has violated any provision of this act or any rules  
12 or regulations promulgated under this act;

13 (2) has made any deliberate misrepresentation or has  
14 knowingly made any false statement in or with respect to an  
15 application for registration or renewal;

16 (3) has failed to comply with the provisions of Title 75  
17 of the Pennsylvania Consolidated Statutes, (relating to  
18 vehicles) or of any other law of this Commonwealth or of any  
19 Federal statute or rule with relation to the regulation or  
20 operation of motor vehicles for the transportation of persons  
21 or property by motor vehicle; or

22 (4) is subject to [Public Law 88-582 (7 U.S.C. § 2041 et  
23 seq.), known as the "Farm Labor Contractor Registration Act  
24 of 1963,"] the Migrant and Seasonal Agricultural Worker  
25 Protection Act (Public Law 97-470, 29 U.S.C. § 1801 et seq.)  
26 and has failed to apply for and to obtain a certificate of  
27 registration pursuant to that act, or whose certificate of  
28 registration under that act has expired and has not been  
29 renewed, or has been suspended or revoked, or if [he] the  
30 applicant or registrant has violated any provision of that

1 act. Refusal to issue or to renew a certificate or  
2 registration, or the suspension or revocation of a  
3 certificate or renewal, shall be in addition to any other  
4 penalties provided by this act or any other law. Any  
5 applicant or registrant who has been refused a certificate of  
6 registration or who has had [his] a certificate of  
7 registration revoked or suspended pursuant to this section  
8 shall have the right to file an appeal, within 30 days of  
9 receipt of notice of [such] refusal, revocation or  
10 suspension, with the Industrial Board pursuant to the  
11 "Administrative Agency Law."

12 Section 504. Agents exempt from registration; employment  
13 agencies.

14 (a) A full-time or regular employee of any person holding a  
15 valid certificate of registration pursuant to this act, who  
16 shall have been designated an agent of the registrant and who is  
17 employed partly or solely for the purpose of engaging in  
18 activities as a farm labor contractor on behalf of the  
19 registrant, shall not be required to obtain a certificate of  
20 registration in [his] the employee's own name under this act.  
21 Every [such] agent shall have in [his] the agent's immediate  
22 possession when engaging in activities as a farm labor  
23 contractor [such], proper identification as the secretary may  
24 require showing [such] the employee to be an agent of a  
25 registrant. Every [such] agent shall be subject to the  
26 provisions of this act and of any rules and regulations  
27 promulgated pursuant to this act to the same extent as if [he]  
28 the agent were required to obtain a certificate of registration  
29 in [his] the agent's own name. The secretary shall require that  
30 every registrant identify all persons who have been or who

1 subsequently become agents of the registrant, and may disallow,  
2 suspend or revoke the designation as agent of any person  
3 pursuant to the qualifications of registrants required by  
4 section 503. For the purposes of this act, every registrant  
5 shall be responsible for the activities of every agent  
6 designated by [him] the registrant, and shall be subject to any  
7 penalties, including the refusal, suspension or revocation of a  
8 certificate of registration, proceeding from any act of any  
9 agent designated by [him] the registrant while [such] the agent  
10 is engaged in activities as a farm labor contractor. No [such]  
11 agent shall be permitted separately to engage in activities as a  
12 farm labor contractor, or to contract with or become the  
13 employee of any employer of [seasonal] farm labor, except on  
14 behalf of the registrant [for] whom [he is] the agent  
15 represents, and in the same employment, on the same premises and  
16 at the same time as the registrant for whom [he is] the agent  
17 represents. No employer may act as, or be designated as, the  
18 agent of a farm labor contractor at any time that [such] a farm  
19 labor contractor is providing, or intends to provide, [seasonal]  
20 farm workers for employment by, or in the interest of, [said] an  
21 employer.

22 (b) Every person, partnership, association or corporation  
23 which is the holder of a valid and current license pursuant to  
24 the act of July 31, 1941 (P.L.616, No.261), known as the  
25 "Employment Agency Law," shall be exempt from the registration  
26 requirements of this act.

27 Section 505. Farm labor contractors and agents; prohibited  
28 activities.

29 (a) No employer or person engaged in activities as a farm  
30 labor contractor, [and no] including a person acting as an agent

1 for any [such] person, [shall] may:

2 (1) knowingly give or represent to any person who is a  
3 [seasonal] farm worker or a prospective [seasonal] farm  
4 worker any false or misleading information, or fail to fully  
5 [to] disclose to any [such] person, pertinent information  
6 concerning terms of employment, wages to be paid and the  
7 terms and conditions under which wages are to be paid,  
8 conditions of employment, conditions of residence,  
9 arrangements for transportation, arrangements for providing  
10 or furnishing food, clothing, and other personal goods or  
11 services[, ] or the demand for or existence of opportunity for  
12 employment, for the purpose of inducing [such seasonal] a  
13 farm worker or prospective seasonal farm worker to accept or  
14 to reject any offer of employment, whether made by the farm  
15 labor contractor or [his] an agent[, or by an] or other  
16 person;

17 (2) violate any provision of, or fail to comply with  
18 every requirement of [Public Law 88-582 (U.S.C. § 2041 et  
19 seq.), known as the "Farm Labor Contractor Registration Act  
20 of 1963";] the Migrant and Seasonal Agricultural Worker  
21 Protection Act (Public Law 97-470, 29 U.S.C. § 1801 et seq.);

22 (3) recruit, employ, utilize the services of[, ] or enter  
23 into any agreement with[, ] any person with knowledge that  
24 [such] the person is in violation of any provision of the  
25 immigration and naturalization laws of the United States[, ]  
26 or is a fugitive from justice in any state or under Federal  
27 statute;

28 (4) manufacture, transport, resell, dispense[, ] or in  
29 any way engage in activities as a dealer of any liquor, wine,  
30 or any malt or brewed beverage, unless he shall have obtained

1 a license or a permit pursuant to the act of April 12, 1951  
2 (P.L.90, No.21), known as the "Liquor Code"; make, transport,  
3 purchase, sell, or dispense any drug or any controlled  
4 substance as defined by the act of April 14, 1972 (P.L.221,  
5 No.63), known as the "Pennsylvania Drug and Alcohol Abuse  
6 Control Act," or by the act of April 14, 1972 (P.L.233,  
7 No.64), known as "The Controlled Substance, Drug, Device and  
8 Cosmetic Act"; or violate any provision of the act of July  
9 22, 1970 (P.L.513, No.178), known as the "Pennsylvania  
10 Cigarette Tax Act";

11 (5) receive, accept, disburse, withhold, manage or  
12 administer, any wages, salaries, emoluments[, ] or any other  
13 rewards of or payment for the time, labor or employment of  
14 any [seasonal] farm worker, as a farm labor contractor,  
15 except pursuant to section 206 or as provided under section  
16 501(c) for payment authorization by the department;

17 (6) levy, charge, assess[, ] or collect from any person,  
18 on account of any loan of money, credit, goods[, ] or things  
19 in action, a rate of interest, discount, fines, charges or  
20 consideration, unless he shall be in compliance with the  
21 provisions of the act of April 8, 1937 (P.L.262, No.66),  
22 known as the "Consumer Discount Company Act";

23 (7) levy, charge, assess, or collect from any [seasonal]  
24 farm worker, whether or not recruited by [him] the person or  
25 under [his] the person's supervision or direction, or under  
26 any contract or agreement with [him] the person, written or  
27 verbal, any money, goods or any other thing, for any service  
28 offered or performed, including the purchase and resale of  
29 any personal goods or services, except for:

30 (i) a reasonable charge for transportation and

1        housing of the [seasonal] farm worker and [his] the farm  
2        worker's relatives and [their] possessions from the place  
3        of [their] residence or recruitment to the premises of an  
4        employer of [seasonal] farm labor, or from the premises  
5        of one employer to those of another, and return to the  
6        place of [their] residence or recruitment; and

7                (ii) a reasonable charge for the preparation and  
8        serving of meals during the [seasonal] farm worker's term  
9        of employment or transportation[; or]. The charges for  
10       housing, transportation, food and beverages and for the  
11       preparation and serving of meals may be levied and  
12       collected only if the full amount of the daily, weekly,  
13       per item or other periodic charges for each of these  
14       services is correctly stated and disclosed in writing to  
15       the farm worker and agreed to by the farm worker at the  
16       time any contract or agreement of recruitment is  
17       negotiated. The agreement, as to charges for  
18       transportation and for the preparation and serving of  
19       meals, shall be a part of any contract or agreement with  
20       the farm worker; or

21                (8) [charge more than a reasonable amount for  
22       transportation of the seasonal farm worker and his relatives  
23       and their possessions from the place of their residence or  
24       recruitment to the premises of an employer of seasonal farm  
25       labor, or from the premises of one employer to those of  
26       another, and return to the place of their residence or  
27       recruitment, and for a reasonable amount for the preparation  
28       and serving of meals during the seasonal farm worker's term  
29       of employment or transportation. Such charge for  
30       transportation and for the preparation and serving of meals

1 may be levied and collected only if the full amount of such  
2 charges is correctly stated and disclosed to the seasonal  
3 farm worker and agreed to by the seasonal farm worker at the  
4 time any contract or agreement of recruitment is negotiated,  
5 and such agreement as to charges for transportation and for  
6 the preparation and serving of meals shall be a part of any  
7 contract or agreement between the farm labor contractor and  
8 the seasonal farm laborer.] fail to provide, at the time of  
9 initial recruitment, hiring or first contact concerning  
10 employment to any farm worker or prospective farm worker  
11 recruited either outside of this Commonwealth for employment  
12 within this Commonwealth or at a location within this  
13 Commonwealth that is more than 25 miles from the work  
14 location, a copy of a written statement in English and, as  
15 necessary, any appropriate native language of the farm worker  
16 as required under sections 205(c), 205(f) and 208, providing  
17 the terms and conditions of employment. The statement shall  
18 include:

19 (i) the wage rate or rates, the piece rate or rates,  
20 the terms and conditions under which wages are to be  
21 paid, any charges for benefits or services, availability  
22 of housing and terms and conditions of residence, the  
23 anticipated period of demand for employment, arrangements  
24 for transportation, arrangements for providing or  
25 furnishing food, beverages, clothing and other personal  
26 goods or services and other conditions and practices of  
27 employment;

28 (ii) all information required to be provided at the  
29 time of recruitment to migrant agricultural workers under  
30 the terms of the Migrant and Seasonal Agricultural Worker

1           Protection Act; and

2           (iii) information which may be further required by  
3           the secretary.

4           (b) The following shall apply:

5           (1) Reasonable charges for housing, transportation,  
6           food, beverages and the preparation and serving of meals may  
7           not exceed either the actual and reasonable costs incurred or  
8           the fair market value of each of the goods and services  
9           provided as specified in this subsection.

10          (2) A charge to an individual farm worker for goods and  
11          services provided by the employer, farm labor contractor or  
12          any agent shall be based on the actual cost incurred or  
13          anticipated to be incurred during a calendar year for the  
14          provision of goods or services to the farm worker. In any  
15          calendar year in which total income received for providing  
16          housing, transportation, food, beverages or the preparation  
17          and serving of meals exceeds the annual actual costs incurred  
18          by the employer, farm labor contractor or an agent for the  
19          provision of the goods or services to a farm worker, the  
20          employer or farm labor contractor shall not be determined to  
21          have violated this section where the charge was assessed in  
22          good faith on the basis of anticipated costs and income  
23          during the calendar year and the employer or farm labor  
24          contractor takes reasonable and timely steps to avoid  
25          exceeding the actual costs for provision of the services.

26          Reasonable steps may include:

27                (i) provisions for rebates of excess charges;

28                (ii) moratoriums on additional charges; or

29                (iii) where no other step is feasible, reducing  
30                anticipated charges in the next calendar year by an

1 amount that will offset the actual amount of excess  
2 income carried over from the previous year.

3 (3) The secretary shall establish a procedure where an  
4 individual employer or farm labor contractor may seek a  
5 prospective determination of the fair market value of charges  
6 for housing, transportation, food, beverages or meal services  
7 to be provided to a farm worker. The determination under this  
8 paragraph may not relieve the employer or farm labor  
9 contractor from the necessity to maintain receipts, invoices  
10 and other records as to actual costs or the responsibility to  
11 not exceed the actual costs in the provision of goods or  
12 services.

13 (4) Reasonable charges for housing may not exceed either  
14 the lower of the actual and reasonable costs incurred by the  
15 employer or farm labor contractor or the fair market value of  
16 the housing. Except as provided in this subsection, housing  
17 costs authorized to be charged include, but are not limited  
18 to, utilities, insurance, cleaning and maintenance services  
19 and building depreciation. The secretary shall, by  
20 regulation, specify the receipts, invoices or other records  
21 required to be maintained to substantiate the actual costs.

22 (5) Pending the promulgation of regulations under  
23 paragraph (4), receipts, invoices or records required by  
24 regulation to be maintained under the Fair Labor Standards  
25 Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.) for  
26 substantiation of actual costs shall be required to be  
27 maintained to substantiate the actual costs. If housing is  
28 provided or arranged by an employer or farm labor contractor  
29 in a farm labor camp which is operated without a permit where  
30 one is required by this act, in violation of the terms

1 specified on that permit, or in violation of Federal or State  
2 housing standards applicable to that housing, no charge for  
3 housing by an employer or farm labor contractor shall be  
4 determined to be reasonable.

5 (6) Reasonable charges for transportation may not exceed  
6 either the lower of the actual and reasonable costs incurred  
7 by the employer or farm labor contractor or the cost for  
8 equivalent fair market value of ground transportation by a  
9 commercial common carrier bus company to the area of  
10 employment. Except as provided in this subsection,  
11 transportation costs include wages paid to drivers, expenses  
12 for insurance, fuel and oil charges, maintenance services,  
13 vehicle depreciation or actual vehicle lease costs. The  
14 secretary shall, by regulation, specify the records required  
15 to be maintained to substantiate the actual costs.

16 (7) Pending the promulgation of regulations under  
17 paragraph (6), original receipts, invoices or checks and any  
18 other accounting records substantiating actual costs shall be  
19 maintained to substantiate the actual costs. Consistent with  
20 the Fair Labor Standards Act of 1938, no deduction or charge  
21 collected for transportation shall reduce the amount of wages  
22 below the amount of minimum wages guaranteed for that pay  
23 period.

24 (8) Reasonable charges for the preparation and serving  
25 of meals may not exceed the lower of the actual costs of  
26 food, labor or services, facility usage and related costs  
27 incurred by the employer, farm labor contractor or agents  
28 thereof, or the fair market value for the preparation and  
29 serving of the meals. If the person receiving the income from  
30 the preparation and the serving of meals personally incurs

1 expenses for wages, food, utilities, kitchen equipment and  
2 utensils or facilities usage, the amounts may be included as  
3 actual charges unless they are otherwise included as part of  
4 the costs allocated to the provision of the housing. The  
5 secretary shall by regulation specify the records required to  
6 be maintained to substantiate these actual costs.

7 (9) Pending the promulgation of regulations under  
8 paragraph (8), those receipts, invoices or records required  
9 by regulation to be maintained under the Fair Labor Standards  
10 Act of 1938 for substantiation of actual costs shall be  
11 required to substantiate actual costs under paragraph (8).

12 (10) All records required to be maintained as to actual  
13 costs under this subsection shall be retained for at least  
14 three calendar years.

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

17 The [Secretary of Labor and Industry is authorized, and it  
18 shall be his duty, to] secretary shall:

19 (1) promulgate and enforce rules and regulations for the  
20 enforcement and implementation of this chapter and Chapters  
21 2, 4 and 6;

22 (2) investigate or cause to be investigated all matters  
23 which may aid in carrying out the provisions of this chapter,  
24 including the investigation of any complaint filed with the  
25 secretary regarding any violation of [this chapter or]  
26 Chapters 2, 4, 5 or 6 or, with respect to which the secretary  
27 has reasonable grounds to believe that any person has  
28 violated any provisions of [this chapter, and may, in  
29 connection therewith,] Chapters 2, 4, 5 or 6 may:

30 (i) enter and inspect any premises[ , ];

1           (ii) inspect [such] records and make transcriptions  
2           [thereof,] of any records;

3           (iii) question [such persons, and] any person; and

4           (iv) investigate [such] any facts, conditions,  
5           practices[, ] or matters as may be necessary or  
6           appropriate to determine whether a violation of this  
7           chapter has been committed;

8           (3) gather and compile data and information relative to  
9           the enforcement of [this chapter] chapters 2, 4, 5 and 6, for  
10          the purpose of ascertaining conditions under which [seasonal]  
11          farm workers are recruited, employed, compensated and  
12          protected in the Commonwealth, and file reports with the  
13          Governor and the General Assembly showing the results of  
14          [his] the secretary's investigations and of the compilation  
15          of data and information;

16          (4) conduct field surveys and censuses adequate to  
17          determine the number, location, character and the condition  
18          of [seasonal] farm workers and the needs of the workers and  
19          of the employers, in cooperation with the Departments of  
20          [Environmental Resources,] Agriculture, Health, Public  
21          Welfare, Education, Community [Affairs] and Economic  
22          Development and any other departments, agencies or  
23          Commonwealth employees;

24          (5) report annually to the Governor and the General  
25          Assembly the results of [such] surveys and censuses, and make  
26          recommendations for legislation and for executive action to  
27          improve service and enforcement programs relating to  
28          [seasonal] farm workers and their employers;

29          (6) enter into agreements with:

30          (i) the Secretary of the United States Department of

1 Labor for the enforcement of any law or the performance  
2 of any function, pursuant to section [8 of Public Law 88-  
3 582, known as the "Farm Labor Contractor Registration Act  
4 of 1963," and further, enter into agreements with] 513 of  
5 the Migrant and Seasonal Agricultural Worker Protection  
6 Act (Public Law 97-470, 29 U.S.C. § 1801 et seq.);

7 (ii) the appropriate officers or agencies of any  
8 other state or states for the enforcement of any  
9 provision of or the performance of any function under  
10 this chapter and chapters 2, 4, and 6; and

11 (iii) the appropriate officers or other agencies of  
12 the Commonwealth for the cooperative enforcement of any  
13 provision of or the performance of any function under  
14 this chapter and chapters 2, 4 and 6;

15 (7) enforce, or cause to be enforced, the provisions of  
16 this chapter and chapters 2, 4 and 6, and cooperate with  
17 other officers, departments, boards, agencies or commissions  
18 of the Commonwealth, or of the United States, or of any other  
19 state, or of any local government, or with other persons or  
20 organizations in the enforcement of the provisions of this  
21 chapter[.] and chapters 2, 4 and 6; and

22 (8) in the secretary's discretion, require each employer  
23 and farm labor contractor utilizing a farm worker to file  
24 periodic informational returns with the department containing  
25 information deemed relevant by the department as to the  
26 employment of a farm worker.

27 Section 606. Criminal penalties.

28 (a) [Any person who violates any provision of Chapters 2, 4,  
29 5 or section 303, or any effective permit, permit condition or  
30 order of the department issued pursuant to section 303 shall,

1 for the first offense, be sentenced in a summary proceeding to  
2 pay a fine of not more than \$50 and costs of prosecution or to  
3 undergo imprisonment for not more than ten days, and for a  
4 second or subsequent violation of the same provision of this act  
5 within one year, or for a continuing violation of section 303  
6 after written notice, shall be guilty of a misdemeanor of the  
7 first degree and upon conviction shall be sentenced to pay a  
8 fine of not more than \$1,000, or to undergo imprisonment not  
9 exceeding one year, or both. For the purposes of this section,  
10 any violation occurring during any period of seven consecutive  
11 days shall be considered one offense.] The Office of Attorney  
12 General shall be empowered to file and prosecute criminal  
13 proceedings under this act. Any person who willfully and  
14 knowingly violates any provision of this act, any regulation  
15 promulgated under this act or any effective permit, permit  
16 condition or order of the Department of Agriculture or the  
17 Department of Labor and Industry issued under this act shall be  
18 guilty of:

19 (1) for a first offense, a misdemeanor of the first  
20 degree and shall be sentenced to pay a fine of not more than  
21 \$1,000 and costs of prosecution or to undergo imprisonment  
22 for not more than one year, or both.

23 (2) for a subsequent violation, a felony of the third  
24 degree and shall be sentenced to pay a fine of not more than  
25 \$10,000 or to undergo imprisonment for not more than three  
26 years, or both.

27 (b) Prosecution for a violation of any section of this act  
28 shall not bar prosecution for a violation of any other section  
29 of this act, or of any other law, statute or ordinance resulting  
30 from any action of the offender, nor shall any [such]

1 prosecution bar the assessment of civil penalties [by the  
2 Environmental Quality Board pursuant to section 303].

3 [(c) Interference with, harassment of, eviction of, or  
4 termination of the employment of any seasonal farm worker for  
5 having filed a civil or criminal complaint under this act, shall  
6 be a separate violation of this act and subject to the criminal  
7 penalties set forth in subsection (a).]

8 Section 10. The act is amended by adding sections to read:  
9 Section 606.1. Retaliation prohibited.

10 It is a separate violation of this act to interfere with,  
11 intimidate, threaten, restrain, coerce, harass, evict, blacklist  
12 or terminate any farm worker or in any manner to discriminate  
13 against any farm worker for having:

14 (1) instituted, or caused to be instituted, any  
15 proceeding under or related to this act;

16 (2) testified or initiated the process to testify in any  
17 proceeding under paragraph (1);

18 (3) exercised, on behalf of the farm worker or others,  
19 any right or protection under this act;

20 (4) complained about unsafe work practices;

21 (5) refused to perform unsafe work; or

22 (6) contacted or consulted an attorney, farm worker  
23 advocate group or legal service.

24 Section 606.2. Private right of action.

25 Any person aggrieved by a violation of this act or any  
26 regulation under this act by a farm labor contractor,  
27 agricultural employer or other person may file suit in the court  
28 of common pleas or other court of competent jurisdiction. If the  
29 court finds that the respondent has intentionally violated any  
30 provision of this act or any regulation under this act, the

1 court may award damages up to and including an amount equal to  
2 the amount of actual damages, statutory damages of up to \$500  
3 per plaintiff per violation or other equitable relief, except  
4 that multiple infractions of a single provision of this act or  
5 of regulations under this act shall constitute only one  
6 violation for purposes of determining the amount of statutory  
7 damages due to a plaintiff.

8 Section 606.3. Civil penalties and enforcement orders.

9 (a) The department may issue enforcement orders requiring  
10 the abatement of any violation of Chapters 2, 4, 5 or 6 or any  
11 rule or regulation adopted under Chapters 2, 4, 5 or 6. Any  
12 order issued under this subsection shall be in writing, identify  
13 the person or persons to whom the order applies, including  
14 officers of corporations, and shall specify the violations and  
15 conditions that are to be abated. The order may also establish a  
16 schedule of abatement or other appropriate remedial action.  
17 Orders issued under this subsection may include requirements for  
18 the payments of amounts determined to be due to a farm worker.  
19 Any order issued under this subsection shall be served  
20 personally or by certified mail and shall be effective on  
21 receipt.

22 (b) Notwithstanding any other provision of this act, the  
23 secretary or a designee may assess civil penalties payable to  
24 the Commonwealth in the amount of not less than \$100 and not  
25 more than \$1,000 for each violation of this act or any rules,  
26 regulations or orders promulgated or issued under this act. In  
27 determining the amount of the penalty, the secretary shall  
28 consider the willfulness of the violation, expenditures incurred  
29 by the department in pursuing the violation, economic benefit  
30 derived from the unlawful conduct, seriousness of the violation

1 and any other relevant factors.

2 (c) In assessing a penalty under subsection (b), the  
3 secretary shall treat each violation of this act affecting more  
4 than one farm worker as a separate violation of this act. Any  
5 penalty assessed shall be payable to the Commonwealth within 30  
6 days after the adjudication is issued by the secretary or a  
7 designee. A penalty shall be collectible in any manner provided  
8 by law for the execution of a final judgment and shall have  
9 priority over any other civil debt. If the person fails to pay  
10 the penalty when due, the principal amount, together with  
11 interest at 8% per annum and any costs that may be incurred,  
12 shall be a lien on the property of the person, but only after  
13 the same has been entered and docketed of record by the  
14 prothonotary of the county where the property is situated. The  
15 secretary, at the request of any party, shall transmit certified  
16 copies of any civil penalty adjudication, and it shall be the  
17 duty of each prothonotary to enter, docket and index the copy of  
18 any civil penalty adjudication in the office of the prothonotary  
19 as a final judgment.

20 (d) In addition to any other remedies provided for in this  
21 act, an action in equity may be filed in the court of  
22 appropriate jurisdiction for an injunction to restrain any  
23 violation of this act or the rules, regulations or any order of  
24 the department issued under this act, including an action to  
25 restrain any public nuisance or condition which may be  
26 detrimental to the health or safety of a farm worker or their  
27 family. If an action in equity is filed, the court shall, upon  
28 motion of the plaintiff, issue a mandatory injunction if the  
29 court finds that the defendant is engaging in conduct prohibited  
30 by this act or has failed to comply with an effective order of

1 the department. In addition to granting relief in equity, the  
2 court may have jurisdiction to assess civil penalties as  
3 provided by this act.

4 Section 11. This act shall take effect in 60 days.