

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1141 Session of 2023

INTRODUCED BY HOHENSTEIN, D. MILLER, BURGOS, GUZMAN, SANCHEZ, GUENST, MADDEN, HANBIDGE, RABB, PROBST, PARKER, PASHINSKI, KINKEAD, HILL-EVANS, CIRESI, CONKLIN, FIEDLER, KRAJEWSKI, FREEMAN, N. NELSON, KHAN, BULLOCK, YOUNG, INNAMORATO AND GREEN, MAY 10, 2023

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, MAY 10, 2023

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 privileged 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

1 date, further providing for criminal penalties and providing  
2 for retaliation prohibited, for private right of action and  
3 for civil penalties and enforcement orders; and making an  
4 editorial change.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

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

10 Section 101. Short title.

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

13 Section 102. Declaration of intent.

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

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

28 Section 103. Definitions.

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

32 "Committee." The Farm Labor Committee established under

1 section 301.

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

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

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

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

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

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

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

27 (1) The term includes:

28 (i) any living quarters, including housing  
29 accommodations, dormitories, mobile homes, buildings or  
30 group of buildings within an individual land tract that

1 provides or is intended to provide housing to one or more  
2 farm workers, whether or not rent is paid or reserved for  
3 use or occupancy;

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

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

10 (2) The term does not include:

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

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

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

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

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

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

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

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

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

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

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

1 United States by an instrumentality of such foreign  
2 nation.]

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

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

20 "Permanent resident." A person that:

21 (1) is permanently domiciled within this Commonwealth;

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

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

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

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

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

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

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

16 (4) the individual has lived in this Commonwealth  
17 continuously throughout the previous calendar year and lives  
18 as the tenant in possession in a single-family home which is  
19 provided by an employer or farm labor contractor under terms  
20 of a written lease which may not be terminated with less than  
21 30 days' notice.

22 \* \* \*

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

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

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

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

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

30 "Single-family home." A detached residential dwelling in



1 which an individual or two or more individuals related as  
2 spouses, children, parents or siblings to the farm worker  
3 occupant function as a single household unit.

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

6 Section 201. Minimum wages.

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

14 (b) [Such wages] Wages under subsection (a) shall be paid at  
15 [such] the rates specified under subsection (a) notwithstanding  
16 any contrary provision or exclusion in The Minimum Wage Act of  
17 1968, relating to labor on a farm.

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

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

30 Section 202. Piece rates.

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

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

21 Section 203. Employment of minors.

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

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

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

8 Section 204. Discrimination on account of sex prohibited.

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

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

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

7 Section 205. Records required; notice to workers.

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

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

1 Department of Revenue shall prescribe.] other information as may  
2 be required by the United States Department of Labor to be  
3 disclosed on wage statements to workers subject to 29 U.S.C. Ch.  
4 20 (relating to migrant and seasonal agricultural worker  
5 protection) and other information as the department shall  
6 prescribe.

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

- 11 (1) the wage rate or rates;
- 12 (2) the piece rate or rates;
- 13 (3) the terms and conditions under which wages are to be  
14 paid;
- 15 (4) any charges for benefits or services;
- 16 (5) the availability of housing and terms and conditions  
17 of residence;
- 18 (6) the anticipated period of demand for employment;
- 19 (7) arrangements for transportation;
- 20 (8) arrangements for providing or furnishing food,  
21 beverages, clothing and other personal goods or services;
- 22 (9) conditions and practices of employment which have  
23 been agreed upon prior to hiring;
- 24 (10) all information required to be provided by  
25 employers to migrant agricultural workers under the terms of  
26 29 U.S.C. Ch. 20; 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 employer's 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] committee established in subsection (b), shall  
15 adopt, 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 committee.

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

1 may be called upon written request of any three members of the  
2 committee.

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

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

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

30 (1) enter public or private property to determine

1 whether there exists any camp to which this act applies;

2 (2) enter and inspect all camps wheresoever situated,  
3 and inspect all sites, accommodations, equipment or  
4 facilities associated therewith; and

5 (3) enter and inspect the immediate land surrounding any  
6 camp, excluding that reserved solely for the owner's personal  
7 use, to determine whether the requirements of this act, any  
8 rules and regulations, permits or orders issued pursuant to  
9 this or any other act are being complied with.

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

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



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

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

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

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

1 be required by the department to properly evaluate the  
2 application.

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

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

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

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

1 or unsafe condition shall be corrected or the [seasonal] farm  
2 labor camp vacated.

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

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

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

20 Section 304. Enforcement orders.

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

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

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

7 [Section 307. Civil remedies.

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

25 Section 308. Drinking water; toilet facilities.

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

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

2 Section 309. Food service and cooking facilities.

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

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

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

10 (1) the Secretary of the United States Department of  
11 Labor for the enforcement of any law or the performance of  
12 any function, under 29 U.S.C. § 1863 (relating to agreements  
13 with Federal and State agencies) or any other Federal law  
14 authorizing the agreements;

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

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

21 Section 311. Medical services.

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

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

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

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

29 (e) No medical facility or doctor shall refuse to provide  
30 medical services to a farm worker on the same basis as medical

1 services are available to members of the general public.

2 Section 312. Posting of information concerning housing.

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

13 (b) Each farm labor camp that is owned or operated by an  
14 employer or farm labor contractor shall be required to display,  
15 in locations accessible to all occupants of the farm labor camp,  
16 all information required to be provided by an employer or farm  
17 labor contractor who provides housing to migrant agricultural  
18 workers who are subject to 29 U.S.C. Ch. 20 (relating to migrant  
19 and seasonal agricultural worker protection) and any further  
20 information which may be required by the department or the  
21 Secretary of Labor and Industry under this act.

22 (c) Each farm labor contractor, agricultural employer or  
23 agent of a farm labor contractor or agricultural employer who  
24 sells food, beverages or prepared meals in a farm labor camp  
25 shall be required at all times to post, in locations accessible  
26 to all occupants of the farm labor camp, including each location  
27 where a good or service is sold, a notice setting forth the  
28 daily, weekly, per item or other periodic charges for food,  
29 beverages, the preparation and serving of meals or for any other  
30 goods or services provided.

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

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

9 Section 401. Tenancy rights.

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

29 Section 402. Interference prohibited.

30 No person shall prohibit, bar, or interfere with, or attempt



1 to prohibit, bar, or interfere with, reasonable access to, or  
2 egress from, the grounds of any [seasonal] farm labor camp by a  
3 privileged person, either by the erection or maintenance of any  
4 physical barrier, or by physical force or violence, or by threat  
5 of force or violence, or by posting, or by any order of notice  
6 given in any manner.

7 Section 403. Privileged persons.

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

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

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

27 (3) any individual, group or public agency whose primary  
28 purpose is to provide a service to the owner of a [seasonal]  
29 farm labor camp rather than the [seasonal] farm workers.

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

1 Section 404. Privacy rights of tenants.

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

12 Section 9. Chapter 5 heading and sections 501, 503, 504,  
13 505, 506 and 606 of the act are amended to read:

14 CHAPTER 5

15 [REGISTRATION] RESPONSIBILITIES OF FARM LABOR CONTRACTORS

16 Section 501. Annual registration required.

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

1 worker or prospective [seasonal] farm worker; or of an employer  
2 or a prospective employer of [seasonal] farm labor, or of any  
3 qualified officer of the United States or of any local  
4 government.

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

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

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

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

27 (d) In the event the farm labor contractor has been  
28 previously authorized or permitted by an employer to pay wages,  
29 the department shall require the farm labor contractor to  
30 establish that all employment and payroll taxes have been timely

1 paid and that any necessary reports as to employee earnings have  
2 been filed.

3 Section 503. Qualifications of registrants.

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

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

10 (2) has made any deliberate misrepresentation or has  
11 knowingly made any false statement in or with respect to an  
12 application for registration or renewal;

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

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

1 applicant or registrant who has been refused a certificate of  
2 registration or who has had [his] a certificate of  
3 registration revoked or suspended pursuant to this section  
4 shall have the right to file an appeal, within 30 days of  
5 receipt of notice of [such] refusal, revocation or  
6 suspension, with the Industrial Board pursuant to the  
7 "Administrative Agency Law."

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

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

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

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

23 Section 505. Farm labor contractors and agents; prohibited  
24 activities.

25 (a) No employer or person engaged in activities as a farm  
26 labor contractor, [and no] including a person acting as an agent  
27 for any [such] person, [shall] may:

28 (1) knowingly give or represent to any person who is a  
29 [seasonal] farm worker or a prospective [seasonal] farm  
30 worker any false or misleading information, or fail to fully

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

13 (2) violate any provision of, or fail to comply with  
14 every requirement of [Public Law 88-582 (U.S.C. § 2041 et  
15 seq.), known as the "Farm Labor Contractor Registration Act  
16 of 1963";] 29 U.S.C. Ch. 20 (relating to migrant and seasonal  
17 agricultural worker protection);

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

24 (4) manufacture, transport, resell, dispense[, ] or in  
25 any way engage in activities as a dealer of any liquor, wine,  
26 or any malt or brewed beverage, unless he shall have obtained  
27 a license or a permit pursuant to the act of April 12, 1951  
28 (P.L.90, No.21), known as the "Liquor Code"; make, transport,  
29 purchase, sell, or dispense any drug or any controlled  
30 substance as defined by the act of April 14, 1972 (P.L.221,

1 No.63), known as the "Pennsylvania Drug and Alcohol Abuse  
2 Control Act," or by the act of April 14, 1972 (P.L.233,  
3 No.64), known as "The Controlled Substance, Drug, Device and  
4 Cosmetic Act"; or violate any provision of the act of July  
5 22, 1970 (P.L.513, No.178), known as the "Pennsylvania  
6 Cigarette Tax Act";

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

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

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

26 (i) a reasonable charge for transportation and  
27 housing of the [seasonal] farm worker and [his] the farm  
28 worker's relatives and [their] possessions from the place  
29 of [their] residence or recruitment to the premises of an  
30 employer of [seasonal] farm labor, or from the premises



1 of one employer to those of another, and return to the  
2 place of [their] residence or recruitment; and

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

17 (8) [charge more than a reasonable amount for  
18 transportation of the seasonal farm worker and his relatives  
19 and their possessions from the place of their residence or  
20 recruitment to the premises of an employer of seasonal farm  
21 labor, or from the premises of one employer to those of  
22 another, and return to the place of their residence or  
23 recruitment, and for a reasonable amount for the preparation  
24 and serving of meals during the seasonal farm worker's term  
25 of employment or transportation. Such charge for  
26 transportation and for the preparation and serving of meals  
27 may be levied and collected only if the full amount of such  
28 charges is correctly stated and disclosed to the seasonal  
29 farm worker and agreed to by the seasonal farm worker at the  
30 time any contract or agreement of recruitment is negotiated,

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

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

24 (ii) all information required to be provided at the  
25 time of recruitment to migrant agricultural workers under  
26 the terms of 29 U.S.C. Ch. 20; and

27 (iii) information which may be further required by  
28 the secretary.

29 (b) The following shall apply:

30 (1) Reasonable charges for housing, transportation,

1 food, beverages and the preparation and serving of meals may  
2 not exceed either the actual and reasonable costs incurred or  
3 the fair market value of each of the goods and services  
4 provided as specified in this subsection.

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

21 Reasonable steps may include:

- 22 (i) provisions for rebates of excess charges;
- 23 (ii) moratoriums on additional charges; or
- 24 (iii) where no other step is feasible, reducing  
25 anticipated charges in the next calendar year by an  
26 amount that will offset the actual amount of excess  
27 income carried over from the previous year.

28 (3) The secretary shall establish a procedure where an  
29 individual employer or farm labor contractor may seek a  
30 prospective determination of the fair market value of charges

1 for housing, transportation, food, beverages or meal services  
2 to be provided to a farm worker. The determination under this  
3 paragraph may not relieve the employer or farm labor  
4 contractor from the necessity to maintain receipts, invoices  
5 and other records as to actual costs or the responsibility to  
6 not exceed the actual costs in the provision of goods or  
7 services.

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

17 (5) Pending the promulgation of regulations under  
18 paragraph (4), receipts, invoices or records required by  
19 regulation to be maintained under 29 U.S.C. Ch. 8 (relating  
20 to fair labor standards) for substantiation of actual costs  
21 shall be required to be maintained to substantiate the actual  
22 costs. If housing is provided or arranged by an employer or  
23 farm labor contractor in a farm labor camp which is operated  
24 without a permit if one is required by this act, in violation  
25 of the terms specified on that permit, or in violation of  
26 Federal or State housing standards applicable to that  
27 housing, no charge for housing by an employer or farm labor  
28 contractor shall be determined to be reasonable.

29 (6) Reasonable charges for transportation may not exceed  
30 either the lower of the actual and reasonable costs incurred

1 by the employer or farm labor contractor or the cost for  
2 equivalent fair market value of ground transportation by a  
3 commercial common carrier bus company to the area of  
4 employment. Except as provided in this subsection,  
5 transportation costs include wages paid to drivers, expenses  
6 for insurance, fuel and oil charges, maintenance services,  
7 vehicle depreciation or actual vehicle lease costs. The  
8 secretary shall, by regulation, specify the records required  
9 to be maintained to substantiate the actual costs.

10 (7) Pending the promulgation of regulations under  
11 paragraph (6), original receipts, invoices or checks and any  
12 other accounting records substantiating actual costs shall be  
13 maintained to substantiate the actual costs. Consistent with  
14 29 U.S.C. Ch. 8, no deduction or charge collected for  
15 transportation shall reduce the amount of wages below the  
16 amount of minimum wages guaranteed for that pay period.

17 (8) Reasonable charges for the preparation and serving  
18 of meals may not exceed the lower of the actual costs of  
19 food, labor or services, facility usage and related costs  
20 incurred by the employer, farm labor contractor or agents  
21 thereof, or the fair market value for the preparation and  
22 servicing of the meals. If the person receiving the income from  
23 the preparation and the serving of meals personally incurs  
24 expenses for wages, food, utilities, kitchen equipment and  
25 utensils or facilities usage, the amounts may be included as  
26 actual charges unless they are otherwise included as part of  
27 the costs allocated to the provision of the housing. The  
28 secretary shall by regulation specify the records required to  
29 be maintained to substantiate these actual costs.

30 (9) Pending the promulgation of regulations under

1 paragraph (8), those receipts, invoices or records required  
2 by regulation to be maintained under 29 U.S.C. Ch. 8 for  
3 substantiation of actual costs shall be required to  
4 substantiate actual costs under paragraph (8).

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

8 Section 506. Secretary of Labor and Industry, powers and  
9 duties.

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

12 (1) promulgate and enforce rules and regulations for the  
13 enforcement and implementation of this chapter and Chapters  
14 2, 4 and 6;

15 (2) investigate or cause to be investigated all matters  
16 which may aid in carrying out the provisions of this chapter,  
17 including the investigation of any complaint filed with the  
18 secretary regarding any violation of [this chapter or]  
19 Chapter 2, 4, 5 or 6 or, with respect to which the secretary  
20 has reasonable grounds to believe that any person has  
21 violated any provisions of [this chapter, and may, in  
22 connection therewith,] Chapters 2, 4, 5 or 6 may:

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

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

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

27 (iv) investigate [such] any facts, conditions,  
28 practices[ , ] or matters as may be necessary or  
29 appropriate to determine whether a violation of this  
30 chapter has been committed;

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

9 (4) conduct field surveys and censuses adequate to  
10 determine the number, location, character and the condition  
11 of [seasonal] farm workers and the needs of the workers and  
12 of the employers, in cooperation with the Departments of  
13 [Environmental Resources,] Agriculture, Health, Public  
14 Welfare, Education, Community [Affairs] and Economic  
15 Development and any other departments, agencies or  
16 Commonwealth employees;

17 (5) report annually to the Governor and the General  
18 Assembly the results of [such] surveys and censuses, and make  
19 recommendations for legislation and for executive action to  
20 improve service and enforcement programs relating to  
21 [seasonal] farm workers and their employers;

22 (6) enter into agreements with:

23 (i) the Secretary of the United States Department of  
24 Labor for the enforcement of any law or the performance  
25 of any function, pursuant to [section 8 of Public Law 88-  
26 582, known as the "Farm Labor Contractor Registration Act  
27 of 1963," and further, enter into agreements with] 29  
28 U.S.C. § 1863 (relating to agreements with Federal and  
29 State agencies);

30 (ii) the appropriate officers or agencies of any

1 other state or states for the enforcement of any  
2 provision of or the performance of any function under  
3 this chapter and chapters 2, 4, and 6; and

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

8 (7) enforce, or cause to be enforced, the provisions of  
9 this chapter and chapters 2, 4 and 6, and cooperate with  
10 other officers, departments, boards, agencies or commissions  
11 of the Commonwealth, or of the United States, or of any other  
12 state, or of any local government, or with other persons or  
13 organizations in the enforcement of the provisions of this  
14 chapter[.] and chapters 2, 4 and 6; and

15 (8) in the secretary's discretion, require each employer  
16 and farm labor contractor utilizing a farm worker to file  
17 periodic informational returns with the department containing  
18 information deemed relevant by the department as to the  
19 employment of a farm worker.

20 Section 606. Criminal penalties.

21 (a) [Any person who violates any provision of Chapters 2, 4,  
22 5 or section 303, or any effective permit, permit condition or  
23 order of the department issued pursuant to section 303 shall,  
24 for the first offense, be sentenced in a summary proceeding to  
25 pay a fine of not more than \$50 and costs of prosecution or to  
26 undergo imprisonment for not more than ten days, and for a  
27 second or subsequent violation of the same provision of this act  
28 within one year, or for a continuing violation of section 303  
29 after written notice, shall be guilty of a misdemeanor of the  
30 first degree and upon conviction shall be sentenced to pay a



1 fine of not more than \$1,000, or to undergo imprisonment not  
2 exceeding one year, or both. For the purposes of this section,  
3 any violation occurring during any period of seven consecutive  
4 days shall be considered one offense.] The Office of Attorney  
5 General shall be empowered to file and prosecute criminal  
6 proceedings under this act. Any person who willfully and  
7 knowingly violates any provision of this act, any regulation  
8 promulgated under this act or any effective permit, permit  
9 condition or order of the Department of Agriculture or the  
10 Department of Labor and Industry issued under this act shall be  
11 guilty of:

12       (1) for a first offense, a misdemeanor of the first  
13 degree and shall be sentenced to pay a fine of not more than  
14 \$1,000 and costs of prosecution or to undergo imprisonment  
15 for not more than one year, or both.

16       (2) for a subsequent violation, a felony of the third  
17 degree and shall be sentenced to pay a fine of not more than  
18 \$10,000 or to undergo imprisonment for not more than three  
19 years, or both.

20       (b) Prosecution for a violation of any section of this act  
21 shall not bar prosecution for a violation of any other section  
22 of this act, or of any other law, statute or ordinance resulting  
23 from any action of the offender, nor shall any [such]  
24 prosecution bar the assessment of civil penalties [by the  
25 Environmental Quality Board pursuant to section 303].

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

1 Section 10. The act is amended by adding sections to read:

2 Section 606.1. Retaliation prohibited.

3 It is a separate violation of this act to interfere with,  
4 intimidate, threaten, restrain, coerce, harass, evict, blacklist  
5 or terminate any farm worker or in any manner to discriminate  
6 against any farm worker for having:

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

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

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

13 (4) complained about unsafe work practices;

14 (5) refused to perform unsafe work; or

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

17 Section 606.2. Private right of action.

18 Any person aggrieved by a violation of this act or any  
19 regulation under this act by a farm labor contractor,  
20 agricultural employer or other person may file suit in the court  
21 of common pleas or other court of competent jurisdiction. If the  
22 court finds that the respondent has intentionally violated any  
23 provision of this act or any regulation under this act, the  
24 court may award damages up to and including an amount equal to  
25 the amount of actual damages, statutory damages of up to \$500  
26 per plaintiff per violation or other equitable relief, except  
27 that multiple infractions of a single provision of this act or  
28 of regulations under this act shall constitute only one  
29 violation for purposes of determining the amount of statutory  
30 damages due to a plaintiff.

1 Section 606.3. Civil penalties and enforcement orders.

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

14 (b) Notwithstanding any other provision of this act, the  
15 secretary or a designee may assess civil penalties payable to  
16 the Commonwealth in the amount of not less than \$100 and not  
17 more than \$1,000 for each violation of this act or any rules,  
18 regulations or orders promulgated or issued under this act. In  
19 determining the amount of the penalty, the secretary shall  
20 consider the willfulness of the violation, expenditures incurred  
21 by the department in pursuing the violation, economic benefit  
22 derived from the unlawful conduct, seriousness of the violation  
23 and any other relevant factors.

24 (c) In assessing a penalty under subsection (b), the  
25 secretary shall treat each violation of this act affecting more  
26 than one farm worker as a separate violation of this act. Any  
27 penalty assessed shall be payable to the Commonwealth within 30  
28 days after the adjudication is issued by the secretary or a  
29 designee. A penalty shall be collectible in any manner provided  
30 by law for the execution of a final judgment and shall have

1 priority over any other civil debt. If the person fails to pay  
2 the penalty when due, the principal amount, together with  
3 interest at 8% per annum and any costs that may be incurred,  
4 shall be a lien on the property of the person, but only after  
5 the same has been entered and docketed of record by the  
6 prothonotary of the county where the property is situated. The  
7 secretary, at the request of any party, shall transmit certified  
8 copies of any civil penalty adjudication, and it shall be the  
9 duty of each prothonotary to enter, docket and index the copy of  
10 any civil penalty adjudication in the office of the prothonotary  
11 as a final judgment.

12 (d) In addition to any other remedies provided for in this  
13 act, an action in equity may be filed in the court of  
14 appropriate jurisdiction for an injunction to restrain any  
15 violation of this act or the rules, regulations or any order of  
16 the department issued under this act, including an action to  
17 restrain any public nuisance or condition which may be  
18 detrimental to the health or safety of a farm worker or their  
19 family. If an action in equity is filed, the court shall, upon  
20 motion of the plaintiff, issue a mandatory injunction if the  
21 court finds that the defendant is engaging in conduct prohibited  
22 by this act or has failed to comply with an effective order of  
23 the department. In addition to granting relief in equity, the  
24 court may have jurisdiction to assess civil penalties as  
25 provided by this act.

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