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H.403

Introduced by Representative Surprenant of Barnard

Referred to Committee on

Date:

Subject: Labor; agriculture; employment practices; minimum wages;  
agricultural workers; farm employee housing

Statement of purpose of bill as introduced: This bill proposes to repeal the exemption of agricultural workers from the applicability of the minimum wage laws and to provide overtime pay for agricultural workers. This bill also proposes to provide inspections to determine the adequacy of farm employee housing and a mechanism to address violations of the Vermont Residential Rental Housing Health and Safety Code.

An act relating to fair labor standards and housing standards for agricultural workers

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. SHORT TITLE

This act may be cited as the “Agricultural Workers’ Fair Labor Standards and Housing Act.”

1 Sec. 2. 21 V.S.A. § 383 is amended to read:

2 § 383. DEFINITIONS

3 As used in this subchapter:

4 (1) “Commissioner” means the Commissioner of Labor or designee.

5 (2) “Employee” means any individual employed or permitted to work by  
6 an employer except:

7 (A) any individual employed in agriculture, provided the individual is  
8 the agricultural employer’s parent, spouse, or child;

9 \* \* \*

10 Sec. 3. 21 V.S.A. § 384 is amended to read:

11 § 384. EMPLOYMENT; WAGES

12 (a)(1) Beginning on January 1, 2022, an employer shall not employ any  
13 employee at a rate of less than \$12.55, and on each subsequent January 1, the  
14 minimum wage rate shall be increased by five percent or the percentage  
15 increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally  
16 adjusted, or successor index, as calculated by the U.S. Department of Labor or  
17 successor agency for the 12 months preceding the previous September 1,  
18 whichever is smaller, but in no event shall the minimum wage be decreased.

19 The minimum wage shall be rounded off to the nearest \$0.01.

20 \* \* \*

1 (b) Notwithstanding subsection (a) of this section, an employer shall not  
2 pay an employee less than one and one-half times the regular wage rate for any  
3 work done by the employee in excess of 40 hours during a workweek.

4 However, this subsection shall not apply to:

5 \* \* \*

6 (9) Any individual employed in agriculture, provided the employee  
7 receives not less than one and one-half times the regular wage rate for any  
8 work done by the employee in excess of 60 hours per week, effective January  
9 1, 2026. This subdivision shall not apply if the individual is the agricultural  
10 employer's parent, spouse, or child.

11 \* \* \*

12 Sec. 4. 6 V.S.A. chapter 213 is added to read:

13 CHAPTER 213. ADEQUACY OF FARM EMPLOYEE HOUSING

14 § 4751. DEFINITIONS

15 As used in this chapter:

16 (1) "Farm" has the same meaning as in section 2.14 of the Required  
17 Agricultural Practices.

18 (2) "Farm employee" means an individual employed by a farm  
19 employer for farming.

20 (3) "Farm employee housing" means housing owned or controlled by a  
21 farm employer, whether located on or off the farm premises and provided for

1 the occupancy of the farm employee and the farm employee's family or  
2 household members.

3 (4) "Farm employer" means a person engaged in farming who is:

4 (A) required to obtain a large farm permit or medium farm permit  
5 under chapter 215 of this title; or

6 (B) is subject to the Required Agricultural Practices under chapter  
7 215 of this title and who earns at least one quarter of their annual gross income  
8 from the business of farming.

9 (5) "Farming" has the same meaning as in section 2.16 of the Required  
10 Agricultural Practices.

11 (6) "Secretary" means the Secretary of Agriculture, Food and Markets.

12 § 4752. ADEQUACY OF FARM EMPLOYEE HOUSING; INSPECTION

13 (a) When the Secretary conducts a scheduled inspection of a farm under  
14 chapter 215 of this title, the Secretary shall determine if farm employee  
15 housing is in use on the farm and shall survey farm employees regarding the  
16 adequacy, availability, and safety of the farm employee housing.

17 (b)(1) To facilitate the survey of the farm employee housing, the Secretary  
18 shall provide farm employees with a form containing questions regarding the  
19 farm employee housing. The form shall, at a minimum, include the following  
20 questions:

1           (A) Is the farm employee housing provided voluntarily or are you  
2           required to reside in the farm employee housing as a condition of employment?

3           (B) Was the farm employee housing provided in clean working  
4           order?

5           (C) Does the farm employer provide proper and timely maintenance,  
6           without undue delay?

7           (D) Do you pay rent for the farm employee housing?

8           (E) If you pay rent, does the rent reduce your net wages below the  
9           prevailing minimum wage?

10          (F) Does the farm employee housing provide sleeping areas with  
11          doors or other ability to maintain privacy?

12          (G) Is the farm employee housing provided with adequate heat,  
13          safety, ventilation, windows, or temperature control?

14          (2) If the Secretary knows prior to an inspection that farm employees  
15          reside in farm employee housing on a farm, the Secretary shall make the form  
16          required in subdivision (1) of this subsection available to the farm employees  
17          prior to the inspection.

18          (3) The Secretary shall ensure that the form provided to farm employees  
19          is accessible in multiple languages and shall provide interpretation or  
20          translation services if necessary for a farm employee to complete the form.

1        (c) If the Secretary determines that a farm employer has obstructed the  
2        completion of a survey form under this section, the Secretary may assess an  
3        administrative penalty against the farm employer under the Secretary's  
4        authority in chapter 1 of this title.

5        § 4753. FILING WITH DIVISION OF FIRE SAFETY

6        (a) A copy of each form submitted by a farm employee to the Secretary  
7        under this section shall be submitted to the Division of Fire Safety to inform  
8        whether the Division should conduct an inspection of the farm employee  
9        housing to determine whether or not it is safe for occupation.

10       (b) If the Division of Fire Safety conducts an inspection of farm employee  
11       housing, the Division shall assess whether the farm employee housing satisfies  
12       the requirements of the Vermont Residential Rental Housing Health and Safety  
13       Code and shall conduct an inspection consistent with the requirements of 20  
14       V.S.A. § 2677.

15       (c) If the Division of Fire Safety determines that the farm employee  
16       housing is in violation of the Vermont Residential Rental Housing Health and  
17       Safety Code, the Division shall provide the farm employer the opportunity to  
18       comply with requirements and timelines in the inspection report.

19       (d) If a farm employer fails to comply with a Division of Fire Safety  
20       requirement or timeline, the Division may impose an administrative penalty

1 reasonably related to the severity of the violation, not to exceed \$1,000.00 per  
2 violation.

3 Sec. 5. EFFECTIVE DATE

4 This act shall take effect on July 1, 2025.