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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 (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.