

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture, Food Resiliency, and Forestry to which was
3 referred House Bill No. 403 entitled “An act relating to fair labor standards and
4 housing standards for agricultural workers” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

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

8 § 383. DEFINITIONS

9 As used in this subchapter:

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

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

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

15 (B) any individual employed in domestic service in or about a private
16 home;

17 (C) any individual employed by the United States;

18 (D) any individual employed in the activities of a public supported
19 nonprofit organization, except laundry employees, nurses’ aides, or practical
20 nurses;

1 (E) any individual employed in a bona fide executive, administrative,
2 or professional capacity;

3 (F) any individual making home deliveries of newspapers or
4 advertising;

5 (G) taxi-cab drivers;

6 (H) outside salespersons; and

7 (I) students working during all or any part of the school year or
8 regular vacation periods.

9 (3) “Employer” means any person that employs two or more employees.

10 (4) “Occupation” means an industry, trade, or business or branch thereof
11 or class of work in which workers are gainfully employed.

12 Sec. 2. 21 V.S.A. § 384 is amended to read:

13 § 384. EMPLOYMENT; WAGES

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

1 minimum wage be decreased. The minimum wage shall be rounded off to the
2 nearest \$0.01.

3 * * *

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

7 However, this subsection shall not apply to:

8 * * *

9 (9) Any individual employed in agriculture.

10 * * *

11 Sec. 3. REPORT; LODGING DEDUCTION RATES FOR
12 AGRICULTURAL WORKERS

13 (a) On or before December 1, 2026, the Commissioner of Labor, in
14 consultation with the Secretary of Agriculture, Food and Markets, shall submit
15 a written report to the House Committees on Agriculture, Food Resiliency, and
16 Forestry and on General and Housing and the Senate Committees on
17 Agriculture and on Economic Development, Housing and General Affairs on
18 the lodging allowance that employers are entitled to deduct from an
19 employee's wages.

