

Matrix of state-by-state comparison of employment laws applicable to agricultural workers¹

State	Unions Permitted	State Min Wage	State Overtime	Workers Comp.	Field Sanitation	Pesticide Safety	Recreational Cannabis
Alabama	NO	NO	NO	Voluntary by employer	NO	YES	NO
Alaska	NO	Excluded	Excluded	Limited coverage	NO	YES	YES – 2014
Arizona	YES ²	YES w/ exclusion for minors	NO	YES – same as other workers	YES	YES	YES – 2020
Arkansas	NO	Excluded	Excluded	Voluntary by employer	NO	YES	NO
California	YES ³	YES	YES – phased approach ⁴	YES – same as other workers	YES	YES	YES - 2016
Colorado	YES ⁵	YES	YES – phased approach ⁶	YES – same as other workers	YES	YES	YES - 2012
Connecticut	NO	YES w/ some exclusions	Excluded	YES – same as other workers	YES	YES	YES - 2021
Delaware	NO	Excluded	NO	Voluntary by employer	YES	YES	YES – 2023
Florida	NO	Excluded	NO	YES w/exceptions for small employers	YES	YES	NO
Georgia	NO	Governed by FLSA	NO	Voluntary by employer	NO	YES	NO

¹ Data for this matrix is drawn from the Farmworker Justice website at <https://www.farmworkerjustice.org/general-map/>, which resource was provided to the Committee by Will Lambek of Migrant Justice. Much of the information available from the website has been supplemented and updated. Information about states that allow for retail sales/non-medical adult use of cannabis provided by NCLS at <https://www.ncsl.org/health/state-medical-cannabis-laws>.

² **Arizona – Agricultural Employment Relations Act**, 23 A.R.S. §§ 1381–1395.

³ **California – Agricultural Labor Relations Act (CALRA)**, Cal. Lab. Code §§ 1140–1167.

⁴ California – Phase-in Overtime for Agricultural Workers Act of 2016, Cal. Lab. Code §§ 857–864 (based on employer size & hours worked).

⁵ Colorado – Agricultural workers covered by general labor relations statute and Colorado's Labor Peace Act. *See* Colo. Rev. Stat. § 8-2-206; §§ 8-3-101–8-3-123. *See* Colo. Rev. Stat. § 8-70-109 for definition of agricultural labor and farm.

⁶ Colorado – Director of Department of Labor and Employment shall promulgate rules providing meaningful overtime and maximum hours protections to agricultural employees. *See* Colo. Rev. Stat. § 8-6-120.

State	Unions Permitted	State Min Wage	State Overtime	Workers Comp.	Field Sanitation	Pesticide Safety	Recreational Cannabis
Hawaii	YES ⁷	Yes w/some exclusions ⁸	YES, at 48+ hours/week ⁹	YES – same as other workers	NO	YES	NO
Idaho	NO	Yes w/some exceptions	NO	YES – same as other workers	YES	YES	NO
Illinois	NO	Yes w/some exceptions	Excluded	YES w/some exceptions	Yes	YES	YES – 2020
Indiana	NO	Excluded	Excluded	Voluntary by employer	NO	YES	NO
Iowa	NO	Governed by FLSA	NO	YES w/some exceptions	NO	YES	NO
Kansas	YES ¹⁰	Excluded	Excluded	Voluntary by employer	NO	YES	NO
Kentucky	YES ¹¹	Excluded	Excluded	Voluntary by employer	NO	YES	NO
Louisiana	YES ¹²	NO	NO	YES w/exceptions for small employers	NO	YES	NO
Maine	NO	Excluded ¹³	Excluded	YES w/ some exceptions	YES	YES	YES – 2016
Maryland	NO	YES w/some exceptions ¹⁴	YES (at 60+ hours/week) ¹⁵	YES w/exceptions for small employers	YES	YES	YES - 2022

⁷ Hawaii – Agricultural workers are covered by Hawaii's Employment Relations Act, Haw. Rev. Stat. §§ 377-1–377-18.

⁸ Hawaii - Agricultural workers who work in coffee harvesting or for an employer with 20 employees or less are exempt, along with employees guaranteed a monthly compensation of \$2,000 or more. Haw. Rev. Stat. § 387-1.

⁹ Hawaii - An agricultural employer may pick 20 weeks out of the year when overtime pay is exempt up to 48 hours. After 48 hours/week, overtime is required. During the other weeks of the year, overtime compensation must be paid for hours worked over 40 hours/week. Haw. Rev. Stat. § 387-3(e).

¹⁰ **Kansas – Agricultural Labor Relations**, Kan. Stat. Ann. §§ 44-818 to 44-830. Focus is on meeting and conferring and statute bars lockouts, pickets, and strikes during certain periods.

¹¹ Kentucky – Ky. Rev. Stat. Ann. §§ 336.130 (right of workers to organize includes “any person employed by or suffered or permitted to work for a public or private employer”).

¹² **Louisiana – Agricultural Laborers' Right to Work Law**, La. R.S. §§ 23:881–23:889 (1956).

¹³ Maine – agricultural workers are generally excluded from state definition of employee unless performing services on farm with over 300,000 laying birds.

¹⁴ Maryland – Md. Labor & Employment Code Ann. § 3-401 (listing numerous exceptions for workers in agricultural activities).

¹⁵ Maryland – Md. Labor & Employment Code Ann. § 3-420(c) (overtime pay kicks in at 60 hours/week for employees who are engaged in agriculture and are exempt from the FLSA's overtime provisions).

State	Unions Permitted	State Min Wage	State Overtime	Workers Comp.	Field Sanitation	Pesticide Safety	Recreational Cannabis
Massachusetts	YES ¹⁶	YES – special rate ¹⁷	Excluded	YES – same as other workers	YES	YES	YES - 2016
Michigan	NO	YES w/some exceptions	Excluded	YES w/exceptions for small employers	YES	YES	YES – 2018
Minnesota	NO	YES w/some exceptions	YES w/some exceptions	YES w/some exceptions ¹⁸	need a safety committee for 25+ e'ees	YES	YES - 2023
Mississippi	NO	NO	NO	Voluntary by employer	NO	YES	NO
Missouri	NO	YES w/some exceptions	Excluded	Voluntary by employer	NO	YES	YES – 2022
Montana	NO	YES w/some exceptions	Excluded	YES	NO	YES	YES - 2020
Nebraska	YES ¹⁹	Excluded	NO	YES w/some exceptions	NO	NO	NO
Nevada	NO	YES w/some exceptions	Excluded	Voluntary by employer	YES	YES	YES - 2016
New Hampshire	NO	Excluded	Excluded	YES	NO	YES	NO
New Jersey	YES ²⁰	YES – special rate ²¹	Excluded	YES – same as other workers	YES	YES	YES – 2021

¹⁶ Massachusetts – Agricultural workers are covered by Massachusetts's Labor Relations statute, Mass. Gen. Stat. Ann. ch. 150A §5A (statute applies to agricultural workers where there is a permanent hired work force of more than four non-familial workers; covers horticulture, floriculture and any other commercial enterprise involving the production of food or fiber).

¹⁷ Massachusetts – Mass. Gen. Stat. Ann. ch. 151 §2A ("A wage of less than \$8.00 per hour in agriculture and farming shall be conclusively presumed to be oppressive and unreasonable," unless paid to a child of 17 years or younger, or an immediate family member).

¹⁸ Minnesota – Minn. Stat. Ann. § 177.25. Overtime compensation required for hours worked over 48 in a workweek.

¹⁹ Nebraska – Neb. Rev. St. §§ 48-901 to 48-912 (1959). Statute creates right of workers to unionize but notes that "[i]t is recognized that certain employers, including farmers and farmer cooperatives, in addition to their general employer problems, face special problems arising from perishable commodities and seasonal production which require adequate consideration." Neb. Rev. St. § 48-901(2).

²⁰ New Jersey – There is judicial interpretation of a provision in the state constitution that grants farmworkers the right to join and organize labor unions free from retaliation, and to engage in collective bargaining with their employers. "Persons in private employment shall have the right to organize and bargain collectively." N.J. Const., Art. I, Para. 19. In 1986 and 1989, the NJ Appellate Court held this constitutional provision does apply to agricultural workers.

²¹ New Jersey – NJ Stat 34:11-56a4(d) (\$13.40/hour as of 1/1/25 with future increases of \$0.80/year). Commissioner of Labor and Secretary of Agriculture to consider impact on farm employers and the viability of the State's agricultural industry of the increases of the minimum wage, including comparisons with the wage rates in the agricultural industries in other states.

State	Unions Permitted	State Min Wage	State Overtime	Workers Comp.	Field Sanitation	Pesticide Safety	Recreational Cannabis
New Mexico	NO ²²	YES, but many exceptions	Excluded	YES – same as other employees	YES	YES	YES – 2021
New York	YES ²³	YES ²⁴	YES ²⁵	YES	YES	YES	YES – 2021
North Carolina	NO ²⁶	Excluded	Excluded	YES w/some exceptions	YES	YES	NO
North Dakota	NO	YES – FLSA rate	Excluded	Voluntary by employer	NO	YES	NO
Ohio	NO ²⁷	YES, unless exempt by FLSA	Excluded	YES	NO	YES	YES - 2023
Oklahoma	NO	Excluded	NO	YES w/some exceptions	NO	NO	NO
Oregon	YES ²⁸	YES w/some exceptions	YES – being phased in ²⁹	YES – same as other employees	YES	YES	YES – 2014
Pennsylvania	NO ³⁰	Yes, for seasonal farm workers ³¹	Excluded ³²	YES w/some exceptions	YES, for seasonal farm workers	YES	NO
Rhode Island	NO	Excluded	Excluded	YES w/some exceptions	NO	NO	YES – 2022

²² New Mexico – state law prohibits retaliation against any person for assisting another person to assert a wage right or informing another person about their rights. N.M. Stat. Ann. § 50-4-26.1. State law also prohibits interfering in the rights of employees to bargain collectively. *Id.* at § 50-4-28.

²³ **New York** – Judicial interpretation that there is a constitutional right for farmworkers to organize, plus N.Y. Lab Law § 701(2)(b) grants farmworkers the right to join and organize labor unions free from retaliation. Section 702-b provides impasse resolution procedures specific to agricultural workers. NY passed the **Farm Laborers Fair Practices Act** in (2019), updating different sections of NY's existing laws, including providing farm laborers with 24 consecutive hours of rest every week, overtime pay at time and half for hours worked over 60 hours/week, and identifying strikes and lockouts as an unfair labor practice. NY Legis 105 (2019), 2019 Sess. Law News of N.Y. Ch. 105 (A. 8419).

²⁴ New York – N.Y. Lab. Law §§ 670-683, Minimum Wage Standards and Protective Labor Practices for Farmworkers.

²⁵ New York – N.Y. Lab. Law § 163-a, Hours of Labor, Farm Laborers.

²⁶ North Carolina – Farm Act of 2017 bars farmworkers from entering into agreements with employers for dues payments or from signing any agreement with a union relating to a lawsuit, such as a settlement in which an employer agrees to recognize a union, or a collective bargaining agreement that includes a promise not to sue. N.C. Gen. Stat. § 95-79(b). Constitutionality of Act has been upheld by federal appellate court. *See Farm Labor Organizing Committee v. Stein*, 56 F.4th 339 (4th Cir. 2022).

²⁷ Ohio – statute provides that contract provisions whereby a person agrees not to join, become, or remain a member of a labor organization is contrary to public policy. Ohio Rev. Code Ann. § 4115.02

²⁸ Oregon – Or. St. § 662.810 provides the right for agricultural workers to organize & bargain collectively. Or. St. § 662.820 limits picketing and strikes involving perishable agricultural crops.

²⁹ Oregon – Or. St. § 653.272 phases in when overtime is triggered from 55 hours/week in 2023 through to 40 hours in 2027.

³⁰ Pennsylvania – exception for mushroom workers (and likely indoor greenhouse operations) from exclusion from right to organize, per case law.

³¹ Pennsylvania – persons (other than seasonal workers) who are engaged in “labor on a farm” are excluded from the state minimum wage.

³² Pennsylvania - Seasonal Farm Labor Act, 43 Pa. St. §§ 1301.101–606, provides that, although seasonal farm workers are not entitled to be paid overtime, employers are prohibited from requiring them to work more than 6 days in a week, more than 48 hours/week or more than 10 hours/day. 43 Pa. St. § 1301.207.

State	Unions Permitted	State Min Wage	State Overtime	Workers Comp.	Field Sanitation	Pesticide Safety	Recreational Cannabis
South Carolina	NO	NO	NO	Voluntary by employer	NO	NO	NO
South Dakota	NO	YES	NO	Generally, NO but some exceptions	NO	YES	NO
Tennessee	NO	NO	NO	Voluntary by employer	YES	YES	NO
Texas	NO	YES w/some exceptions ³³	NO	Voluntary by employer	YES	YES	NO
Utah	NO	YES – FLSA rate	Excluded	YES w/some exceptions	YES	YES	NO
Vermont	NO ³⁴	Excluded	Excluded	YES w/some exceptions ³⁵	YES (OSHA standard)	YES	YES - 2018
Virginia	NO	Excluded	NO	YES w/some exceptions	YES	YES	YES - 2021
Washington	YES ³⁶	YES w/some exceptions ³⁷	YES – phased in approach ³⁸	YES – same as other workers	YES	YES	YES – 2012
West Virginia	NO	Excluded	Excluded	YES w/some exceptions	NO	YES	NO
Wisconsin	YES ³⁹	YES – FLSA rate	Excluded	YES w/some exceptions	YES	YES	NO
Wyoming	NO	Excluded	NO	Voluntary by employer	[Missing]	YES	NO

³³ Texas – Tex. Lab. Code § 62.160 (agricultural exemption from state’s minimum wage statute for dairy and livestock workers).

³⁴ Vermont – Agricultural laborers specifically excluded from Vermont State Labor Relations Act, 21 V.S.A. § 1502(6)(A).

³⁵ Vermont – 21 V.S.A. § 616 (some exceptions to WC law); § 601(14)(C) (employers w/ aggregate payroll of less than \$10,000 are exempt but can opt to be subject to WC law); § 706 (agricultural employers are exempt from certain WC reporting requirements).

³⁶ Washington – Wa. Stat. § 49.32.020, as interpreted by case law, grants agricultural workers the right to engage in concerted activity and organize labor unions free from retaliation. *See Bravo v Dolsen Co.*, 125 Wash.2d 745, 888P.2d 147 (1995).

³⁷ Washington – Wa. Stat. §49.46.010(3)(a) (excluding from coverage any individual employed as a hand harvest laborer and paid on a piece rate basis, who commutes daily from his or her permanent residence to the farm on which he or she is employed, and who has been employed in agriculture less than thirteen weeks during the preceding calendar year.

³⁸ Washington – Wa. Stat. § 49.46.130(6) provides that agricultural workers receive overtime pay if work more than 55 hours/week (2022), 48 hours/week (2023), and 40 hours/week (2024). However, House Bill 1523, introduced in 2023, sought to address the harvesting needs of perishable crops and proposed allowing an agricultural employer to select any 12 weeks in a calendar year as “special circumstance weeks” for labor demand. During such weeks, overtime would kick in at 50 hours/week. *See* <https://app.leg.wa.gov/bills/summary/BillNumber=1523&Year=2023&Initiative=false>.

³⁹ Wisconsin – The Wisconsin Employment Peace Act grants some agricultural workers the right to organize and bargain with agricultural workers. Wis. Stat. Ann. §§ 111.02 to 111.19. Wisconsin is a right to work state so union membership and dues may not be compulsory. There are specific regulations governing the right of dairy and farm workers to strike. Wis. Stat. Ann. § 111.115(3).