

ALEX PADILLA

U.S. SENATOR  CALIFORNIA

Fairness for Farm Workers Act

Background:

The 1938 *Fair Labor Standards Act* established federal standards for minimum wage and overtime pay, but it excluded millions of domestic and agricultural workers who were overwhelmingly people of color. Although farm workers gained some minimum wage protections in 1966, exclusions on overtime have persisted. This bill would gradually implement overtime pay over the course of four years and bring greater equity to the American agricultural industry.

What the bill would do:

The “Fairness for Farm Workers Act” would update our nation’s labor laws to ensure farm workers receive fair wages and compensation. The bill amends the *Fair Labor Standards Act* to end the overtime and minimum wage exemptions for farm workers.

Specifically, this bill extends overtime pay protections to agricultural workers. It requires employers, beginning in 2023, to compensate agricultural workers for hours worked in excess of their regular hours (i.e., 55 hours in 2023, 50 hours in 2024, 45 hours in 2025, and 40 hours in 2026) at not less than one and one-half times the employee's regular rate. For employers with 25 or fewer employees, the overtime pay requirements begin in 2026.

These overtime pay requirements do not apply, as under current law, to employees who are the parent, spouse, child, or other member of the employer's immediate family.

The bill also repeals the exemption from overtime pay requirements for employers in various agriculture-related industries, including certain small farms, irrigation projects, sugar processing, and cotton ginning and compressing.

Support:

“The Fairness for Farm Workers Act” is endorsed by over 140 organizations and was included in the Biden Administration’s immigration plan, the “U.S. Citizenship Act.” It is sponsored by Senator Padilla and cosponsored by Senators Feinstein, Warren, Blumenthal, Booker, Sanders, Cortez Masto, Wyden, Van Hollen, Klobuchar, Brown, and Markey.