

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing fairness for agricultural laborers.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Adam Gomez

Hampden

James B. Eldridge

Middlesex and Worcester

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1837 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act establishing fairness for agricultural laborers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 136 of the General Laws is hereby amended by adding the
2 following section:-

3 Section 17 (a) Every person employed in “agricultural and farm work”, as defined in
4 section 2 of chapter 151, who is not the parent, child, spouse, or other member of the employer’s
5 immediate family, shall be entitled to accrue paid-time-off at the rate of one (1) hour for every 40
6 hours worked, up to a maximum of 55 hours per benefit year. A benefit year shall be defined as a
7 calendar year.

8 (b) Agricultural employees shall begin accruing paid time off commencing on the date of
9 hire of the employee or the date this law becomes effective, whichever is later, but employees
10 shall not be entitled to use accrued paid time off until the 45th calendar day following
11 commencement of their employment. On or after this 45-day waiting period, employees may use

12 earned paid time off as it accrues. Any seasonal agricultural employee returning to the same
13 employer as the previous harvest season shall be considered a continuing employee for the
14 subsequent benefit year and shall not be subject to the 45-day waiting period in the new benefit
15 year.

16 (c) At the beginning of every benefit year, January 1, all paid time off accrued by
17 agricultural employees, including agricultural employees performing work on a seasonal basis,
18 will be reset to zero hours, regardless of whether the accrued paid time off has been exhausted.

19 (d) All accrued paid time off taken by an agricultural employee shall be compensated at
20 the current rate of pay and paid out during the pay period in which the accrued paid time off is
21 taken.

22 (e) Upon resignation or discharge, agricultural employees shall be paid the paid time off
23 they accrued during that calendar year, in accordance with the time designated in section 148 of
24 chapter 149.

25 (f) Agricultural employees shall be allowed to take accrued paid time off for any reason if
26 the employee has provided reasonable notice to the employer and has accrued the requested paid
27 time off.

28 (g) Nothing in this section shall be construed to replace an employers' obligation to
29 provide earned sick time or paid earned sick time according to chapter 149 section 148C, which
30 must be provided for the reasons, and according to the terms, enumerated in that section. An
31 employer may not require an agricultural worker to use paid time off instead of sick time for
32 those reasons.

33 (h) Agricultural employees shall not be retaliated against, disciplined, or terminated, in
34 accordance with Chapter 151 section 19 of the General Laws, for using any of their available
35 accrued paid time off.

36 (i) Nothing in this section shall be construed to discourage or prohibit an employer from
37 allowing the accrual of earned paid time off at a faster rate, allowing the rolling over of paid time
38 off balances to a new benefit year, or the use of earned paid time off at an earlier date, than this
39 section requires.

40 SECTION 2. Chapter 149 of the General Laws is hereby amended by adding the
41 following new section:

42 Section 204. Every person employed in “agricultural and farm work” as defined in
43 section 2 of chapter 151 shall be entitled to two paid 15-minute breaks if laboring eight (8) hours
44 or more during any given workday: one break before and one break after the meal break required
45 by section 100. During their breaks, agricultural workers shall be provided with adequate
46 conditions to ensure temperature regulation and hydration.

47 SECTION 3. Section 2 of said chapter 151 is hereby amended by striking out, in the
48 definition of “Occupation”, after the words “professional service”, the words “agricultural and
49 farm work,”.

50 SECTION 4. Said section 2 of said chapter 151 is hereby further amended by striking
51 out, in the definition of “Agricultural and farm work,” after the words “labor on a farm,” the
52 words “and the growing and harvesting of agricultural, floricultural and horticultural
53 commodities” and inserting the following words: -

54 wherein an agricultural employee is employed by a farmer and that same employee is
55 engaged in solely primary agriculture, solely secondary agriculture, or both primary and
56 secondary agriculture. Primary agriculture shall include farming in all its branches, including the
57 cultivation and tillage of the soil, the production, cultivation, growing, and harvesting of
58 agricultural, aquacultural, floricultural and horticultural commodities, dairying, the growing and
59 harvesting of forest products upon forest land, the raising and keeping of livestock, bees, fur-
60 bearing animals, and raising and keeping of poultry, swine, cattle and other domesticated animals
61 used for food purposes. Secondary agriculture shall include preparing commodities for market –
62 including cleaning, sorting, peeling, washing, packing, and delivering commodities to storage, to
63 market, or to a carrier for transporting to market. An employee who never engages in either
64 primary or secondary agriculture on a farm is not performing “agricultural and farm work” even
65 when they engage in practices incidental to or in conjunction with farming operations on a farm
66 and shall not be considered an agricultural employee.

67 SECTION 5. Said section 2 of said chapter 151 is hereby further amended by inserting,
68 after the definition of “Agricultural and farm work,” the following definitions: -

69 “Farm”, the site of agricultural business where both primary and secondary agriculture is
70 integral to the said agricultural business and are performed on a regular basis by agricultural
71 employees.

72 SECTION 6. Section 2A of said chapter 151 is hereby amended by striking out, in the
73 second sentence the word “\$8.00” and replacing it with the following words: -

74 the minimum wage set forth in section 1 of this chapter.

75 SECTION 7. Not later than six months after the effective date of this act, the department
76 of labor standards shall promulgate regulations to implement Section 2. With respect to Section
77 2, the department of labor standards shall issue regulations after input from stakeholders
78 enumerating the conditions that an employer must provide to agricultural employees during their
79 breaks to ensure the adequate opportunity for temperature regulation during high heat-stress
80 months and other extreme temperature months, bathroom breaks, and hydration.

81 SECTION 8. Section 2 of this act shall be effective on January 1 of the calendar year
82 following the effective date of this act. Sections 1, 3-8 shall become effective immediately upon
83 passage of the act.