
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT

Senator Dave Cortese, Chair

2021 - 2022 Regular

Bill No: SB 685

Hearing Date: March 22, 2021

Author: McGuire

Version: February 19, 2021

Urgency: No

Fiscal: Yes

Consultant: Jake Ferrera

SUBJECT: Employment of minors: agricultural packing plants

KEY ISSUE

Should the Legislature extend a Lake County-specific exemption of child labor law that allows minors to work during the peak agricultural season when school is not in session?

ANALYSIS

Existing law:

- 1) Allows certain education personnel to issue work permits to minors, including:
 - a) The superintendent of a school district in which the minor resides.
 - b) The chief executive officer, or equivalent position, of a charter school that the minor attends.
 - c) A person holding a services credential with a specialization in pupil personnel services and who is authorized by the superintendent of the school district.
(Education Code §49110)
- 2) Prohibits any employer employing a minor 16 or 17 years of age for more than 8 hours in one day or more than 48 hours in one week. (Labor Code §1391)
- 3) Allows the Labor Commissioner to issue exemptions for agricultural packing plants to employ minors that are 16 or 17 years of age to work for up to 10 hours per day during peak harvest season when school is not in session. The Labor Commissioner may require inspections of agricultural packing plants prior to issuing the exemption. (Labor Code §1393)
- 4) Allows the Labor Commissioner, upon receiving written approval from the Lake County Board of Education, to issue exemptions to agricultural packing plants to employ minors enrolled in schools located in Lake County to work for up to 10 hours per day and more than 48 hours, but not more than 60 hours, per week during peak harvest season, when school is not in session. (Labor Code §1393.5)
- 5) Requires the Labor Commissioner to inspect the affected Lake County agricultural packing plants before issuing exemptions, and also requires the affected agricultural packing plants file a written report detailing the previous year's payroll, including the age and number of minors employed, as well as the hours they worked. (Labor Code §1393.5)

- 6) Requires the that Labor Commissioner, on or before November 1, 2020, issue a written report to the Legislature on the general working conditions of minors employed in Lake County agricultural packing plants from October 1, 2016 to October 1, 2020.
- 7) Requires that the Lake County-specific exemption described above sunsets on January 1, 2022. (Labor Code §1393.5)

This bill:

- 1) Changes the date by which the Labor Commissioner must submit a written report on the general working conditions of minors employed in the agricultural packing industry from November 1, 2020 to November 1, 2030. Changes the period of time the Labor Commissioner is reporting on from between October 1, 2016 and October 1 2020 to between October 1, 2022 and October 1, 2030.
- 2) Changes the sunset of the Lack County specific exemption from January 1, 2022 to January 1, 2032.

COMMENTS**1. Need for this bill?**

According to the author:

“There are labor shortages in Lake County’s agricultural industry every august during harvest time. The pear-packing season lasts only four to six weeks and coincides with the pick-up in tourism, the other large labor-intensive industry in Lake County. With both tourism and agriculture at peak activity in the late summer months, the available labor pool is limited.

The exemption for minors working in agricultural packing plants in Lake County was originally established in 1994 to help labor shortages during August’s pear picking season. The sunset has been extended many times with no opposition since its original creation. Existing law allows the Labor Commissioner, upon approval from the Lake County Board of Education, to permit agricultural packing plants to employ minors enrolled in Lake County schools when they are not in session. The exemption does not affect any California overtime laws. Existing state law also requires the Labor Commissioner to issue a written report to the Legislature on the general working conditions of minors employed in agricultural packing plants. Recent legislative reports have shown no systematic issues.”

2. Proponent Arguments

According to California Women for Agriculture:

“Pear shed work has been a tradition of Lake County families for at least four generations. The passage of SB 685 will allow this tradition to continue. In 2020, high school students earned \$100,546 working in the packinghouses, generally working a total of four to seven weeks. The money earned makes a huge impact in these student’s lives... They perform to

adult standards, making the same hourly wage as the adults next to them and learn the desire to better themselves through higher education and vocational trades. This work experience also gives them the opportunity to show real work experience on a resume and a source for a positive letter of recommendation.”

3. Opponent Arguments:

None received.

4. Prior Legislation:

SB 702 (McGuire) Chapter 775, Statutes of 2016: extended a Lake County-specific exemption of child labor law that allows minors to work during the peak agricultural season when school is not in session.

SUPPORT

California Farm Bureau Federation
California Fresh Fruit Association
California Pear Growers Association
California Women for Agriculture
Kelseyville Unified School District
Lake County Farm Bureau
Lake County Office of Education

OPPOSITION

None received.

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