

Date of Hearing: June 8, 2021

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Ash Kalra, Chair

SB 685 (McGuire) – As Introduced February 19, 2021

**SENATE VOTE:** 39-0

**SUBJECT:** Employment of minors: agricultural packing plants

**SUMMARY:** Extends the sunset date by ten years on the exemption from child labor laws that allows minors to work additional hours in agricultural packing plants during peak harvest season in Lake County. Specifically, **this bill:**

- 1) Extends an exemption for specified agricultural packing plants in Lake County to employ minors that are 16 or 17 years of age to work for up to ten hours per day and more than 48 hours (but not more than 60 hours) per week during harvest season when school is not in session to January 1, 2032.
- 2) Extends the date by which the Labor Commissioner (LC) 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 covered by the written report from between October 1, 2016 and October 1, 2020 to between October 1, 2022 and October 1, 2030.

**EXISTING LAW:**

- 1) Authorizes 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.
- 2) Prohibits any employer from 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.
- 3) Allows the LC to issue exemptions for agricultural packing plants to employ minors that are 16 or 17 years of age to work for up to ten hours per day during peak harvest season when school is not in session. The LC may require inspections of agricultural packing plants prior to issuing the exemption.
- 4) Allows the LC, 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.

- 5) Requires the LC to inspect the affected Lake County agricultural packing plants before issuing exemptions, and also requires the affected agricultural packing plants to 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.
- 6) Requires the LC, on or before November 1, 2020, to 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) Provides that the Lake County-specific exemption described above sunsets on January 1, 2022.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to SR 28.8 negligible state costs.

**COMMENTS:** A recent survey conducted by the California Farm Bureau Federation found, “despite taking a variety of steps to alleviate chronic shortages of agricultural employees, California farmers and ranchers continue to report problems in hiring enough people for on-farm jobs. Fifty-six percent of participating farmers had been unable to hire all the employees they needed at some point during the previous five years. Of those farmers reporting employee shortages, at least 70% said they had more trouble hiring employees in 2017 and 2018.”<sup>1</sup>

According to the author, “nearly a quarter of all California pears shipped to the fresh market come from the County of Lake, located in Northern California. For generations, Lake County residents have worked the pear harvest. The pear packing season is extremely short - it lasts only four to seven weeks around August of each year. August is when the pear harvest is at its peak and it competes with the other top industry in the county, tourism, making labor in the county extremely limited. Due to the labor shortages, [This bill] extends the state law that allows 16 and 17 year olds to work overtime when packing pears in August- when school is not in session- to alleviate the summer labor shortage. This law was originally passed in 1996 and every extension since then has received broad-based Bi-partisan support from both houses. [This bill] would simply extend the sunset until January 2032 and maintain all of the stringent requirements for employers to use the law.”

### **Arguments in Support**

The Lake County Chapter of California Women for Agriculture states, “Pear shed work has been a tradition of Lake County families for at least four generations. The passage of [This bill] 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. 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.”

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<sup>1</sup> California Farm Bureau Federation. Survey: *California farms face continuing employee shortages*, April 2019.

### **Prior Legislation**

SB 702 (McGuire) Chapter 775, Statutes of 2016 extended the child labor law exemption for Lake County agricultural plants to January 1, 2022.

AB 1398 (Chesbro) Chapter 489, Statutes of 2011 extended the child labor law exemption for Lake County agricultural plants to January 1, 2017.

SB 319 (Wiggins) Chapter 296, Statutes of 2007 extended the child labor law exemption for Lake County agricultural plants to January 1, 2012.

SB 912 (Chesbro) Chapter 345, Statutes of 2001 added inspection and reporting requirements to be conducted by the LC and extended the exemption to January 1, 2005.

SB 1988 (Thompson) Chapter 1117, Statutes of 1996 created the child labor law exemption for Lake County agricultural plants, and was originally to sunset January 1, 1999.

### **REGISTERED SUPPORT / OPPOSITION:**

#### **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  
Lake County Sheriff's Office

#### **Opposition**

None on file.

**Analysis Prepared by:** Martin Vindiola / L. & E. /