



General Assembly

January Session, 2023

Committee Bill No. 5859

LCO No. 5851



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING EMPLOYMENT OF INDIVIDUALS IN AGRICULTURAL LABOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subparagraph (H) of subdivision (1) of subsection (a) of
2 section 31-222 of the general statutes is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2023*):

4 (H) Service performed after December 31, 1977, by an individual in
5 agricultural labor as defined in subparagraph (1)(H)(vi) of this
6 subsection when: (i) Such service is performed for a person who (I)
7 prior to January 1, 2024, during any calendar quarter in either the
8 current or the preceding calendar year paid remuneration in cash of
9 twenty thousand dollars or more to individuals employed in
10 agricultural labor not taking into account service in agricultural labor
11 performed before January 1, 1980, by an alien referred to in
12 subdivision (ii) of this subparagraph; [] on and after January 1, 2024,
13 but prior to January 1, 2025, during any calendar quarter during the
14 period January 1, 2023, to December 31, 2023, inclusive, paid
15 remuneration in cash of twenty thousand dollars or more, or during
16 the period January 1, 2024, to December 31, 2024, inclusive, paid

17 remuneration in cash of twenty-five thousand dollars or more, to
18 individuals employed in agricultural labor not taking into account
19 service in agricultural labor performed before January 1, 1980, by an
20 alien referred to in subdivision (ii) of this subparagraph; and on and
21 after January 1, 2025, during any calendar quarter in either the current
22 or the preceding calendar year paid remuneration in cash of twenty-
23 five thousand dollars or more to individuals employed in agricultural
24 labor not taking into account service in agricultural labor performed
25 before January 1, 1980, by an alien referred to in subdivision (ii) of this
26 subparagraph; or (II) for some portion of a day in each of twenty
27 different calendar weeks, whether or not such weeks were consecutive,
28 in either the current or the preceding calendar year, employed in
29 agricultural labor not taking into account service in agricultural labor
30 performed before January 1, 1980, by an alien referred to in
31 subdivision (ii) of this subparagraph, ten or more individuals,
32 regardless of whether they were employed at the same moment of
33 time; (ii) such service is not performed in agricultural labor if
34 performed before January 1, 1980, by an individual who is an alien
35 admitted to the United States to perform service in agricultural labor
36 pursuant to Sections 214(c) and 101(a)(15)(H) of the Immigration and
37 Nationality Act; (iii) for the purposes of this subsection any individual
38 who is a member of a crew furnished by a crew leader to perform
39 service in agricultural labor for any other person shall be treated as an
40 employee of such crew leader (I) if such crew leader holds a valid
41 certificate of registration under the Farm Labor Contractor Registration
42 Act of 1963; or substantially all the members of such crew operate or
43 maintain tractors, mechanized harvesting or crop-dusting equipment,
44 or any other mechanized equipment, which is provided by such crew
45 leader; and (II) if such individual is not an employee of such other
46 person within the meaning of subparagraph (B) of subsection (a)(1);
47 (iv) for the purposes of this subparagraph (H), in the case of any
48 individual who is furnished by a crew leader to perform service in
49 agricultural labor for any other person and who is not treated as an
50 employee of such crew leader under subdivision (iii), (I) such other
51 person and not the crew leader shall be treated as the employer of such

52 individual; and (II) such other person shall be treated as having paid
53 cash remuneration to such individual in an amount equal to the
54 amount of cash remuneration paid to such individual by the crew
55 leader either on his own behalf or on behalf of such other person for
56 the service in agricultural labor performed for such other person; (v)
57 for the purposes of this subparagraph (H), the term "crew leader"
58 means an individual who (I) furnishes individuals to perform services
59 in agricultural labor for any other person, (II) pays either on his own
60 behalf or on behalf of such other person the individuals so furnished
61 by him for the service in agricultural labor performed by them, and
62 (III) has not entered into a written agreement with such other person
63 under which such individual is designated as an employee of such
64 other person; (vi) for purposes of this chapter, the term "agricultural
65 labor" means any service performed prior to January 1, 1978, which
66 was agricultural labor prior to such date, and remunerated service
67 performed after December 31, 1977: (I) On a farm, in the employ of any
68 person, in connection with cultivating the soil, or in connection with
69 raising or harvesting any agricultural or horticultural commodity,
70 including the raising, shearing, feeding, caring for, training and
71 management of livestock, bees, poultry and fur-bearing animals and
72 wildlife; (II) in the employ of the owner or tenant or other operator of a
73 farm, in connection with the operation, management, conservation,
74 improvement or maintenance of such farm and its tools and
75 equipment, or in salvaging timber or clearing land of brush and other
76 debris left by a hurricane, if the major part of such service is performed
77 on a farm; (III) in connection with the production or harvesting of a
78 commodity defined as an agricultural commodity in Section 15(g) of
79 the Agricultural Marketing Act, as amended (46 Stat. 1550, S. 3; 12 USC
80 1141j) or in connection with the ginning of cotton, or in connection
81 with the operation or maintenance of ditches, canals, reservoirs or
82 waterways, not owned or operated for profit, used exclusively for
83 supplying and storing water for farming purposes; (IV) (1) in the
84 employ of the operator of a farm in handling, planting, drying,
85 packing, packaging, processing, freezing, grading, storing or
86 delivering to storage or to market or to a carrier for transportation to

87 market, in its unmanufactured state, any agricultural or horticultural
 88 commodity; but only if such operator produced more than one-half of
 89 the commodity with respect to which such service is performed; (2) in
 90 the employ of a group of operators of farms, or a cooperative
 91 organization of which such operators are members, in the performance
 92 of service described in subclause (1), but only if such operators
 93 produced more than one-half of the commodity with respect to which
 94 such service is performed; (3) the provisions of subclauses (1) and (2)
 95 shall not be deemed to be applicable with respect to service performed
 96 in connection with commercial canning or commercial freezing or in
 97 connection with any agricultural or horticultural commodity after its
 98 delivery to a terminal market for distribution for consumption; or (V)
 99 on a farm operated for profit if such service is not in the course of the
 100 employer's trade or business. As used in this subdivision, the term
 101 "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and
 102 truck farms, plantations, ranches, nurseries, ranges, greenhouses or
 103 other similar structures used primarily for the raising of agricultural or
 104 horticultural commodities, and orchards;

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	31-222(a)(1)(H)

LAB *Joint Favorable*