

# **REGULATIONS FOR SEASONAL FARM LABOR**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF LABOR AND INDUSTRY  
BUREAU OF LABOR LAW COMPLIANCE

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## SUBCHAPTER C. SEASONAL FARM LABOR

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### Authority

The provisions of this Subchapter C issued under act of May 2, 1929 (P.L. 1518, No. 452) (35 P.S. §§ 341-1356), unless otherwise noted.

### Source

The provisions of this Subchapter C adopted November 3, 1978, 8 Pa.B. 3027, unless otherwise noted.

#### **§ 31.51. Scope.**

This subchapter shall apply to all "farm labor contractors" and "employers" as defined in Chapter 1 and under authority conferred by Chapters 2 and 5 of the act (43 P. S. §§ 1301.101–1301.103, 1301.201–1301.207 and 1301.501–1301.506).

#### **§ 31.52. Administration—general.**

(a) Except as set forth in this section, all proceedings of the Department will be governed by 2 Pa.C.S. §§ 501–508 and 701–704 and 751–754 and 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

(b) All alleged violations of Chapter 2 of the act (43 P. S. §§ 1301.201–1301.207) will be administered in accordance with the applicable provisions of the cited laws and the rules and regulations as follows:

(1) The Child Labor Law (43 P. S. §§ 41–66.1), the act of June 23, 1931 (P. L. 923, No. 309) (43 P. S. §§ 67–71), and Chapter 11 of this title (relating to employment of minors).

(2) The Equal Pay Law (43 P. S. §§ 336.1–336.10) and §§ 9.61–9.65 (relating to equal pay laws).

(3) The Wage Payment and Collection Law (43 P. S. §§ 260.1–260.12) and §§ 9.1–9.4 (relating to wage payment and collection laws).

(c) Appeals from a decision of the Department for any violation of the act except as otherwise set forth in this section shall be made within 15 days of receipt of the decision and shall be addressed to the Secretary.

(d) Appeals from a decision to refuse to issue, suspend or revoke a certificate of registration shall be to the Board and shall be made within 30 days of receipt of the decision.

(e) The following provisions govern hearing examiners:

(1) Either the Secretary or the Board may appoint a hearing examiner to conduct any hearing required by the act or subsection (a).

(2) Such hearing examiner will present a formal recommendation to the appropriate authority within 60 days of the hearing, complete with findings of fact and conclusions of law.

(3) Any appellant may waive his right to a formal recommendation as required in paragraph (2), in which event the hearing examiner will present his recommended order within 15 days of the hearing. The recommended order shall not be required to contain formal findings of fact or conclusions of law.

(f) Either the Secretary or the Board will issue a final order which may be appealed to the Commonwealth Court under 1 Pa.C.S. § 1937; 42 Pa.C.S. §§ 102, 503, 702, 704, 705, 706, 721, 722, 723, 724, 726, 741, 742, 761, 762, 763, 1722(a)(1), 5102, 5103; and § 8 of the act of July 9, 1976 (P. L. 586, No. 142); and 2 Pa.C.S. §§ 501–508 and 701–704 and 751–754.

(g) No appeal shall operate as a supersedeas except by appropriate order or rules of the authority having jurisdiction.

### Source

The provisions of this § 31.52 amended December 14, 1979, effective December 15, 1979, 9 Pa.B. 4052. Immediately preceding text appears at serial page (40583).

### § 31.53. Definitions.

(a) When used in this chapter, the word "act" shall mean the Seasonal Farm Labor Act (43 P. S. §§ 1301.101–1301.606).

(b) Words and phrases used in this chapter shall have the meanings set forth in section 103 of the act (43 P. S. § 1301.103).

### § 31.54. Transition.

(a) A person who has a valid license as a crew leader under this chapter on the effective date of the act shall be deemed to have a current certificate of registration under the act.

(b) A person who does not hold a valid license as a crew leader shall prior to the effective date of the act or prior to his acting as a farm laborer contractor apply for his certificate of registration, and the person may not act as a farm labor contractor without possession of his certificate.

### § 31.55. Fees.

(a) The following fees shall be charged by the Department:

(1) New applications—\$25.

(2) Renewal applications—\$15.

(b) Fees shall be paid by check or money order made payable to the "Department of Labor and Industry—Farm Labor."

(c) Should any check or money order be returned without having been honored for payment, the fees shall be deemed to have not been paid and any certificate issued shall be void.

(d) No fees shall be charged of any person exempt from registration under the act.

**§ 31.56. Notification and identification of agents.**

(a) Any person claiming exemption from registration as an agent of a farm labor contractor shall notify the Department at least 15 days prior to undertaking any regulated activity on a form prescribed by the Department.

(b) The Department will issue an identification card to the agent.

(c) The agent shall furnish the identification card upon request to any person set forth in section 501 of the act (43 P. S. § 1301.501) and to the employer, farmer or landowner.

**§ 31.57. Application for registration.**

Any person desiring to be registered as a farm labor contractor shall apply for such registration on a form to be prescribed and furnished by the Department, which shall contain the following information:

- (1) Name.
- (2) Social Security Number or Federal Identification Number.
- (3) Home address.
- (4) Whether or not the applicant has registered pursuant to 7 U.S.C.A. §§ 2041–2053.
- (5) Whether or not the applicant possesses a valid driver’s license and the state and date of issue.
- (6) Whether or not the applicant has ever been convicted of a crime or summary offense other than a nonmoving traffic violation.
- (7) Whether or not the applicant will provide:
  - (A) Transportation.
  - (B) Food.
  - (C) Lodging.
- (8) The type and estimated numbers of workers to be provided.
- (9) The names of the employers of the workers.
- (10) The period of time during which workers shall be provided.
- (11) The source of workers by state, territory or country.
- (12) The names of any agents to be used.
- (13) A complete set of applicant’s fingerprints.
- (14) Two frontal pictures of the applicant no larger than two inches square.

**§ 31.58. Renewal.**

(a) *Requirements.* The following are required:

(1) Any person who desires to renew his registration as a farm labor contractor shall submit his application for renewal at least 15 days prior to commencing regulated activity in this Commonwealth.

(2) Any person who was not registered under the act in one of 2-calendar years preceding his application for registration must submit an application for new registration and cannot submit an application for renewal.

(b) *Information.* An application for renewal shall contain the following information:

- (1) Name.
- (2) Social Security Number or Federal Identification Number.
- (3) Any changes from the application on file.
- (4) One frontal picture of himself no larger than 2 inches square.
- (5) Current registration number.

**Source**

The provisions of this § 31.58 amended November 3, 1978, 8 Pa.B. 3432.