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AB-332 Employment: agricultural workers. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 13, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 332

Introduced by Assembly Member Alanis

January 28, 2025

An act to amend Section ~~9110~~ 1698.9 of the Labor Code, relating to ~~employment safety~~ *employment*.

LEGISLATIVE COUNSEL'S DIGEST

AB 332, as amended, Alanis. ~~Employment safety~~ *Employment*: agricultural workers.

Existing law ~~requires that an employer provide wildfire smoke training in a language and manner readily understandable by employees, taking into account their ethnic and cultural backgrounds and education levels, including the use of pictograms, as necessary~~ makes a farm labor contractor successor to any predecessor farm labor contractor that owed wages or penalties to a former employee of the predecessor, whether or not the predecessor was licensed by the Labor Commissioner to carry on the business, activities, or operations of a farm labor contractor, liable for those wages and penalties, if the successor farm labor contractor meets one or more specified criteria including using substantially the same facilities or workforce to offer substantially the same services as the predecessor. Existing law provides an exception and an affirmative defense to the liability for wages and penalties owed to a former employee of the predecessor farm labor contractor if the farm labor contractor has operated for at least the preceding 3 years, and certain conditions apply. Existing law makes a person who violates farm labor contractor requirements guilty of a misdemeanor punishable by specified fines, or imprisonment in the county jail for not more than 6 months, or both.

This bill would decrease the amount of time that a farm labor contractor would be required to have operated with a valid license in order to have an affirmative defense to liability for wages and penalties owed to a former employee of the predecessor farm labor contractor to a least the preceding year and would make other related changes.

Existing law also makes a farm labor contractor successor liable for wages and penalties owed to a former employee, as described above, if the successor farm labor contractor is an immediate family member, as defined, of any owner, partner, officer, licensee, or director of the predecessor farm labor contractor or of any person who had a financial interest in the predecessor farm labor contractor.

This bill would expand the definition of "immediate family member" for purposes of the provision described above that makes a farm labor contractor successor liable for wages and penalties owed to a former employee of the predecessor farm labor contractor to include a step-parent, adoptive parent, foster parent, half-sibling, and step-grandparent. By expanding the requirements placed upon farm labor contractor successors, the violation of which would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would make a nonsubstantive change to that law.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 1698.9 of the Labor Code is amended to read:*

1698.9. A farm labor contractor successor to any predecessor farm labor contractor that owed wages or penalties to a former employee of the predecessor, whether the predecessor was a licensee under this chapter or not, is liable for those wages and penalties, if the successor farm labor contractor meets one or more of the following criteria:

(a) Uses substantially the same facilities or workforce to offer substantially the same services as the predecessor farm labor contractor. A farm labor contractor that has operated with a valid license for at least the preceding ~~three years~~ *year* shall have an affirmative defense to liability under this subdivision for using substantially the same workforce, if all of the following apply:

(1) The individuals in the workforce were not referred or supplied for employment by the predecessor farm labor contractor to the licensed farm labor contractor asserting this defense.

(2) The licensed farm labor contractor asserting the defense has not had any interest in, or connection with, the operation, ownership, management, or control of the business of the predecessor farm labor contractor within the preceding ~~three years~~ *year*.

(3) The licensed farm labor contractor asserting the defense has not been determined to have violated any provision of the Labor Code within the preceding ~~three years~~ *year*.

(b) Shares in the ownership, management, control of the workforce, or interrelations of business operations with the predecessor farm labor contractor.

(c) Employs in a managerial capacity any person who directly or indirectly controlled the wages, hours, or working conditions of the employees owed wages or penalties by the predecessor farm labor contractor.

(d) Is an immediate family member of any owner, partner, officer, licensee, or director of the predecessor farm labor contractor or of any person who had a financial interest in the predecessor farm labor contractor. As used in this section, "immediate family member" means a spouse, parent, *step-parent, adoptive parent, foster parent*, sibling, *half-sibling*, child, uncle, aunt, niece, nephew, ~~or grandparent; grandparent, or step-grandparent.~~

SEC. 2. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

~~SECTION 1. Section 9110 of the Labor Code is amended to read:~~

~~9110. (a) For purposes of this section, the following terms have the following meanings:~~

~~(1) "Agricultural employee" means a person employed in any of the following:~~

~~(A) An agricultural occupation, as defined in Wage Order No. 14 of the Industrial Welfare Commission;~~

~~(B) An industry preparing agricultural products for the market, on the farm, as defined in Wage Order No. 13 of the Industrial Welfare Commission;~~

~~(C) An industry handling products after harvest, as defined in Wage Order No. 8 of the Industrial Welfare Commission;~~

~~(2) "Board" means the Occupational Safety and Health Standards Board.~~

~~(3) "Wildfire smoke" means emissions from fires in "wildlands," as defined in Section 3402 of Title 8 of the California Code of Regulations, or in adjacent developed areas.~~

~~(b) The division shall review and update the content of the training prescribed in Section 5141.1 of Title 8 of the California Code of Regulations, and shall thereafter post it on its internet website.~~

~~(c) The training provided by the employer shall be in a language and manner readily understandable by employees, taking into account their ethnic and cultural backgrounds and education levels, including the use of pictograms, as necessary.~~