

Article - Labor and Employment

§8–207.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Agricultural work” includes employment for a wage that is performed:
- (i) on a farm in connection with:
1. cultivating the soil; or
 2. raising or harvesting any agricultural or horticultural commodity, including caring for, feeding, managing, raising, shearing, or training livestock, poultry, bees, furbearing animals, or wildlife;
- (ii) for the owner, tenant, or other operator of a farm in connection with:
1. conserving, improving, maintaining, managing, or operating the farm or its equipment or tools; or
 2. salvaging timber or clearing land of brush and other debris left by a hurricane if the majority of the employment is performed on a farm;
- (iii) in connection with:
1. producing or harvesting an agricultural commodity as defined in § 15(g) of the Agricultural Marketing Act;
 2. ginning cotton; or
 3. operating or maintaining canals, ditches, reservoirs, or waterways that are not owned or operated for profit and are used exclusively for supplying and storing water for farming purposes;
- (iv) for a farmer, group of farm operators, or cooperative in which farmers are members in drying, freezing, grading, handling, packing, planting, processing, storing or delivering to storage, market, or a carrier for transportation to market any agricultural or horticultural commodity if:
1. the commodity is in its unmanufactured state;
 2. the farmer, group, or cooperative produced more than one-half of the commodity with respect to which the employment is performed; and
 3. the employment is not performed in connection with commercial canning or commercial freezing or in connection with an agricultural or horticultural commodity after its delivery to a terminal market for distribution or

consumption; and

(v) on a farm operated for profit if the employment is not in the course of the trade or business of the employer.

(3) “Farm” includes:

(i) a dairy farm;

(ii) a fruit farm;

(iii) a furbearing animal farm;

(iv) a greenhouse or similar structure used primarily for raising agricultural or horticultural commodities;

(v) a nursery;

(vi) an orchard;

(vii) a plantation;

(viii) a poultry farm;

(ix) a ranch;

(x) a range;

(xi) a stock farm; and

(xii) a truck farm.

(4) “Crew leader” means an individual who:

(i) provides individuals to perform agricultural work for any person;

(ii) on behalf of the crew leader or person for whom the agricultural work is performed, pays the individuals for their agricultural work; and

(iii) has not entered into a written agreement with the person for whom the agricultural work is performed under which the individuals who perform the agricultural work are designated as employees of that person.

(b) Except as provided in subsection (c) of this section, agricultural work, including agricultural work performed by an alien admitted to the United States to perform agricultural work under §§ 101(a)(15)(h) and 214(c) of the Immigration and Nationality Act, is not covered employment.

(c) Agricultural work is covered employment if performed for a person who:

(1) during a calendar quarter of the current or preceding calendar year, pays cash wages of at least \$20,000 to individuals who perform agricultural work; or

(2) for a part of a day in each of 20 consecutive or nonconsecutive weeks during the current or preceding calendar year, employs at least 10 individuals in agricultural work, regardless of whether the individuals are employed at the same moment.

(d) (1) The crew leader is the employing unit for an individual employed in agricultural work who is not an employee of another employing unit if:

(i) the crew leader holds a valid certificate of registration under the federal Migrant and Seasonal Agricultural Worker Protection Act;

(ii) substantially all of the individuals maintain or operate tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment that the crew leader provides; or

(iii) the individual:

1. performs custom poultry work, including harvesting, breeding, debeaking, sexing, and health services; and

2. is not required to be away from the individual's permanent place of residence other than during normal working hours.

(2) If the crew leader is not the employing unit for an individual employed in agricultural work under paragraph (1) of this subsection, the person to whom the crew leader provides the individual is the employing unit of the individual.

(e) If under subsection (d)(2) of this section the crew leader is not the employing unit for an individual employed in agricultural work, any cash wages that the crew leader pays to the individual shall be considered cash wages paid by the person who is the employing unit for the individual and to whom the crew leader provides the individual.