

NOTICE TO PLEAD

To Respondents:

You are hereby notified to file a written response to the enclosed Petition for Review in the Nature of a Complaint for Declaratory and Injunctive Relief Concerning the Constitutionality of a State Statute within thirty (30) days from service hereof or a judgment may be entered against you.

/s Samuel H. Datlof

Counsel for Petitioner

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

UNITED FOOD AND
COMMERCIAL WORKERS LOCAL
1776 KS,

Petitioner,

v.

THE COMMONWEALTH OF
PENNSYLVANIA; THE
PENNSYLVANIA LABOR
RELATIONS BOARD; GARY
MASINO; in his official capacity as
Chairman of the Pennsylvania Labor
Relations Board; and ALBERT
MEZZAROBBA, in his official capacity
as Member of the Pennsylvania Labor
Relations Board,

Respondents.

Docket No. _____

**PETITION FOR REVIEW IN THE
NATURE OF A COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF
CONCERNING THE
CONSTITUTIONALITY OF A
STATE STATUTE**

INTRDUCTION

1. Pennsylvanians have long stood as proud pioneers and fierce defenders of the American labor movement. The Commonwealth of Pennsylvania (“Commonwealth”) passed the Pennsylvania Labor Relations Act (“PLRA”)¹ in 1937, a cornerstone of the state’s “Little New Deal” designed to prevent workplace exploitation by guaranteeing that all workers could safely organize and collectively bargain. In passing the PLRA, the Commonwealth recognized that the denial of employees’ right to organize and the refusal by employers to engage in collective bargaining was “inimical to the public safety and welfare, and frequently endanger[ed] the public health.”²

2. The PLRA declares that it is the public policy of the Commonwealth to “encourage the practice and procedure of collective bargaining” and to protect workers’ “full freedom of association.”³ In furtherance of this purpose, the PLRA prohibits employers from interfering with employees’ right to organize and provides employees with collective bargaining rights.

3. Despite this bold declaration of policy, the PLRA arbitrarily strips the Commonwealth’s agricultural workforce of these foundational protections. By explicitly excluding “agricultural laborer[s]” from the statutory definition of an

¹ PLRA, Act of June 1, 1937, P.L. 1168, No. 294, 43 P.S. §§ 211.1, *et seq.*

² 43 P.S. § 211.2(a).

³ *Id.* at § 211.2(c).

“employee,”⁴ the PLRA leaves a highly vulnerable and overwhelmingly minority population uniquely exposed to severe workplace hazards, intense physical demands, and systemic retaliation, while denying them the legal mechanisms to organize to improve their working conditions.

4. The PLRA’s agricultural exclusion creates an irrational statutory distinction among workers who are part of the same food supply chain. Under the statute, an individual employed to milk cows at a dairy farm is an “agricultural laborer” stripped of the legal right to organize, while an individual employed at a processing plant to pasteurize, bottle, and distribute that same milk may be fully protected under the law. This division of food chain workers treats similarly situated workers differently and lacks any reasonable basis, let alone any important or compelling government interest.

5. This artificial schism directly impairs the organizational capabilities and bargaining power of labor unions like Petitioner United Food and Commercial Workers Local 1776 KS (“Petitioner” or “Local 1776”) and its members. Labor organizations like Local 1776 can engage in legally protected organizing and representation of processing and packaging employees, but not of the agricultural workers who harvest the produce or raise the animals that are to be processed or packaged.

⁴ *Id.* at § 211.3(d).

6. The exclusion of agricultural laborers from the PLRA fractures labor solidarity, prevents the comprehensive organization of food chain workers, and actively undermines the collective bargaining power of the entire industry. It also directly contradicts the intent of the PLRA, which recognizes that the general welfare of the Commonwealth is “substantially and adversely affect[ed]” by “variations and instability in competitive wage rates and working conditions within and between industries.”⁵

7. At the same time, the exclusion grants the agricultural industry a special privilege and exclusive immunity from labor laws imposed on every other industry in Pennsylvania, backed by no legitimate legislative purpose. Many states, including several agricultural powerhouses, extend agricultural workers the right to collectively bargain and prohibit employers from interfering with agricultural worker organizing. The same is true of non-agricultural industries within Pennsylvania that are required to comply with the PLRA or its federal counterpart.

8. Further, because the vast majority of hired, migratory, and seasonal agricultural laborers in Pennsylvania are Hispanic and/or Latiné, the statutory exclusion inflicts a stark, disparate impact along racial and/or ethnic lines. By withholding labor rights and protections from a workforce composed predominantly of ethnic minority groups and immigrant laborers, the PLRA perpetuates systemic

⁵ *Id.* at § 211.2(a).

vulnerability by denying these historically marginalized communities the same legal status and workplace dignities afforded to Pennsylvania's other workers.

9. This arbitrary and discriminatory carve-out directly violates the core mandates of the Pennsylvania Constitution. By singling out agricultural laborers, the PLRA extends favoritism and immunity from labor obligations to the farm industry, in violation of Article III, Section 32 of the Pennsylvania Constitution's prohibition against special laws regulating labor. The PLRA also denies agricultural workers collective bargaining rights and protection from employer interference with their "full freedom of association," or right to organize, in violation of the equal protection guarantees of Article I, Section 26 of the Pennsylvania Constitution. Finally, because this statutory barrier inflicts a disparate, systemic harm upon a predominantly minority workforce, it denies equality of rights based on race or ethnicity, in violation of Article I, Section 29 of the Pennsylvania Constitution.

10. Petitioner brings this action to put an end to this discriminatory exception, vindicate the constitutional rights of Pennsylvania's agricultural laborers, and ensure that the Commonwealth's proud legacy of labor rights finally extends to the very workers who feed its people.

JURISDICTION AND VENUE

11. Respondents are officers or entities of the Commonwealth government. This Court therefore has original jurisdiction under 42 Pa. C.S. § 761(a)(1).

12. This Court may grant declaratory relief pursuant to 42 Pa. C.S. § 7532, *et seq.*, and grant injunctive relief pursuant to 42 Pa. C.S. § 7531, *et seq.*

PARTIES

Petitioner

13. Petitioner Local 1776 is a labor organization within the meaning of 43 P.S. § 211.3(f) and an unincorporated association headquartered at 3031-A Walton Road, Plymouth Meeting, Pennsylvania, 19462. Local 1776 represents approximately 30,000 employees across the Commonwealth, including members in meatpacking, food processing, and cannabis industries. Over 100 of Local 1776's members are agricultural laborers.

Respondents

14. Respondent the Commonwealth of Pennsylvania, its legislature, and its executive agencies are required by the Pennsylvania Constitution to protect Pennsylvanians' constitutional rights. The state Capital and center of government is in Harrisburg, Pennsylvania.

15. Respondent Pennsylvania Labor Relations Board ("PLRB" or the "Board") administers and enforces Pennsylvania laws dealing with labor-management relations, including the PLRA. The PLRB has the exclusive authority to remedy and prevent the unfair labor practices set forth by the PLRA and provides oversight of the collective bargaining processes as set forth in the PLRA. The

Board's private sector jurisdiction is limited to employers and their employees not covered by the National Labor Relations Act ("NLRA," also known as the "Wagner Act").⁶ The PLRB has an office located at 651 Boas Street, Room 418, Harrisburg, Pennsylvania, 17121.

16. Respondent Gary Masino, the Chairman of the Pennsylvania Labor Relations Board, and Respondent Albert Mezzaroba, a member of the Pennsylvania Labor Relations Board, are the current members of the PLRB. Respondent Masino and Respondent Mezzaroba are both sued in their official capacities only. Respondent Masino and Respondent Mezzaroba have offices located at 651 Boas Street, Room 418, Harrisburg, Pennsylvania, 17121.

FACTS

The Pennsylvania Labor Relations Act

17. The PLRA was enacted into law on June 1, 1937, with the explicit purpose of addressing the inequality of bargaining power between employers and employees.⁷

18. The PLRA was introduced and enacted at a time of growing labor unrest throughout the country, and Pennsylvania was no exception. Nationwide,

⁶ 29 U.S.C. §§ 151, *et seq.*

⁷ 43 P.S. § 211.2(a).

there were 2,014 strikes in 1935, a marked increase from 637 strikes in 1930.⁸ The city of Philadelphia experienced 568 strikes between 1927 and 1936, the second highest strike rate in the country.⁹ The strikes taking place in Pennsylvania occurred across industries, including in the iron, steel, textile, leather, transportation equipment, paper and printing, food processing, chemical, rubber, and agricultural industries.¹⁰

19. To address these escalating work stoppages, the U.S. Congress passed the federal NLRA in 1935. Congress did so because it recognized that the increasing work stoppages were due to employers refusing to collectively bargain with workers and denying workers the right to organize.¹¹ Indeed, the Wagner Act recognized the right of workers to organize without employer interference or discrimination, and provided workers with the right to bargain collectively with their employers through representatives of their own choosing.¹² As a federal law, however, the NLRA is limited to the regulation of labor activities that have the potential to restrict interstate commerce.¹³

⁸ Florence Peterson, Bureau Lab. Stats., *Strikes in the United States 1880-1936*, Bulletin No. 651 at 21 (1937), https://fraser.stlouisfed.org/files/docs/publications/bls/bls_0651_1938.pdf.

⁹ *Id.* at 81.

¹⁰ *Id.* at 114–116.

¹¹ 29 U.S.C. § 151.

¹² *Id.* at §§ 157–158.

¹³ *See NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1, 31-32 (1937).

20. Following the passage of the NLRA, Pennsylvania and several other states enacted “little Wagner Acts” to extend coverage to workers who might fall outside the jurisdiction of the NLRA, thus attempting to ensure that *all* workers benefitted from the same labor protections.

21. The PLRA’s legislative history and its statement of findings and policy make clear that the central objective of the Pennsylvania legislature in enacting the PLRA was to correct the power imbalance between employees and employers and to reduce labor unrest.

22. The bill’s sponsor, Pennsylvania Senator Bernard McGinnis, explained that the purpose of the PLRA was to make it clear and definite “just exactly who are spokesmen for the employes.”¹⁴ Senator McGinnis observed that the federal Railway Labor Act, which predated the Wagner Act, “has worked satisfactorily because the railroad employees are thoroughly organized, and the railroads know exactly with whom they can talk . . . and on account of the Federal Railroad Labor Relations Act [sic], we have not had a strike on the railroads for a good many years.”¹⁵ By contrast, he noted, a recent “General Motors strike [in Michigan] lasted 44 days and cost the employes a million dollars a day; it cost the employers perhaps that much more. We have these strikes appearing around us daily, very close to us here, and I feel sure

¹⁴ 1937 Pa. Legislative Journal--Senate 2445, 2446 (April 13, 1937).

¹⁵ *Id.*

that there would never have been a General Motors strike if they would have had a bill like [the PLRA] in Michigan[.]”¹⁶

23. The opening section of the PLRA, titled “Findings and policy,” describes in detail the problems that the statute sought to address. In this section, the Pennsylvania legislature observed:

Under prevailing economic conditions, individual employes do not possess full freedom of association or actual liberty of contract. Employers in many instances, organized in corporate or other forms of ownership associations with the aid of government authority, have superior economic power in bargaining with employes. This growing inequality of bargaining power substantially and adversely affects the general welfare of the State by creating variations and instability in competitive wage rates and working conditions within and between industries, and by depressing the purchasing power of wage earners, thus--(1) creating sweat-shops with their attendant dangers to the health, peace, and morals of the people; (2) increasing the disparity between production and consumption; and (3) tending to produce and aggravate recurrent business depressions. **The denial by some employers of the right of employes to organize and the refusal by employers to accept the procedure of collective bargaining tend to lead to strikes, lock-outs, and other forms of industrial strife and unrest, which are inimical to the public safety and welfare, and frequently endanger the public health.**¹⁷

24. In the same section, the legislature found further that:

Experience has proved that protection by law of the right of employes to organize and bargain collectively removes certain recognized sources of industrial strife and unrest, encourages practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours or other working conditions, and tends

¹⁶ *Id.*

¹⁷ 43 P.S. § 211.2(a) (emphasis added).

to restore equality of bargaining power between employers and employees.¹⁸

25. And the legislature specifically directed that:

In the interpretation and application of this act and otherwise, **it is hereby declared to be the public policy of the State to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing**, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection, free from the interference, restraint or coercion of their employers.¹⁹

26. Finally, the legislature directed that “[a]ll the provisions of this act shall be liberally construed for the accomplishments of this purpose.”²⁰

27. In furtherance of this aim, the PLRA provides substantial labor rights to any workers not subject to the jurisdiction of the NLRA. The PLRA, like the NLRA, codifies the right of workers to organize without employer interference or discrimination, as well as their right to bargain collectively with their employers through representatives of their own choosing.²¹ The PLRA also prohibits employers from interfering with the exercise of either right.²²

28. In addition to the rights that it established, the PLRA created the PLRB and empowers it “to prevent any person from engaging in any unfair labor practice

¹⁸ *Id.* § 211.2(b).

¹⁹ *Id.* § 211.2(c).

²⁰ *Id.* at § 211.2(d).

²¹ *Id.* at § 211.5.

²² *Id.* at § 211.6.

listed in [] this act. This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that have been or may be established by agreement, law, or otherwise.”²³ The PLRA grants the PLRB authority to issue and serve complaints of unfair labor practices; take testimony or hear arguments regarding unfair labor practices; and, upon finding that an unfair labor practice has occurred, the power to order such practices to cease and desist, and to take reasonable affirmative actions, including the reinstatement of employees with backpay. *Id.*

The Exemption of “Agricultural Laborers” from the PLRA

29. Despite the absolute pronouncements contained in the PLRA’s policy and findings, the PLRA inexplicably exempts “agricultural laborers” from the Act’s protections and procedures.

30. The PLRA’s statutory definition of “employee” begins expansively, directing that “[t]he term ‘employee’ shall include any employee, and shall not be limited to the employees of a particular employer . . . and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute.”²⁴ In juxtaposition with this language and the explicit findings and policy of the PLRA, the statute continues that the definition of “employee” under the Act

²³ *Id.* at § 211.4.

²⁴ *Id.* at § 211.3(d).

“shall **not include any individual employed as an agricultural laborer**, or in the domestic service of any person in the home of such person, or any individual employed by his parent or spouse.”²⁵ The statutory text offers no explanation as to the purpose or intent behind the exclusion of agricultural laborers.

31. The text of this exemption mirrors the agricultural exemption contained in the NLRA, the federal statute after which the PLRA was modeled.²⁶ Although the original draft of the NLRA contained no exclusion of agricultural laborers and was intended to protect the rights of all employees to organize and bargain collectively, an exemption for agricultural laborers was added to the statute following a concerted effort by the powerful farm bloc and Southern Democrats to preserve a class of exploitable workers for the farm industry.²⁷

32. Neither the PLRA nor the NLRA includes a definition of “agricultural laborers,” but both definitions are understood to encompass work performed on farms, including planting and harvesting crops or raising and feeding livestock and poultry.

²⁵ *Id.* (emphasis added).

²⁶ 29 U.S.C. § 152(3).

²⁷ See Juan F. Perea, *The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act*, 72 Ohio St. L. J. 95 (2011), <https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1150&context=facpubs>.

Pennsylvania's Agricultural Laborers

33. Approximately 60,000 Pennsylvania workers perform “agricultural labor” for purposes of the PLRA.²⁸ These jobs involve planting, tending and harvesting crops, tending livestock, milking cows or caring for poultry, operating farm machinery, and supervising these activities.

34. Perversely, these agricultural workers are among Pennsylvania's most vulnerable and most in need of the protections provided by the PLRA.

35. Agricultural workers perform difficult and dangerous work. These laborers are exposed to pesticides, hazardous chemicals and gases; work long hours in extreme temperatures; perform repetitive motions that cause overuse injuries; work in close proximity to large and unpredictable animals; and operate heavy machinery. Agricultural workers consistently experience one of the highest rates of fatal occupational injuries, roughly seven times higher than the national average.²⁹

36. Most of Pennsylvania's agricultural laborers earn below a “living wage,” defined as “the hourly rate that an individual in a household must earn to

²⁸ USDA Nat'l Agric. Stats. Servs., *2022 Census of Agriculture – State Data (Table 7, Hired Farm Labor – Workers and Payroll: 2022)*, at 332 (2022), https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1,_Chapter_2_US_State_Level/st99_2_007_007.pdf.

²⁹ Bryan Weichelt et al., *What about the Rest of Them? Fatal Injuries Related to Production Agriculture Not Captured by the Bureau of Labor Statistics (BLS) Census of Fatal Occupational Injuries (CFOI)*, 27 J. Agromedicine 35, 35 (2022), <https://www.tandfonline.com/doi/epdf/10.1080/1059924X.2021.1956663?needAccess=true>.

support themselves and/or their family, working full time for 2080 hours per year.”³⁰

Although the living wage for a single adult in Pennsylvania is currently \$23.32 an hour,³¹ the minimum wage that Pennsylvania employers must pay foreign temporary workers performing agricultural work, and domestic agricultural workers in similar roles, currently ranges from \$12.83-\$16.88 per hour.³²

37. Pennsylvania’s agricultural workers often live on farms in geographically isolated, rural parts of the state with little access to social services or legal aid.³³ Many agricultural workers live in housing located on their employer’s property, which can lead to restrictions on their access to services and support systems, and fears that speaking up about workplace injustices could result in loss of housing for themselves or their families.³⁴

38. The vast majority of Pennsylvania’s agricultural workers identify as Hispanic or belong to other minority groups. Based on national survey data, approximately 75% of crop farm workers in the United States identify as Hispanic.³⁵

³⁰ Amy Glasmeier, *Living Wage Calculator for Pennsylvania*, MIT Accessibility Living Wage Calculator (last updated Feb. 15, 2026), <https://livingwage.mit.edu/states/42>.

³¹ *See id.*

³² Cameron Castillo, *AEWR Changes for 2026-2027*, Farm Bureau (Aug. 6, 2026) <https://www.fb.org/intel/markets/aewr-changes-for-2026-2027>.

³³ Philadelphia Legal Assistance, *Pennsylvania Farmworker Project: Exposing Isolation of Immigrant Farmworkers in Pennsylvania* (2023), <https://philalegal.org/sites/default/files/attachments/2023-03/PFP%20Isolation%20Report.pdf>.

³⁴ *See, e.g.* Johnathan Hettinger & Sky Chadde, *Oversight Has Led to Better Housing for Migrant Farmworkers. Why Aren't Some States Doing It?*, In *These Times* (Dec. 22, 2022), <https://inthesetimes.com/article/industrial-food-migrant-farmworker-housing-oversight-gaps>.

³⁵ *See* Wenson Fung, et al., JBS Int’l for Dep’t of Lab., *Findings from the National Agricultural Workers Survey (NAWS) 2021-2022 7-8* (2023) [hereinafter *NAWS*],

Other data sources estimate that 95% of Pennsylvania's migrant farm workers are minorities, primarily Hispanic.³⁶

39. The majority of Pennsylvania's agricultural workers were born in Mexico or Central America,³⁷ and many have non-permanent immigration status.³⁸ The lack of permanent immigration status results in a workforce at a significantly higher risk of employer exploitation.

40. Many agricultural workers in Pennsylvania are monolingual Spanish speakers³⁹ and face language barriers at their workplaces, which cause difficulties in understanding legal rights, claiming wages due, and advocating for workplace health and safety.

41. The combination of poverty, isolation, hazardous working conditions, and lack of permanent legal status makes agricultural workers among the most exploitable groups in Pennsylvania. As a result, agricultural workers possess extremely limited bargaining power in relation to their employers. By excluding

<https://www.dol.gov/sites/dolgov/files/ETA/naws/pdfs/NAWS%20Research%20Report%202017.pdf>; see also Penn. Dep't of Agric., *Fast Facts on the Role of Foreign-Born Workers in the Hired Farmworker Labor Force* (2019) [hereinafter *Fast Facts*], https://agsci.psu.edu/research/centers-facilities/extension/frec/resources/workshop-presentations/employee-recruitment-and-retention/fast-facts-on-the-role-of-foreign-born-workers_final.pdf/%40%40download/file/Fast%2520Facts%2520on%2520the%2520Role%2520of%2520Foreign%2520Born%2520Workers_final.pdf.

³⁶ Katherine L. Cason et al., *Dietary Intake and Food Security Among Migrant Farm Workers in Pennsylvania* 4 (2003), <http://lib.ncfh.org/pdfs/7394.pdf>.

³⁷ See *NAWS*, *supra* note 35 at 7-8; see also *Fast Facts*, *supra* note 35.

³⁸ See *NAWS*, *supra* note 35 at 10; see also *Fast Facts*, *supra* note 35.

³⁹ See *NAWS*, *supra* note 35 at 16; see also *Fast Facts*, *supra* note 35.

agricultural workers from the PLRA, Pennsylvania law has effectively codified this power dynamic.

The PLRA Unlawfully Favors Pennsylvania's Agricultural Industry

42. In passing the PLRA with an exemption for agricultural workers, Pennsylvania's legislature showed special favoritism to the agricultural industry. This favoritism cannot be justified by any state interest that has a fair and substantial relationship to the purpose of the PLRA, particularly considering the current state of the agricultural industry in Pennsylvania.

43. Today, agriculture in Pennsylvania is a multi-billion-dollar industry. As summarized by the Commonwealth's Department of Agriculture, "Pennsylvania farms and agribusinesses are a leading economic driver in our state."⁴⁰ The Department of Agriculture estimates that Pennsylvania's agricultural industry contributes \$1 out of every \$16 in gross state product and supports one in 10 jobs in Pennsylvania.⁴¹

44. Production agriculture in Pennsylvania generates \$7.8 billion annually in gross income, while the larger agricultural industry contributes \$132.5 billion

⁴⁰ *About the Pennsylvania Department of Agriculture*, Pennsylvania Department of Agriculture, <https://www.pa.gov/agencies/pda/about-pda> (last visited Aug. 12, 2026).

⁴¹ *Id.*

annually to the state's economy.⁴² Pennsylvania's agricultural industry supports more than 593,000 jobs, paying annual wages of \$32.8 billion.⁴³

45. Pennsylvania is a national leader in many agricultural products: It is the top mushroom producer in country⁴⁴, and is among the top five states producing oats, apples⁴⁵, and peaches.⁴⁶ It is the fourth largest state for poultry production⁴⁷ and is ranked in the top ten states for milk and cheese production.⁴⁸ As of January 2026, Pennsylvania's livestock inventory includes over two million cattle and cows, over 1.4 million pigs, over 244 million chickens, and over 7.5 million turkeys.⁴⁹

46. Pennsylvania's agricultural industry is still growing. According to the state Department of Community & Economic Development, Pennsylvania "provides optimal conditions for farms and agribusinesses to thrive with a temperate climate,

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Mushroom Production by State 2026*, World Population Review, <https://worldpopulationreview.com/state-rankings/mushroom-production-by-state> (last visited Aug. 12, 2026).

⁴⁵ *Apple Production by State 2026*, World Population Review, <https://worldpopulationreview.com/state-rankings/apple-production-by-state> (last visited Aug. 12, 2026).

⁴⁶ *Peach Production by State 2026*, World Population Review, <https://worldpopulationreview.com/state-rankings/peach-production-by-state> (last visited Aug. 12, 2026).

⁴⁷ *Poultry*, Pennsylvania Farm Show Complex, <https://www.pa.gov/agencies/farmshow/pa-farm-show/agexplorer/poultry> (last visited Aug. 12, 2026).

⁴⁸ *Dairy*, Pennsylvania Farm Show Complex, <https://www.pa.gov/agencies/farmshow/pa-farm-show/agexplorer/dairy> (last visited Aug. 12, 2026).

⁴⁹ *2025 State Agriculture Overview Pennsylvania*, USDA Nat'l Agric. Stats. Servs., https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=PENNSYLVANIA (last visited Aug. 12, 2026).

fertile soils, and convenient access to a large portion of the population.”⁵⁰

Pennsylvania’s organic product sales, for example, increased by 789% between 2011 and 2023 (as compared to national growth of 217% during the same period).⁵¹

47. Over the ninety years since the passage of the PLRA, Pennsylvania’s farms and agricultural industry have become more industrialized and consolidated.

48. Pennsylvania’s poultry industry, which has experienced remarkable growth over the past 50 years, exemplifies this trend of industrialization and consolidation. Modern poultry farms rely on automation and industrial-style methods to increase production.⁵² The poultry industry in Pennsylvania is vertically integrated, meaning that one, typically multi-national, company—not the farmer—owns and/or controls all stages of production, including “the breeder flocks, hatchery, grow-out flocks, processing plant, feed mill, transportation, and marketing.”⁵³

49. This consolidation is occurring throughout Pennsylvania’s agricultural industry. Census data reports that Pennsylvania was home to 191,284 farms in

⁵⁰ *Key Industries: Agriculture, Pennsylvania Gets it Done*, https://pagetsitdone.com/key_industries/agriculture (last visited Aug. 12, 2026).

⁵¹ Econsult Solutions Inc. for PA Dep’t of Agric., *The Organic Agriculture Industry in Pennsylvania* 3 (2024), <https://www.pa.gov/content/dam/copapwp-pagov/en/pda/documents/business-industry/papreferredorganic/documents/PA%20Organic%20Agriculture.pdf>.

⁵² Phillip Clauer, *Commercial Poultry Industry*, PennState Extension (last updated June 25, 2026), <https://extension.psu.edu/commerical-poultry-industry>.

⁵³ *Id.*

1935.⁵⁴ This number decreased to 146,887 by 1950, and today, there are less than 49,000 farms in Pennsylvania.⁵⁵ Approximately 2,600 farms in Pennsylvania today are over 500 acres large,⁵⁶ and approximately 2,700 farms have annual revenue of over a million dollars.⁵⁷

50. The rise in consolidation has allowed employers to more effectively suppress wages, control working conditions, and dictate terms of employment, and has further reduced the bargaining power of agricultural workers.

There is No Valid Justification for the Exclusion of Agricultural Workers

51. The power imbalance between agricultural workers in Pennsylvania and their employers is extreme. Correcting such imbalances was the precise purpose of the PLRA, and there is no valid justification for the exclusion of this group of workers.

⁵⁴ USDA National Agricultural Statistics Service, *Pennsylvania Chapter A Statistics for the State* at page 397, table 1 (1950), https://www.nass.usda.gov/AgCensus/archive/files/1950-Middle_Atlantic_States-Table_of_Contents-1781-Table-05.pdf.

⁵⁵ *2025 State Agriculture Overview Pennsylvania*, USDA Nat'l Agric. Stats. Serv., https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=PENNSYLVANIA (last visited Aug. 12, 2026).

⁵⁶ USDA National Agricultural Statistics Service, *2022 Census of Agriculture -State Data, Table 7.1 Summary by Size of Farm: 2022* at page 75, table 71 (2022), https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1,_Chapter_1_State_Level/Pennsylvania/st42_1_071_071.pdf.

⁵⁷ USDA National Agricultural Statistics Service, *2023-2024 Agricultural Statistics Annual Bulletin Pennsylvania* 5 (2024) https://www.nass.usda.gov/Statistics_by_State/Pennsylvania/Publications/Annual_Statistical_Bulletin/2023-2024/2024_PA_Annual_Bulletin.pdf.

52. Extending the PLRA’s protections to Pennsylvania’s agricultural workers will not unduly impact Pennsylvania’s agricultural industry.

53. The overwhelming majority of workers within what would normally be understood as Pennsylvania’s agricultural industry, *e.g.*, viewing the industry to include meatpacking plants and food manufacturing facilities, have enjoyed statutory protection of their right to organize and form unions without employer interference, and the statutory right to collectively bargain with their employers, for over ninety years. Correcting the power imbalance for these workers has not jeopardized or harmed the food supply of the Commonwealth, nor stymied the food industry’s growth.

54. Several states around the country have protected agricultural workers’ right to organize by guaranteeing them organizing and collective bargaining rights, including top agricultural producers such as California⁵⁸, New York⁵⁹ and Wisconsin.⁶⁰ Other states that guarantee labor organizing and collective bargaining rights for agricultural workers include Arizona, Colorado, Hawaii, Kansas, Kentucky, Massachusetts, Nebraska, New Jersey, and Oregon.⁶¹ The agricultural industry continues to thrive in all states, regardless of size, that have provided

⁵⁸ Agricultural Labor Relations Act (ALRA) (Cal Lab. Code, § 1140 et seq.).

⁵⁹ N.Y. Lab. Law § 703.

⁶⁰ Wisconsin Employment Peace Act, Wis. Stat. § 111.19 et seq.

⁶¹ *See generally* Samantha Mikolajczyk, *Collective Bargaining Rights for Farmworkers*, National Agricultural Law Center (July 14, 2026), <https://nationalaglawcenter.org/collective-bargaining-rights-for-farmworkers/>.

agricultural workers with collective bargaining rights and protected agricultural laborers from employer discrimination and retaliation.

55. The PLRB has determined that Pennsylvania’s mushroom workers *are* covered employees under the PLRA.⁶² Pennsylvania leads the nation in mushroom production, evidencing that protecting workers’ right to organize and providing workers with collective bargaining rights is far from a death knell for farm operations in Pennsylvania.

56. There is no difference in the work performed by agricultural workers that justifies their exemption from the PLRA. The exclusion of “agricultural laborers” identifies a subset of workers in the state’s agricultural industry and, arbitrarily, removes them from the protections granted to all other workers.

57. For example, the poultry industry in Pennsylvania relies largely on contract production, meaning that one company retains ownership of the birds throughout production and processing, but contracts with “growers”—the people who used to operate independent farms—to raise the (company-owned) chickens. A worker employed on a contract farm to tend to birds is an agricultural laborer exempt from the PLRA, but a worker employed to corral and catch the birds for transport is

⁶² *Vlasic Farms Inc. v. Pa. Lab. Rels. Bd.*, 777 A.2d 80, 83 (Pa. 2001).

not an agricultural laborer⁶³, and therefore is considered an employee under the PLRA.

**The PLRA Protects Workers’ Constitutional Rights, But Discriminates
Against Agricultural Laborers**

58. Because “agricultural laborers” are excluded from the PLRA, those who wish to organize with other workers, join a union, or protest abusive working conditions are not protected by statute from employer interference. In contrast with most other workers, the Commonwealth does not afford agricultural laborers the statutory right to “full freedom of association.”⁶⁴

59. However, under Pennsylvania’s Constitution, all people—and thus, all workers—have the right to free speech, petition, and assembly.⁶⁵ These rights include the right to associate with others for common purposes, such as by joining a labor union.

60. The rights included in the Pennsylvania Constitution’s Declaration of Rights, which encompass the freedom to associate, “have been guaranteed since the first Pennsylvania Constitution, not simply as restrictions on the powers of government, as found in the Federal Constitution, but as inherent and ‘invaluable’ rights of man.”⁶⁶

⁶³ See, e.g., *Holly Farms Corp. v. NLRB*, 517 U.S. 392, 401 (1996).

⁶⁴ 43 P.S. § 211.5.

⁶⁵ Pa. Const. art I, §§ 7, 20.

⁶⁶ *Commonwealth v. Tate*, 432 A.2d 1382, 1388 (Pa. 1981).

61. While recognizing that “adjustment of these rights among private parties is not *necessarily* a matter of constitutional dimension,” and that the state’s “common law” typically provides the necessary framework for these developments, the Pennsylvania Supreme Court also made clear that “[w]e are not suggesting that the rights enumerated in the Declaration of Rights exist only against the state. These rights are specifically reserved to the people; each inhabitant of the Commonwealth . . . shares in them and enjoys them. . . . They are not created by the constitution, but preserved by it.”⁶⁷

62. For decades prior to the state and national level labor reforms of the 1930s, the Commonwealth provided workers with few avenues by which to seek redress from employer interference with labor organizing and concerted activities.

63. The Commonwealth’s courts treated labor contracts as “corrupt agreement[s] for [] unlawful purpose[s].”⁶⁸ Workers who attempted to take any sort of collective or concerted activities to better the terms and conditions of their employment could be held criminally liable for engaging in a criminal conspiracy.⁶⁹ Labor contracts were ruled to be against public policy and were voided as an

⁶⁷ *W. Pa. Socialist Workers 1982 Campaign v. Conn. Gen. Life Ins. Co.*, 515 A.2d 1331, 1335 (Pa. 1986).

⁶⁸ I. Herman Stern, *The Background and Public Policy of Pennsylvania Law on Collective Bargaining Agreements - Unshackling the Hold of the Common Law*, 3 Vill. L. Rev. 441, 443 (1958), <https://digitalcommons.law.villanova.edu/cgi/viewcontent.cgi?article=1455&context=vlr>.

⁶⁹ *Id.*

unlawful restraint of trade.⁷⁰ Courts recognized and enforced “yellow-dog” contracts, under which a worker’s promise not to join a union, or to give up existing union membership, was a condition of employment.⁷¹

64. The Commonwealth enacted the PLRA in recognition that state action was required to protect the freedom of association rights of workers in Pennsylvania and to provide a mechanism by which workers could fully vindicate their fundamental, constitutional rights.

65. In debates leading up to its enactment, Pennsylvania Senator John Dent argued on behalf of the bill, citing language from the U.S. Supreme Court in *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937). Dent explained that “[w]ith regard to the right of organization, . . . ‘[t]hat is a fundamental right. Employes have as clear a right to organize and select their representatives for lawful purposes as the [employer] has to organize its business and select its own officers and agents. Discrimination and coercion to prevent the free exercise of the right of employes to self-organization and representation is a proper subject for condemnation by competent legislative authority.’”⁷²

⁷⁰ *Id.* at 444.

⁷¹ *Id.*

⁷² 1937 Pa. Legislative Journal--Senate 2445, 2447 (April 13, 1937).

66. In enacting the PLRA, the Commonwealth safeguarded Pennsylvania’s workers’ constitutional rights to associate freely by prohibiting employer interference with the exercise of these rights.

67. The findings and policy of the PLRA, copied in full above, states that it is the public policy of Pennsylvania “in the interpretation and application of this act *and otherwise*,” to “encourage collective bargaining” and to “protect workers’ full freedom of association and self-organization” without employer interference, coercion, or restraint.

68. The inclusion of “and otherwise” in the statute makes clear that the intent of the legislature was for this stated public policy to apply not only to interpretation of the PLRA, but throughout the Commonwealth’s body of law.

69. Further, while collective bargaining was to be “encouraged,” full freedom of association, including the ability to form a union even if it is not the workers’ legally recognized collective bargaining representative, was to be “*protected*”—in recognition of both the prior existence, and significance, of the right.

70. Despite the Commonwealth’s public policy to protect workers’ constitutional rights to freedom of association, the exclusion of the state’s agricultural workers from the PLRA means they do not enjoy the same right to organize as other workers in the state. While most workers in Pennsylvania can

exercise their right to organize—because they know they are protected by statute against employer retaliation—agricultural workers cannot.

71. By exempting agricultural workers from the PLRA, the Commonwealth discriminates against agricultural workers in the exercise of their fundamental rights. Although the Commonwealth has not explicitly prohibited agricultural workers from exercising the right to join a union, the PLRA's carve-out means that the Commonwealth treats agricultural workers, and their right to organize, differently as compared to other workers in the state.

72. Further, the PLRA provides a statutory remedy to employees against employers who interfere with the right to organize or who commit other unfair labor practices.

73. Employees under the jurisdiction of the PLRA may file unfair labor practice charges with the PLRB. The PLRB has the exclusive responsibility of investigating, and where it finds cause, remedying the charge. The PLRA creates the sole statutory remedy in Pennsylvania law for the vindication of employer interference with a worker's right to organize or associate.

74. The Commonwealth denies agricultural laborers access to this statutory remedy. Unlike employees subject to the jurisdiction of the PLRB, agricultural laborers who are terminated because of their organizing activities are limited to any remedies available under the common law. In this manner, too, the Commonwealth

discriminates against agricultural workers in the exercise of their important right to a remedy.

The Impact of the PLRA Exemption on Local 1776 and its Membership

75. Local 1776's core mission includes organizing workers and bargaining to improve wages, benefits, and working conditions for the workers it represents. The exclusion of agricultural workers from the PLRA prevents Local 1776 from carrying out that mission across critical segments of Pennsylvania's agricultural and food production industries.

76. Local 1776 currently represents workers at major meatpacking and food processing employers across the Commonwealth including Cargill Meat Solutions, Hershey Company, Citterio Corporation, Empire Kosher, Mission Foods, Wise Foods, Hanover Foods, Knouse Foods, ConAgra, Ryder, Smithfield, Post Consumer Brands, and JBS, and is actively organizing additional facilities. Local 1776 also represents workers employed by cannabis producers including Jushi, AYR, and Franklin Labs. The National Labor Relations Board has advised that some cannabis workers represented by Local 1776 are agricultural laborers.⁷³

⁷³ NLRB, 04-CA-260089 Agri-Kind Case Closing Email (Oct 21, 2020), <https://www.vitalaw.com/caselaw/agri-kind/53c6a53c7dcc10009885000d3a8b5a8e01?refURL=https%3A%2F%2Fwww.google.com%2F#>.

77. The PLRA's agricultural laborer exemption harms Local 1776's members who are agricultural laborers; prevents Local 1776 from effectively organizing and representing workers in the Commonwealth; and lessens the bargaining power of Local 1776's members working in the same supply chain as agricultural laborers.

78. Typically, Local 1776 prioritizes organizing entire industries or vertically integrated employers because Local 1776 has more bargaining power where it can organize across the full scope of the supply chain. Local 1776 can achieve better results for its membership, such as higher wages and better working conditions, where it has more bargaining power.

79. Because agricultural laborers are exempt from the PLRA, there is no statutory scheme that structures and regulates labor relations with this segment of Pennsylvania's workforce, and there are no statutory protections against retaliation for agricultural laborers who join a union or engage in organizing efforts or other concerted activities. This constrains Local 1776's ability to organize, or to effectively represent, workers at the initial steps of the food or cannabis production supply chain, such as the workers employed to raise piglets and chickens, or to grow crops or cannabis.

80. But for the exemption of agricultural workers from the PLRA, Local 1776 would seek to organize across the full meatpacking, food processing, and

cannabis supply chains, including agricultural laborers, consistent with its strategy in other industries.

81. Because agricultural laborers are exempt from the protections of the PLRA, the bargaining power of workers across the entire industry is fractured and weakened.

82. Absent union density throughout the supply chain, employers can threaten to send products grown or raised by non-unionized agricultural workers to non-union production facilities, lessening the bargaining power at unionized processing sites.

83. For example, Local 1776 represents workers at the processing facilities owned by Knouse Foods, a producer of apple sauce and other apple products, but is unable to organize the agricultural workers employed on the Pennsylvania apple orchards owned by or supplying to Knouse Foods. During negotiations, both Local 1776 and Knouse are aware that Knouse can choose to sell or redirect its apples to a non-unionized production facility, thus lessening the bargaining power held by Knouse's unionized workers.

84. The exclusion of agricultural workers depresses labor standards across the supply chain, including for Local 1776's members. Employers come to the bargaining table aware of the lower wages and employment conditions in non-union agricultural operations, which are often under common ownership or control as

unionized, nonagricultural operations. This results in lower wages and worse working conditions for Local 1776's members.

85. Extending the protections of the PLRA to agricultural workers would eliminate this structural imbalance and raise baseline standards, as well as restore the integrity of Local 1776's bargaining position in the meatpacking, food processing, and cannabis industries.

86. Because agricultural laborers are excluded from the PLRA, Local 1776 has spent money, time, and staff resources analyzing whether certain workers are "agricultural laborers," assessing how that will impact an organizing campaign, and weighing the risks of any concerted activities.

87. Local 1776 currently has three bargaining units that together include over 100 agricultural laborers. These workplaces were organized under "labor peace agreements." State legislation provides licensure incentives for cannabis producers who voluntarily enter into these agreements, under which the employer agrees to remain neutral during any union organizing efforts.

88. Despite successfully organizing these bargaining units, Local 1776 must modify its bargaining strategies and advice for these bargaining units because they include agricultural laborers who are not protected by the PLRA. While Local 1776 takes seriously the risks to worker-organizers in all worksites, the agricultural exclusion requires that Local 1776 be hyperaware of the risks of retaliation against

agricultural laborers. Due to the lack of statutory protections, Local 1776 has advised workplaces with agricultural laborers to be more conservative in their bargaining actions.

89. Because agricultural laborers are exempt from the PLRA, Local 1776's bargaining power is reduced for these bargaining units, as compared with bargaining units in other industries. The employer is not required by statute to collectively bargain with these workers, nor is the employer prevented by statute from retaliating against these workers for engaging in concerted activities.

90. Because of the negative impact the exclusion of agricultural laborers from the PLRA has had on bargaining power, and the ongoing risks of employer retaliation, Local 1776 has ceased organizing campaigns at worksites where it believes a significant proportion of any potential bargaining unit are agricultural workers.

91. The agricultural laborers that Local 1776 represents across the Commonwealth are in continual danger of being subject to retaliation and termination due to their exclusion from the protections of the PLRA. Local 1776's members who are agricultural laborers are cautious in their union activities because they are afraid of employer retaliation. But for the PLRA's agricultural exemption, Local 1776 would advise these workers that any retaliation is clearly prohibited by the PLRA, and that the PLRB will be able to address unfair labor practice charges.

92. Local 1776's concerns regarding employer retaliation against agricultural laborers are well founded. Since Local 1776 began organizing cannabis agricultural laborers, at least three agricultural laborers represented by Local 1776 have been fired by their employer because of their union organizing activities. Because they are exempt from the PLRA, these members had no statutory remedy by which they could hold their employers accountable.

CLAIMS FOR RELIEF

COUNT I

Violation of the Prohibition Against Special Laws as Guaranteed by the Pennsylvania Constitution Article III, Section 32

93. Petitioner repeats and incorporates by reference the preceding allegations in this Petition for Review as if fully set forth herein.

94. Article III § 32 of the Pennsylvania Constitution mandates that “[t]he General Assembly shall pass no local or special law in any case which has been or can be provided for by general law.” Pa. Const. art. III, § 32. “[S]pecifically, the General Assembly shall not pass any local or special law . . . regulating labor[.]” *Id.*

95. Article III § 32 additionally requires equal treatment of all persons under the law.

96. The discriminatory classification of agricultural laborers in the PLRA is arbitrary and unreasonable. There is no ground of difference between agricultural laborers and workers who are “employees” under the PLRA that justifies the

classification and has a fair and substantial relationship to the legislative objective of the PLRA.

97. The Commonwealth has no legitimate, important, or compelling interest in excluding agricultural laborers from the protections afforded by the PLRA that justifies the classification and has a fair and substantial relationship to the legislative objective of the PLRA.

98. Rather than serving a legitimate state purpose, the exemption of agricultural laborers arbitrarily benefits only the narrow interests of the agricultural industry. That alone is an insufficient basis on which to sustain the statute.

99. As a direct and proximate result of the PLRA's exemption of agricultural laborers, Local 1776 and its members have been and will continue to be subject to injury.

100. This injury could not be adequately addressed by the PLRB and its members, which are bound by the PLRA's plain text and therefore there is no available administrative remedy. Moreover, Local 1776 is raising a substantial constitutional challenge for which no administrative remedies that did exist need to be exhausted.

101. For all the reasons stated, Respondents violate Article III § 32 by exempting the Commonwealth's agricultural laborers from the PLRA. Because there

is no adequate remedy at law, Petitioner is entitled to declaratory and injunctive relief.

COUNT II

Violation of the Equal Protection of the Laws as Guaranteed by the Pennsylvania Constitution Article I, Section 26

102. Petitioner repeats and incorporates by reference the preceding allegations in this Petition for Review as if fully set forth herein.

103. Article I, Section 26 of the Pennsylvania Constitution provides that “[n]either the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.” Pa. Const. art. I, § 26.

104. “Civil rights” under Article I, Section 26 include constitutional rights and the statutory rights set forth in the PLRA.

105. Article I, Section 26 affords broader protections than the federal Equal Protection Clause and requires “legislative classifications that touch[] on the exercise of a civil right” to “operate neutrally.”⁷⁴

106. The PLRA provides a mechanism by which workers can vindicate fundamental, constitutional rights to freedom of association, as protected by Article I, Section 7 and Article I, Section 20 of the Pennsylvania Constitution, but the PLRA

⁷⁴ *Allegheny Reprod. Health Ctr. v. Pa. Dep’t of Hum. Servs.*, 309 A.3d 808, 945 (Pa. 2024).

exempts agricultural laborers from these protections. The PLRA's exemption of agricultural workers implicates fundamental, constitutional rights, and because it discriminates in the protections it offers for those rights it must be strictly scrutinized for a compelling government purpose. The government cannot establish any compelling government purpose for this discriminatory classification.

107. The PLRA treats agricultural laborers unequally to other similarly situated workers in their ability to access the remedies created by the PLRA, thereby discriminating against agricultural laborers' right to a remedy as safeguarded by Article I, Section 11 of the Pennsylvania Constitution. The constitutional right to a remedy is an important right.⁷⁵ Under even an intermediate level of scrutiny, the government cannot establish any important government purpose justifying this discriminatory classification.

108. In addition, the PLRA denies agricultural laborers statutory protections of their ability to organize and engage in other concerted activities without employer retaliation or interference that the PLRA provides to other similarly situated workers. These rights, which provide workers with vital benefits and liberty interests, are important, and any classification must be reviewed with a heightened standard of scrutiny. The government cannot establish any important government purpose for this discriminatory classification.

⁷⁵ *James v. Se. Pa. Transp. Auth.*, 477 A.2d 1302, 1306 (Pa. 1984).

109. The PLRA denies agricultural laborers the statutory right to collectively bargain with their employers that the Commonwealth provides to other similarly situated workers. The denial of these rights is not justified by any basis that has a fair and substantial relationship to the purpose of the PLRA.

110. As a direct and proximate result of Respondents' violation of agricultural workers' rights to equal treatment, Local 1776 and its members have been and will continue to be subject to injury.

111. This injury could not be adequately addressed by the PLRB and its members, who are bound by the PLRA's plain text and therefore there is no available administrative remedy. Moreover, Local 1776 is raising a substantial constitutional challenge for which no administrative remedies that did exist need to be exhausted.

112. For all the reasons stated, Respondents violate Article I, Section 26 by exempting the Commonwealth's agricultural laborers from the PLRA. Because there is no adequate remedy at law, Petitioner is entitled to declaratory and injunctive relief.

COUNT III

Violation of the Anti-Discrimination Protection Guaranteed by the Pennsylvania Constitution Article I, Section 29

113. Petitioner repeats and incorporates by reference the preceding allegations in this Petition for Review as if fully set forth herein.

114. Article I, Section 29 of the Pennsylvania Constitution provides that “[e]quality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the race or ethnicity of the individual.”

115. The text of Article I, Section 29 is substantively identical to that of Article I, Section 28 (the “Equal Rights Amendment”), but replaces “sex” with “race or ethnicity.”

116. Like the Equal Rights Amendment, the “remedial purpose” of Article I, Section 29 “is served by invalidating legislative schemes that may appear neutral on their face but operate in fact in a discriminatory manner.”⁷⁶

117. The PLRA’s exclusion of agricultural workers imposes a discriminatory effect on Latiné and other minority workers, who are the overwhelming majority of Pennsylvania’s agricultural laborers.

118. The PLRA’s exemption of agricultural workers implicates the fundamental, constitutional rights safeguarded by Article I, Section 29, and must be strictly scrutinized for a compelling government purpose. The government cannot

⁷⁶ *Allegheny Reprod. Health Ctr.*, 309 A.3d at 971-72 (Wecht, J., concurring) (citing *DiFlorido v. DiFlorido*, 331 A.2d 174, 179 (Pa. 1975); *Kemether v. Pa. Interscholastic Athletic Assoc., Inc.*, 1119 U.S. Dist. LEXIS 17326, at *20 (E.D. Pa. Nov. 8, 1999)); *see also Snider v. Thornburgh*, 436 A.2d 593, 601 (Pa. 1981) (“[W]e have . . . held . . . that facially neutral policies which have the practical effect of perpetuating discriminatory practices constitute discrimination by sex.”) (quotation omitted); *Pa. Nat’l Organization for Women v. Commonwealth Insurance Dep’t*, 551 A.2d 1162, 1164 (Pa. Cmwlth. 1988) (declining to find a violation of the ERA because the plaintiff failed to demonstrate that the challenged practices “have a discriminatory effect”).

establish any compelling governmental purpose for this discriminatory classification.

119. Nor can the government establish an “important” government purpose, or any purpose that has a fair and substantial relationship to the purpose of the PLRA, should a lower level of scrutiny apply.

120. As a direct and proximate result of Respondents’ violation of agricultural workers’ rights to equal treatment, Local 1776 and its members have been and will continue to be subject to injury.

121. This injury could not be adequately addressed by the PLRB and its members, which are bound by the PLRA’s plain text and therefore there is no available administrative remedy. Moreover, Local 1776 is raising a substantial constitutional challenge for which no administrative remedies that did exist need to be exhausted.

122. For all the reasons stated, Respondents violate Article I, Section 29 by exempting the Commonwealth’s agricultural laborers from the PLRA. Because there is no adequate remedy at law, Petitioner is entitled to declaratory and injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, cause having been shown, Petitioner demands judgment against Respondents and requests that the Court order the following relief:

- (a) Issue a judgment declaring that the PLRA's exclusion of agricultural laborers violates the Pennsylvania Constitution;
- (b) Issue an order permanently enjoining Respondents, as well as their officers, agents, employees, attorneys, and all persons in active concert or participation with them, from enforcing the PLRA's exclusion of agricultural laborers;
- (c) Issue an order striking "agricultural laborer" from the workers exempted from the definition of "employee" in 43 P.S. § 211.3;
- (d) Grant such other relief as is just and proper.

Respectfully submitted,

/s Samuel H. Datlof

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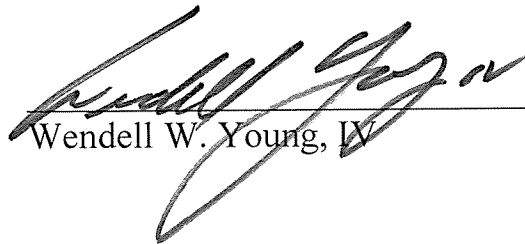
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Counsel for Petitioner

Dated: September 21, 2026

VERIFICATION

I, Wendell W. Young, IV, President of Petitioner United Food and Commercial Workers, Local 1776 KS, verify that, based on knowledge or information and belief, the factual averments in the foregoing Petition for Review in the Nature of a Complaint for Declaratory and Injunctive Relief Concerning the Constitutionality of a State Statute are true. This verification is made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



Wendell W. Young, IV

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the *Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

/s Samuel H. Datlof
SAMUEL H. DATLOF

CERTIFICATE OF SERVICE

I, Samuel H. Datlof, certify that I am this day causing the foregoing Petition for Review in the Nature of a Complaint for Declaratory and Injunctive Relief Concerning the Constitutionality of a State Statute to be served by first-class certified mail, which satisfies the requirements of Pa. R.A.P. 1514(c), upon the following:

Office of General Counsel
30 North Third Street, Suite 200
Harrisburg, PA 17101

Pennsylvania Labor Relations Board
Gary Masino, Chairman
Albert Mezzaroba, Member
c/o Warren R. Mowery, Jr., Chief Counsel
651 Boas Street, Room 418
Harrisburg, PA 17121

Office of Attorney General
Civil Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120

/s Samuel H. Datlof
SAMUEL H. DATLOF