



# AB 1066 – Phase-In Overtime for Agricultural Workers Act of 2016

## IN BRIEF

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Assembly Bill 1066, the Phase-In Overtime for Agricultural Workers Act of 2016, will phase out – over a 4-year period – the agricultural worker exemption from California’s overtime requirements for work exceeding 8 hours in a single day and 40 hours in a workweek, beginning in 2019.

The bill will decrease the current 10-hour overtime threshold over four 30-minute steps annually and decrease the weekly overtime threshold over four 5-hour steps annually.

AB 1066 authorizes the Governor to temporarily suspend a scheduled phase-in of overtime, starting in 2019 until full implementation of phase-in overtime requirements or January 1, 2022, whichever comes first, if the Governor suspends minimum wage increases based on economic conditions.

## BACKGROUND

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In 1938, Congress passed the Fair Labor Standards Act (FLSA), which established the minimum wage, recordkeeping, child labor standards, and overtime pay eligibility.

Unfortunately, the FLSA failed to include agricultural workers throughout the United States. However, as with all provisions of the FLSA, states are allowed to exceed the requirements laid out in the FLSA.

Prior to 1941, the California Labor Code was silent on the issue of overtime for agricultural workers. In 1941, the Legislature officially exempted all agricultural workers from the statutory requirements of overtime, similar to the FLSA.

Currently, agricultural workers are eligible for overtime compensation for all hours worked over 10 hours in any workday and for the first 8 hours on the 7<sup>th</sup> day of work.

## THE PROBLEM

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The original exemption set in place by the FLSA is an obsolete, 78-year old federal provision, which has specifically left agricultural workers in the shadows for decades. Additionally, agricultural workers must endure extreme working conditions for very low pay.

There are very few occupations that are as physically demanding and exhausting as agricultural work.

Historically, California has been supportive of the agricultural industry through public subsidies and various investments. As a result, the agricultural industry has been extremely profitable and productive.

## THE SOLUTION

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AB 1066 will remove the exemption for agricultural workers that excludes them from the daily and weekly overtime requirements, which requires overtime compensation for working in excess of 8 hours in one workday or 40 hours in a workweek.

The implementation of the updated overtime eligibility for agricultural workers will be phased-in throughout a 4 year span from 2019 to 2022.

Additionally, the Governor can choose to suspend any scheduled phase-in starting in 2019 for one year based on economic conditions, which is consistent with the scheduled minimum wage increases.

It is time for California to support and extend fair overtime compensation to hundreds and thousands of agricultural workers, which continue to serve an important role in our State’s economy. Agricultural workers will join the millions of Californians that already benefit from the same protections that AB 1066 seeks to provide.

### Proposed Overtime Eligibility Phase-In for Agricultural Workers under AB 1066\*

<u>2019</u> 9.5 Hours/Day 55 Hours/Week	<u>2020</u> 9 Hours/Day 50 Hours/Week
<u>2021</u> 8.5 Hours/Day 45 Hours/Week	<u>2022</u> 8 Hours/Day 40 Hours/Week

\* AB 1066 authorizes the Governor to temporarily suspend a scheduled phase-in of overtime, starting in 2019 until full implementation of phase-in overtime requirements or January 1, 2022, whichever comes first, if the Governor suspends minimum wage increases based on economic conditions.

## SUPPORT

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- Former Secretary of State Hillary R. Clinton
- U.S. Senator Dianne Feinstein
- Congresswoman Norma J. Torres
- U.S. Secretary of Labor Tom Perez
- U.S. Secretary of Agriculture Tom Vilsack
- CA State Treasurer John Chiang
- Los Angeles Mayor, Eric Garcetti
- Yolo County Supervisor, Don Saylor
  
- United Farm Workers (UFW) – SPONSOR
- Alameda Labor Council, AFL-CIO
- Alliance San Diego
- American Civil Liberties Union of CA (ACLU)
- American Federation of State, County, and Municipal Employees (AFSCME)
- Amigos de los Rios
- Asian Americans Advancing Justice – CA
- Audubon California
- Azul
- Berkeley City Council
- Bend the Arc: A Jewish Partnership for Justice
- CA Catholic Conference
- CA Coastal Protection Network
- CA Conference Board of Amalgamated Transit Union
- CA Conference of Machinists
- CA Domestic Workers Coalition
- CA Employment Lawyers Association
- CA Environmental Justice Alliance
- California Federation of Teachers
- CA Immigrant Policy Center
- CA Labor Federation
- CA League of Conservation Voters
- CA League of United Latin American Citizens (LULAC)
- CA Rural Legal Assistance Foundation
- CA State Conference for NAACP
- California Teamsters Public Affairs Council
- Center for Biological Diversity
- Center for Environmental Health
- Center on Policy Initiatives
- Center on Race, Poverty & the Environment
- Centro Legal de la Raza
- Children’s Defense Fund
- Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
- Coastal Environmental Rights Foundation
- Committee for Land, Air, Water, and Species
- Consumer Attorneys of California
- Courage Campaign
- Dolores Huerta Foundation
- Endangered Habitats League
  
- Engineers & Scientists of CA, IFPTE Local 20
- Equality California
- Environment California
- Environmental Center of San Diego
- Farmworker Justice
- Filipino Advocates for Justice
- Food Empowerment Project
- Human Rights Watch
- International Brotherhood of Teamsters
- International Longshore and Warehouse Union
- Kern, Inyo, and Mono Central Labor Council
- La Cooperativa Campesina de California
- Latino Coalition for a Healthy California
- League of California Cities Latino Caucus
- Los Angeles Alliance for a New Economy
- Lutheran Office of Public Policy CA
- Mexican American Legal Defense and Educational Fund (MALDEF)
- National Association of Social Workers - California Chapter
- Natural Resources Defense Council
- Pesticide Action Network
- Pilipino Worker Center
- Professional and Technical Engineers, IFPTE Local 21
- Religious Action Center of Reform Judaism
- Sacramento Central Labor Council
- SAG-AFTRA
- Save Our Shores
- Service Employees International Union California (SEIU)
- Sierra Club California
- Southern California Watershed Alliance
- Trust for Public Land
- UNITE HERE
- UNITE HERE, Local 30
- United Food and Commercial Workers – Western States Council (UFCW)
- Utility Workers Union of America, Local 132
- Voices for Progress
- Western Center on Law & Poverty

## FOR MORE INFORMATION

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