



April 13, 2016

Honorable Members, Assembly Committee on Appropriations  
State Capitol  
Sacramento, CA 95814

**Re: AB 2757 (Gonzalez) – Oppose**

Dear Assembly Member:

California farmers oppose AB 2757 by Assembly Member Lorena Gonzalez (San Diego), which would repeal the longstanding 10-hour daily overtime requirement for agricultural employees.

Because farmers, their employees and their operations are critically affected by the uncontrollable whims of nature and the seasonality of agricultural production, agriculture needs greater flexibility in scheduling work than do other industries. State and federal laws recognize this reality. Federal law completely exempts persons employed in agriculture from overtime pay, but California long ago established an overtime pay requirement for agricultural employees. In establishing our current regulation, which provides for overtime pay to be required after 10 hours of work in a day, the California Industrial Welfare Commission expressly rejected proposals for an 8-hour day due to “substantial evidence to warrant a 10-hour day instead...The Commission received no compelling evidence to change it.” There remains widespread agreement that wage laws in other industries and businesses cannot be equated with those in farming due to farming’s unpredictability, seasonality of work, and the dynamics of the weather and compressed harvest season.

California is one of only a few states that requires premium pay for overtime worked by farm workers. Our regulation is one of the most generous in its coverage and requires agricultural workers receive overtime pay for hours worked over 10 in a workday. California farmers value and respect their workers. In fact, many farmers voluntarily provide health benefits, vacation pay, and 401 (k) retirement plans for their employees.

We believe AB 2757 will backfire, hurting family farmers and cutting agricultural workers’ paychecks. California’s family farmers cannot successfully compete with other states and nations if they are forced to increase their production costs. Profit margins in agriculture are thin – farmers cannot remain successful if they must absorb these additional costs. The cost of farming in California has risen by 36% over the past few years; inputs like seeds, fertilizer and electricity have all become significantly more expensive.

Consequently, farmers will likely avoid the additional costs imposed by AB 2757 by limiting worker hours and hiring more workers to make up the difference whenever possible.

California farmers already face many regulatory and legal burdens that do not encumber farmers in other states and countries. AB 2757 represents yet another obstacle and layer of bureaucracy that continues to tilt the economic playing field away from California’s farmers, putting them at a competitive disadvantage.

California’s labor protections for agricultural workers are already the most protective in the nation. We urge you to oppose AB 2757 when it is heard in your committee.

Respectfully submitted,

Agricultural Council of California  
Almond Hullers & Processors Association  
Association of California Egg Farmers

California Agricultural Aircraft Association  
California Association of Nurseries & Garden Centers  
California Association of Wheat Growers  
California Association of Winegrape Growers  
California Blueberry Association  
California Cattlemen's Association  
California Chamber of Commerce  
California Citrus Mutual  
California Cotton Ginners Association  
California Cotton Growers Association  
California Dairies, Inc.  
California Farm Bureau Federation  
California Fresh Fruit Association  
California Manufacturers and Technology Association  
California Pear Growers Association  
California Seed Association  
California State Floral Association  
California Tomato Growers Association  
Family Winemakers of California  
Far West Equipment Dealers Association  
Nisei Farmers League  
Western Agricultural Processors Association  
Western Growers Association  
Western Plant Health Association  
Western United Dairymen  
Wine Institute

cc: Camille Wagner, Office of the Governor  
Committee Consultants