

March 29, 2016

Honorable Members, Assembly Committee on Labor and Employment
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 on April 6th.

Respectfully submitted,

Agricultural Council of California
Almond Hullers & Processors Association

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 Pear Growers Association
California Seed 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
The Honorable Lorena Gonzalez
Ben Ebbink, Assembly Committee on Labor and Employment
Anthony Archie, Assembly Republican Caucus