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California State Senate

SENATOR
ANNA M. CABALLERO
TWELFTH SENATE DISTRICT



CHAIR
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#4 ON STATE ADMINISTRATION
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NATURAL RESOURCES
AND WATER

October 22, 2020

Honorable Gavin Newsom
Senator Anna Caballero
State Capitol, Room 5052
Sacramento, CA 95814

Sent via e-mail

Dear Governor:

AB 1066 (Gonzalez) which was approved by the Legislature and signed by Governor Brown in 2016, substantially revised overtime pay requirements for the agricultural sector. Some signatories to this letter supported the legislation while others opposed, but all are asking you to help us correct an unintended consequence which jeopardizes the economic viability of California's sheep and goat industries.

The specifics are as follows. It is an essential practice for sheep and goat producers to employ herders to care for and manage the movement of their flocks whether located in distant areas for such purposes as fire suppression or in cities seeking to avoid chemical treatments for pests and weed control.

The problem with the AB 1066 overtime pay requirements is that they do not take into account the unique administrative structure currently used by California to compute monthly compensation for sheep and goat herders. Because herders move in concert with their flocks, the state has concluded that they work 168 hours per week. Consequently, when AB 1066 is applied, herders will receive a 50% increase in their salary which on its face must have been unintended and is certainly an economically unsustainable consequence for their employers.

In 2015, the Obama federal Department of Labor interpreted weekly hours worked, which was later upheld in federal court (see attached document), and determined that the weekly hours worked are 48 hours because the value of lodging and food, and the nature of the sheepherders work which needs to be taken into consideration. Adhering to the federal position will calm disruption in the industry caused by the California wage order.

Governor, as we see it, this situation begs for resolution which we have concluded is within your administrative authority. We have discussed the foregoing with your Labor Agency and legislative unit without success but believe your involvement will allow us all to take a fresh look at the facts and talk candidly about economic, environmental and public safety challenges in our rural and urban counties which will surely worsen if we are unsuccessful in this effort.

Thank you for your consideration of this request.

Sincerely,



Anna M. Caballero
12th Senate District



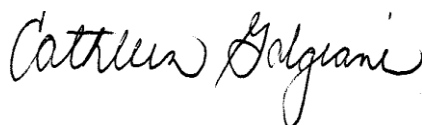
Cecilia Aguiar-Curry
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Brian Dahle
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Marc Levine
10th Assembly District



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5th Senate District



Andreas Borgeas
8th Senate District



Rebecca Bauer-Kahan
16th Assembly District



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13th Assembly District



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3rd Senate District



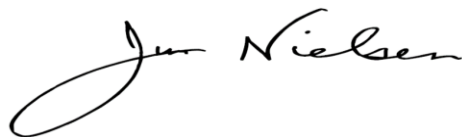
Scott Wilk
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James Gallagher
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Timothy Grayson AD14

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Chad Mayes AD42

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Chris Holden
41st Assembly District

Thomas Lackey AD36

Thomas Lackey
36th Assembly District

Vince Fong AD-34

Vince Fong
34th Assembly District

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Ken Cooley
8th Assembly District

Jordan Cunningham AD35

Jordan Cunningham
35th Assembly District

Jim Cooper AD 9

Jim Cooper
9th Assembly District

Frank Bigelow AD-05

Frank Bigelow
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Tom Daly AD69

Tom Daly
69th Assembly District

Phillip Chen A050

Phillip Chen
55th Assembly District

Steven Choi AD 68

Steven Choi
68th Assembly District

Jay Obernolte AD33

Jay Obernolte
33rd Assembly District

Jacqui Irwin AD44

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73rd Assembly District

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