



## RESOLUTION NO. 057-2021

### OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

#### IN THE MATTER OF SUPPORT OF THE FEDERAL WEEKLY HOURS WORK STANDARD FOR HERDERS IN CALIFORNIA

**WHEREAS**, the production of sheep and wool are important to the economy of California with wool production ranking #1 and sheep inventory ranking #2 in the United States, and over 3,500 family farms raising sheep and goats throughout California, and

**WHEREAS**, sheep and goat production is uniquely nomadic requiring a mobile and skilled workforce of herders to care for and manage movement of flocks whether located in distant areas grazing agricultural land or serving as four-legged fire fighters in our forests and wildland-urban interface by reducing fire fuel vegetation, and

**WHEREAS**, sheep and goat grazing aligns with Governor Newsom's Climate Change Executive Order (N-82-20) as a wildfire prevention tool which produces a net benefit in carbon sequestration and air quality, and is especially suited to enhance carbon neutrality in situations of rural-urban interface, and

**WHEREAS**, in 2015 the federal Department of Labor in 80 FR 62958-01 determined that sheep herder work hours cannot be tracked because of the remoteness of their work, and that was reasonable to estimate that herders work on average 48 hours per week for purposes of setting the wage for foreign workers working under H-2A visas, and further, federal courts have upheld this determination as both reasonable and well supported by available evidence, and

**WHEREAS**, the economic and environmental benefits this industry provides California is in jeopardy because of the unintended consequences brought on by a newly adopted the Phase-In Overtime for Agricultural Workers Act of 2016 (Labor Code Section 857 and following; AKA AB 1066.) that established a phased-in overtime pay requirements of the agricultural sector, and

**WHEREAS**, prior to adoption of AB 1066, California herders were already the highest paid in the nation and paid as much as 80 percent more than herders in some other states, and

**WHEREAS**, in 2019 the California Labor Commissioner interpreted AB 1066 by amending Wage Order No. 14-2001 (8 CCR 1140). In a July 26, 2019, decision the Labor Commissioner interpreted Wage Order No. 14-2001 and AB 1066 to require that the total weekly hours of a sheep herder be calculated at 168 hours and that a herder is entitled to overtime pay for 113 of those hours, and

**WHEREAS**, this interpretation will result in sheep and goat herders pay increasing by an economically unsustainable 50 percent, and will have a negative impact on our County; and

**WHEREAS**, if the state instead adopted the 48 hours of work per week standard in federal law, that would ensure that the intent of AB 1066 to provide sheep herders and goat herders overtime pay is preserved in a manner that is economically feasible; and therefore,

**NOW, THEREFORE, BE IT RESOLVED**, that the El Dorado County Board of Supervisors strongly urges Governor Newsom to use his administrative authority to adopt the federal weekly hours work standard of 48 hours per week to herders in California for purposes of determining overtime pay under AB 1066 .

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 8th day of June, 2021, by the following vote of said Board:

Ayes: Turnboo, Hidahl, Parlin, Thomas, Novasel  
Noes: None  
Absent: None

Attest:  
Kim Dawson  
Clerk of the Board of Supervisors

By: Kyra Schaufele  
Deputy Clerk

John Hidahl  
Chair, Board of Supervisors  
John Hidahl