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# California State Senate

SENATOR  
**ANNA M. CABALLERO**  
TWELFTH SENATE DISTRICT



CHAIR  
BUDGET SUBCOMMITTEE  
#4 ON STATE ADMINISTRATION  
AND GENERAL GOVERNMENT

CHAIR  
SELECT COMMITTEE ON  
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INSTITUTIONS

HOUSING  
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  
12<sup>th</sup> Senate District



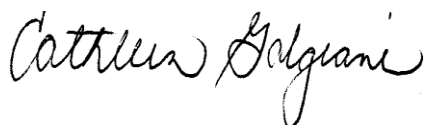
Cecilia Aguiar-Curry  
4<sup>th</sup> Assembly District



Brian Dahle  
1<sup>st</sup> Senate District



Marc Levine  
10<sup>th</sup> Assembly District



Cathleen Galgiani  
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Andreas Borgeas  
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Rebecca Bauer-Kahan  
16<sup>th</sup> Assembly District



Susan Talamantes Eggman  
13<sup>th</sup> Assembly District



Melissa Hurtado  
14<sup>th</sup> Senate District



Mike Morrell  
23<sup>rd</sup> Senate District



Bill Dodd  
3<sup>rd</sup> Senate District



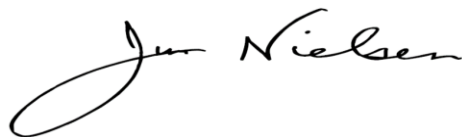
Scott Wilk  
21<sup>st</sup> Senate District



Shannon Grove  
16<sup>th</sup> Senate District



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57<sup>th</sup> Assembly District



Jim Nielsen  
4<sup>th</sup> Senate District



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Devon I. Mathis  
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James Gallagher  
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*Timothy Grayson AD14*

Timothy Grayson  
14<sup>th</sup> Assembly District

*Blanca E. Rubio ad 48*

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Jordan Cunningham AD35

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35<sup>th</sup> Assembly District

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Frank Bigelow AD-05

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5<sup>th</sup> Assembly District

Tom Daly AD69

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Phillip Chen A050

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55<sup>th</sup> Assembly District

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Jim Patterson AD23

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Megan Dahle AD1

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