

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0800.01 Renee Leone x2695

SENATE BILL 26-121

SENATE SPONSORSHIP

Rodriguez and Simpson, Pelton B.

HOUSE SPONSORSHIP

Martinez and Winter T.,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF A THRESHOLD FOR WHEN AN
102 AGRICULTURAL EMPLOYER IS REQUIRED TO PAY OVERTIME TO
103 AN AGRICULTURAL EMPLOYEE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires an agricultural employer to pay an agricultural employee overtime pay for time worked in excess of 60 hours in a workweek.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 8-6-120 as
3 follows:

4 **8-6-120. Overtime wages for agricultural employees -**
5 **definitions - rules.**

6 (1) AS USED IN THIS SECTION:

7 (a) "AGRICULTURAL EMPLOYEE" HAS THE MEANING SET FORTH IN
8 SECTION 8-2-206 (1)(b).

9 (b) "AGRICULTURAL EMPLOYER" HAS THE MEANING SET FORTH IN
10 SECTION 8-3-104 (1).

11 (2) (a) AN AGRICULTURAL EMPLOYER SHALL PAY AN
12 AGRICULTURAL EMPLOYEE AT AN OVERTIME RATE FOR ANY TIME WORKED
13 IN EXCESS OF SIXTY HOURS IN A WORKWEEK, EXCEPT FOR AN
14 AGRICULTURAL EMPLOYEE WHO IS:

15 (I) PRINCIPALLY ENGAGED IN THE RANGE PRODUCTION OF
16 LIVESTOCK ON THE OPEN RANGE, AS DESCRIBED IN 29 CFR 780.323 TO
17 780.329;

18 (II) A DECISION-MAKING MANAGER WHO IS EMPLOYED BY AN
19 AGRICULTURAL EMPLOYER AND WHOSE ANNUAL SALARY IS AT LEAST THE
20 MINIMUM SALARY THRESHOLD FOR CERTAIN EXEMPTIONS CONTAINED IN
21 THE PROVISIONS CONCERNING AGRICULTURAL WORKERS IN THE
22 DIRECTOR'S RULES RELATED TO COLORADO OVERTIME AND MINIMUM PAY
23 STANDARDS; OR

24 (III) A FAMILY MEMBER OF A FAMILY OWNER OF AN
25 AGRICULTURAL EMPLOYER.

26 (b) The director ~~shall promulgate~~ MAY ADOPT rules ~~providing~~
27 ~~meaningful overtime and maximum hours protections to agricultural~~

1 ~~employees to be proposed no later than October 31, 2021, and adopted no~~
2 ~~later than January 31, 2022. In promulgating such rules, the director shall~~
3 ~~consider the inequity and racist origins of the exclusion of agricultural~~
4 ~~employees from overtime and maximum hours protections available to~~
5 ~~other employees, the fundamental right of all employees to overtime and~~
6 ~~maximum hours standards that protect the health and welfare of~~
7 ~~employees, and the unique difficulties agricultural employees have~~
8 ~~obtaining workplace conditions equal to those provided to other~~
9 ~~employees~~ TO IMPLEMENT THIS SECTION, INCLUDING RULES CONCERNING
10 OVERTIME REQUIREMENTS FOR SALARIED AGRICULTURAL EMPLOYEES WHO
11 ARE DECISION-MAKING MANAGERS AND RULES CONCERNING A FAMILY
12 MEMBER OF A FAMILY OWNER OF AN AGRICULTURAL EMPLOYER.

13 **SECTION 2. Applicability.** This act applies to time worked and
14 contracts entered into or renewed on or after the effective date of this act.

15 **SECTION 3. Safety clause.** The general assembly finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety or for appropriations for
18 the support and maintenance of the departments of the state and state
19 institutions.