

AB 1066
Unintended Consequences
(Sheep/Goat Herder Compensation)

AB 1066 threatens the economic viability of California sheep and goat production and related businesses, and the functionality of the federal H-2A program.

Administrative Relief (Options)

1. 48 hour week

The work of range herders (sheep and goat) occurs, by definition, away from the employer's headquarters and away from managers, where actual hours worked cannot be tracked. Congress recognized this in exempting range herders from both the overtime and minimum wage requirements of the Fair Labor Standards Act (FLSA). The Department of Labor (DOL) under the Obama Administration further acknowledged this in a 2015 rulemaking process and set the estimated hours worked per week at 48 hours, even though range herders are available on a continuous basis. Multiple courts have upheld this interpretation as both reasonable and well-supported by available evidence. See, e.g., Hispanic Affairs Project v. Acosta, 901 F.3d 378, 391-393 (D.C. Cir. 2018). (Merrick Garland, Presiding Judge)

California Application: 25 or less employees (compensation per month – 4.333 weeks)

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
(IWC Standard)	\$1955.74	\$2133.52	\$2311.24	\$2489.02	\$2666.81	\$2666.81	\$2666.81
(48 Hour Week)	\$1955.74	\$2133.52	\$2311.24	\$2489.02	\$2666.81	\$2750.15	\$2889.05
(AB1066)	\$1955.74	\$2133.52	\$2311.24	\$3444.64	\$3730.37	\$3777.05	\$4381.20

California Application: 26 or more employees (compensation per month – 4.333 weeks)

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
(IWC Standard)	\$2133.52	\$2311.24	\$2489.02	\$2666.81	\$2666.81	\$2666.81	\$2666.81
(48 Hour Week)	\$2133.52	\$2311.24	\$2566.81	\$2889.05	\$2889.05	\$2889.05	\$2889.05
(AB 1066)	\$2952.64	\$3232.98	\$3518.71	\$4381.20	\$4381.20	\$4381.20	\$4381.20

2. Credit sheep and goat producers for meals provided to range herders:
\$400 per month value established by the Obama Administration
3. Financial support/tax credit in the State Budget: Environmental benefits provided by qualified sheep and goat producers