

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0351.01 Renee Leone x2695

SENATE BILL 26-081

SENATE SPONSORSHIP

Danielson,

HOUSE SPONSORSHIP

Velasco,

Senate Committees
Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF AN OVERTIME THRESHOLD FOR**
102 **AGRICULTURAL EMPLOYEES CONSISTENT WITH THE THRESHOLD**
103 **APPLICABLE TO OTHER WORKERS IN COLORADO.**

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 increases overtime protections for agricultural employees by requiring that agricultural employees be paid at an overtime rate for any work performed in excess of:

- 40 hours per workweek;
- 12 hours per workday; or

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.

- 12 consecutive hours.

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 workers - legislative
5 declaration.**

6 ~~(1) The director shall promulgate rules providing meaningful
7 overtime and maximum hours protections to agricultural employees to be
8 proposed no later than October 31, 2021, and adopted no later than
9 January 31, 2022. In promulgating such rules, the director shall consider
10 the inequity and racist origins of the exclusion of agricultural employees
11 from overtime and maximum hours protections available to other
12 employees, the fundamental right of all employees to overtime and
13 maximum hours standards that protect the health and welfare of
14 employees, and the unique difficulties agricultural employees have
15 obtaining workplace conditions equal to those provided to other
16 employees.~~

17 **(1) Legislative declaration.**

18 (a) THE GENERAL ASSEMBLY FINDS THAT:

19 (I) AGRICULTURAL WORKERS PERFORM ESSENTIAL LABOR THAT
20 SUSTAINS COLORADO'S FOOD SYSTEMS AND BROADER ECONOMY YET ARE
21 EXCLUDED FROM MANY BASIC LABOR PROTECTIONS AFFORDED TO OTHER
22 WORKERS, INCLUDING OVERTIME PROTECTIONS;

23 (II) FEDERAL OVERTIME PROTECTIONS FOR WORKERS WERE
24 ESTABLISHED IN THE "FAIR LABOR STANDARDS ACT OF 1938", BUT
25 CONGRESS EXCLUDED FARMWORKERS AND DOMESTIC WORKERS FROM

1 SUCH PROTECTIONS. COLORADO, ALONG WITH SEVERAL OTHER STATES,
2 IMPORTED THE FEDERAL ACT'S EXCLUSION INTO ITS STATE LAW AND THAT
3 LEGACY CONTINUES TO IMPACT COLORADO AGRICULTURAL WORKERS.

4 (III) MOST WORKERS IN COLORADO EARN OVERTIME
5 COMPENSATION AFTER FORTY HOURS IN A WORKWEEK OR TWELVE HOURS
6 IN A WORKDAY. THIS REFLECTS THE STATE'S LONG-STANDING POLICY THAT
7 EXTENDED WORK HOURS SHOULD BE COMPENSATED AT A PREMIUM RATE.

8 (IV) AGRICULTURAL WORKERS, HOWEVER, RECEIVE OVERTIME
9 PAY ONLY AFTER WORKING MORE THAN FORTY-EIGHT HOURS IN ONE WEEK,
10 AND HIGHLY SEASONAL AGRICULTURAL WORKERS RECEIVE OVERTIME PAY
11 ONLY AFTER WORKING MORE THAN FIFTY-SIX HOURS IN ONE WEEK.
12 AGRICULTURAL WORKERS DO NOT RECEIVE DAILY OVERTIME PAY.

13 (V) OVERTIME PROTECTIONS ARE A FUNDAMENTAL COMPONENT
14 OF FAIR LABOR STANDARDS, INTENDED TO:

15 (A) PREVENT OVERWORK;
16 (B) PROMOTE HEALTH AND SAFETY;
17 (C) ENSURE THAT EMPLOYEES ARE FAIRLY COMPENSATED FOR
18 EXTENDED HOURS OF LABOR; AND
19 (D) SUPPORT THE FAMILY AND COMMUNITY RELATIONSHIPS THAT
20 ARE THE FOUNDATION FOR A THRIVING ECONOMY;

21 (VI) EXTENDING EQUITABLE OVERTIME PAY TO AGRICULTURAL
22 EMPLOYEES RECOGNIZES THE VALUE OF THEIR LABOR, PROMOTES
23 ECONOMIC FAIRNESS, AND ALIGNS AGRICULTURAL EMPLOYMENT
24 STANDARDS WITH THOSE OF OTHER INDUSTRIES; AND

25 (VII) IN SENATE BILL 21-087, ENACTED IN 2021, THE GENERAL
26 ASSEMBLY DIRECTED THE COLORADO DEPARTMENT OF LABOR AND
27 EMPLOYMENT TO ADOPT OVERTIME RULES FOR AGRICULTURAL WORKERS

1 THAT WOULD ADDRESS "THE INEQUITY AND RACIST ORIGINS OF THE
2 EXCLUSION OF AGRICULTURAL EMPLOYEES FROM OVERTIME AND
3 MAXIMUM HOURS PROTECTIONS AVAILABLE TO OTHER EMPLOYEES".
4 DESPITE THIS DIRECTION, AGRICULTURAL WORKERS ARE STILL REQUIRED
5 TO WORK MORE HOURS TO EARN OVERTIME THAN MOST OTHER WORKERS
6 IN THE STATE.

7 (b) THE GENERAL ASSEMBLY THEREFORE DECLares THAT
8 AGRICULTURAL EMPLOYEES ARE ENTITLED TO OVERTIME PROTECTIONS
9 CONSISTENT WITH THOSE PROVIDED TO OTHER WORKERS AND THAT
10 ELIMINATING OUTDATED EXCLUSIONS IS NECESSARY TO REMEDY
11 LONGSTANDING INEQUITIES IN COLORADO LABOR LAW.

12 (2) BEGINNING JANUARY 1, 2027, AN AGRICULTURAL EMPLOYEE
13 WHO IS ENTITLED TO RECEIVE A MINIMUM WAGE PURSUANT TO THE
14 PROVISIONS CONCERNING AGRICULTURAL WORKERS IN THE DIRECTOR'S
15 RULES RELATED TO COLORADO OVERTIME AND MINIMUM PAY STANDARDS
16 SHALL BE PAID OVERTIME, AT A RATE OF ONE AND ONE-HALF TIMES THE
17 EMPLOYEE'S REGULAR RATE OF PAY, FOR ANY WORK PERFORMED IN
18 EXCESS OF:

19 (a) FORTY HOURS PER WORKWEEK;
20 (b) TWELVE HOURS PER WORKDAY; OR
21 (c) TWELVE CONSECUTIVE HOURS WITHOUT REGARD TO THE START
22 AND END TIME OF THE WORK SHIFT.

23 **SECTION 2. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2026 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.