

1 SENATE BILL 352

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Michael Padilla and Christine Trujillo

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10 AN ACT

11 RELATING TO LABOR; PERMITTING AIRLINE EMPLOYEES TO VOLUNTARILY
12 TRADE SHIFTS; EXEMPTING AIRLINES FROM THE REQUIREMENTS OF
13 PAYING EMPLOYEES ONE AND ONE-HALF TIMES AN EMPLOYEE'S HOURLY
14 RATE OF PAY FOR EACH HOUR WORKED OVER FORTY HOURS IN ANY WEEK
15 OF SEVEN DAYS IN WHICH THE AIRLINE HAS NOT REQUIRED OVERTIME
16 HOURS AND EMPLOYEES HAVE VOLUNTARILY TRADED HOURS.

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18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 50-4-24 NMSA 1978 (being Laws 1975,
20 Chapter 275, Section 1, as amended) is amended to read:

21 "50-4-24. EMPLOYERS EXEMPT FROM OVERTIME PROVISIONS FOR
22 CERTAIN EMPLOYEES.--

23 A. [~~Any~~] An employer of workers engaged in the
24 ginning of cotton for market, in [~~any~~] a place of employment
25 located within a county where cotton is grown in commercial

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1 quantities, ~~[and]~~ is exempt from the overtime provisions of
2 Subsection D of Section 50-4-22 NMSA 1978 if each employee is
3 employed for a period of not more than fourteen weeks in the
4 aggregate in [any] a calendar year ~~[is exempt from the overtime~~
5 ~~provisions of Subsection C of Section 50-4-22 NMSA 1978]~~.

6 B. An employer of workers engaged in agriculture is
7 exempt from the overtime provisions set forth in Subsection [E]
8 D of Section 50-4-22 NMSA 1978. As used in this subsection,
9 "agriculture" has the meaning used in Section 203 of the
10 federal Fair Labor Standards Act of 1938.

11 C. An employer is exempt from the overtime
12 provisions set forth in Subsection D of Section 50-4-22 NMSA
13 1978 if the hours worked in excess of forty hours in a week of
14 seven days are:

15 (1) worked by an employee of an air carrier
16 providing scheduled passenger air transportation subject to
17 Subchapter II of the federal Railway Labor Act or the air
18 carrier's subsidiary that is subject to Subchapter II of the
19 federal Railway Labor Act;

20 (2) not required by the employer; and

21 (3) arranged through a voluntary agreement
22 among employees to trade scheduled work shifts; provided that
23 the agreement shall:

24 (a) be in writing;

25 (b) be signed by the employees involved

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1 in the agreement;

2 (c) include a requirement that an
3 employee who trades a scheduled work shift is responsible for
4 working the shift so agreed to as part of the employee's
5 regular work schedule; and

6 (d) not require an employee to work more
7 than: 1) thirteen consecutive days; 2) sixteen hours in a
8 single work day; or 3) sixty hours within a single work week."

9 SECTION 2. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2013.

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