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AN ACT

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

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

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

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

A. An employer of workers engaged in the ginning of cotton for market, in a place of employment located within a county where cotton is grown in commercial quantities, is exempt from the overtime provisions of Subsection D of Section 50-4-22 NMSA 1978 if each employee is employed for a period of not more than fourteen weeks in the aggregate in a calendar year.

B. An employer of workers engaged in agriculture is exempt from the overtime provisions set forth in Subsection D of Section 50-4-22 NMSA 1978. As used in this subsection, "agriculture" has the meaning used in Section 203

1 of the federal Fair Labor Standards Act of 1938.

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

6 (1) worked by an employee of an air carrier  
7 providing scheduled passenger air transportation subject to  
8 Subchapter II of the federal Railway Labor Act or the air  
9 carrier's subsidiary that is subject to Subchapter II of the  
10 federal Railway Labor Act;

11 (2) not required by the employer; and

12 (3) arranged through a voluntary agreement  
13 among employees to trade scheduled work shifts; provided that  
14 the agreement shall:

15 (a) be in writing;

16 (b) be signed by the employees involved  
17 in the agreement;

18 (c) include a requirement that an  
19 employee who trades a scheduled work shift is responsible for  
20 working the shift so agreed to as part of the employee's  
21 regular work schedule; and

22 (d) not require an employee to work  
23 more than: 1) thirteen consecutive days; 2) sixteen hours in  
24 a single work day; 3) sixty hours within a single work week;  
25 or 4) can be required as provided in a collective bargaining

1 agreement to which the employee is subject."

2 SECTION 2. Section 50-4-24 NMSA 1978 (being Laws 1975,  
3 Chapter 275, Section 1, as amended by Section 1 of this act)  
4 is repealed and a new Section 50-4-24 NMSA 1978 is enacted to  
5 read:

6 "50-4-24. EMPLOYERS EXEMPT FROM OVERTIME PROVISIONS FOR  
7 CERTAIN EMPLOYEES.--

8 A. An employer of workers engaged in the ginning  
9 of cotton for market, in a place of employment located within  
10 a county where cotton is grown in commercial quantities is  
11 exempt from the overtime provisions of Subsection D of  
12 Section 50-4-22 NMSA 1978 if each employee is employed for a  
13 period of not more than fourteen weeks in the aggregate in a  
14 calendar year.

15 B. An employer of workers engaged in agriculture  
16 is exempt from the overtime provisions set forth in  
17 Subsection D of Section 50-4-22 NMSA 1978. As used in this  
18 subsection, "agriculture" has the meaning used in Section 203  
19 of the federal Fair Labor Standards Act."

20 SECTION 3. EFFECTIVE DATE.--

21 A. The effective date of the provisions of  
22 Section 1 of this act is July 1, 2013.

23 B. The effective date of the provisions of  
24 Section 2 of this act is July 1, 2015.