

**PROJECT PROTECT**  
**PROMOTORA NETWORK**

To the Colorado Department of Labor and Employment:

I urge the Department to make targeted and precise revisions to the The Agricultural Labor Conditions Act Rules (AGLABOCO Rules), 7 CCR 1103-15, that are limited to aligning statutory language in the purpose of Rule 4.1 with the recent legislative text from SB 25-128, without weakening other protections for agricultural workers.

The current language of Rule 4.1 appropriately reflects the statutory guidance in C.R.S. § 8-13.5-202(1)(c), which directs the Division to ensure that workers have meaningful access to services, including during compensable work time when long hours make it difficult to secure such access outside of work. SB 25-128 changes the language of C.R.S. § 8-13.5-202(1)(c) to make the adoption of rules noncompulsory and ensure that the rules do not grant key service providers physical access to employer's property. Any changes to Rule 4.1 should be limited to updating the statutory references because the current language of the AGLABOCO Rules does not grant key service providers physical access to employer property. Updating the purpose clause to conform with the revised statutory text would provide necessary clarity, while preserving the rule's intent to protect marginalized workers against exclusion from essential services.

By contrast, Rule 4.2 should be retained in full. That subsection allows for meaningful access to service providers at the worksite if an employer cannot otherwise provide phone or internet access. This provision neither conflicts with the Supreme Court's decision in *Cedar Point Nursery v. Hassid*, 141 U.S. 2063 (2021), nor with the new statutory language adopted in SB 25-128. *Cedar Point* held that a California regulation granting union organizers access to private property constituted a per se physical taking. Unlike that case, Rule 4.2 does not grant a right of entry to third parties. Instead, it requires employers to ensure workers can communicate with essential providers by alternative means. The obligation runs to the employer and is fully consistent with property rights.

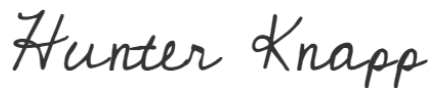
Equally important, SB 25-128 repeals certain provisions of the Agricultural Labor Rights and Responsibilities Act, but it explicitly preserves "an agricultural worker's access to key service providers through remote channels, including telehealth appointments, on the employer's property." C.R.S. 8-13.5-202(1)(b)(1). In the legislative declaration, the General Assembly solely identified section 8-13.5-202(1)(b) as unconstitutional and unenforceable, before making targeted changes to the statutory text. Rule 4.2(c) is fully consistent with this new statutory language. It does not create new third-party rights of entry but ensures that, where off-site access is impractical, workers are still able to exercise their statutory right to connect with essential

providers without leaving the employer's premises. Nothing in the new language of SB 25-128 displaces or contradicts this requirement.

Rule 4.3 should also remain intact. The additional paid break time it provides is a critical safeguard for agricultural workers during weeks when they are required to work more than 60 or 70 hours. These extremely long work weeks create precisely the circumstances in which access to key service providers becomes most difficult, and the statute explicitly contemplates protections for workers "especially during periods when the agricultural worker is required to work in excess of forty hours per week". C.R.S. § 8-13.5-202(1)(c). Rule 4.3 gives practical effect to that directive by ensuring workers can use paid time to meet their health, financial, and legal needs. Weakening Rule 4.3 would undercut the statute's clear purpose and leave workers without meaningful access during the periods when they need it most.

In summary, the Department should carefully align the purpose statement of Rule 4.1 with current statute, but it should not weaken Rule 4.2 or Rule 4.3. Retaining these components of the rule is essential to carrying out the General Assembly's direction and to ensuring agricultural workers' access to health care, legal, and other critical services.

Respectfully submitted,

A handwritten signature in black ink that reads "Hunter Knapp". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Hunter Knapp  
Development Director  
Project Protect Food Systems Workers