

Overtime Notice for Highly Seasonal Agricultural Employment

As Required by [COMPS Order](#) Rule 2.3.2

Name of Highly Seasonal Agricultural Employer: _____

Address: _____

Year/Season: _____ Date of Notice: _____

Estimated # of Non-Peak Week Employees: _____ Estimated # of Peak-Week Employees _____

Your weekly overtime pay will change based on whether it is a peak week (sometimes called a “peak season”) or not. **Generally, overtime for agricultural workers must be paid after 48 hours of work per week, but during peak weeks, overtime must be paid after 56 hours.**

- **Peak weeks** are when the employer employs at least double the number of employees it employs in non-peak weeks. For example, if the employer typically has 10 full-time employees, it must have at least 20 full-time employees during its peak weeks.

Highly seasonal agricultural employers may have **up to 22 peak weeks**, split into one, two, or three periods. This employer estimates that its peak weeks will be in:

☐ 1 period: _____ (e.g., “May and the first 2 weeks of June”)

☐ 2 periods of at least 4 work weeks each:

○ Period 1: _____

○ Period 2: _____

☐ 3 periods of at least 4 work weeks each:

○ Period 1: _____

○ Period 2: _____

○ Period 3: _____

The employer must provide this notice to you **at least once a year AND at least 30 days before the first peak week is estimated to start (or at the time of hiring, if later)**. For H-2A workers, it must be provided with your other H-2A job notices. This notice must be in English and in any language that is the first language of at least 5% of the workers at the work site.

For more information about your rights as an agricultural worker, contact the Colorado Department of Labor and Employment, Division of Labor Standards and Statistics:
303-318-8441 / 888-390-7936 / cdle_labor_standards@state.co.us (English or Spanish).



All laws, guidance
and complaints:

ColoradoLaborLaw.gov



Spanish guidance
and complaints:

LeyesLaboralesDeColorado.gov

Peak Week Disclosure Highly Seasonal Agricultural Employment

As Required by [COMPS Order](#) Rule 2.3.2

Name of Highly Seasonal Agricultural Employer: _____

Address: _____

Year/Season: _____ Date of Notice: _____

Estimated # of Non-Peak Week Employees: _____ Estimated # of Peak-Week Employees _____

Your weekly overtime pay will change based on whether it is a peak week (sometimes called a “peak season”) or not. **Generally, overtime for agricultural workers must be paid after 48 hours of work per week, but during peak weeks, overtime must be paid after 56 hours.**

- **Peak weeks** are when the employer employs at least double the number of employees it employs in non-peak weeks. For example, if the employer typically has 10 full-time employees, it must have at least 20 full-time employees during its peak weeks.

Highly seasonal agricultural employers may have **up to 22 peak weeks**, split into one, two, or three periods. The peak weeks will be in:

☐ 1 period: _____

☐ 2 periods of at least 4 work weeks each:

○ Period 1: _____

○ Period 2: _____

☐ 3 periods of at least 4 work weeks each:

○ Period 1: _____

○ Period 2: _____

○ Period 3: _____

These peak weeks **cannot** change **unless** the employer provides you with written notice at least one week before the new peak weeks begin AND the change is based on things the employer did not expect, like a late frost.

The employer must provide this disclosure to you **at least once a year AND at least one week before the first peak week starts (or at the time of hiring, if later)**. This disclosure must be in English and in any language that is the first language of at least 5% of the workers at the work site.

For more information about your rights as an agricultural worker, contact the Colorado Department of Labor and Employment, Division of Labor Standards and Statistics: 303-318-8441 / 888-390-7936 / cdle_labor_standards@state.co.us (English or Spanish).



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