

REFERENCE TITLE: essential workers; minimum wage; overtime

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

# **SB 1757**

Introduced by  
Senators Quezada: Mendez

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8.2; RELATING TO EMPLOYMENT PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1,  
3 section 1, Constitution of Arizona, title 23, chapter 2, Arizona Revised  
4 Statutes, is amended by adding article 8.2, to read:

5 ARTICLE 8.2. ESSENTIAL WORKERS

6 23-383. Essential workers; minimum wage; overtime pay;  
7 definition

8 A. NOTWITHSTANDING ARTICLE 8 OF THIS CHAPTER AND ANY OTHER LAW:

9 1. EACH EMPLOYER IN THIS STATE SHALL PAY TO EACH EMPLOYEE THAT IS  
10 AN ESSENTIAL WORKER WAGES AT A RATE OF:

11 (a) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION THROUGH MAY 31,  
12 2022, AT LEAST \$15 PER HOUR.

13 (b) BEGINNING JUNE 1, 2022 THROUGH MAY 31, 2023, AT LEAST \$17.50  
14 PER HOUR.

15 (c) FROM AND AFTER MAY 31, 2023, AT LEAST \$20 PER HOUR.

16 2. NOTWITHSTANDING ANY OTHER LAW, AN EMPLOYER IN THIS STATE SHALL  
17 PAY EACH EMPLOYEE THAT IS AN ESSENTIAL WORKER WAGES AT A RATE AS  
18 PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION FOR THE FIRST FORTY HOURS OF  
19 WORKING TIME IN ANY WEEK AND ONE AND ONE-HALF TIMES SUCH EMPLOYEE'S  
20 REGULAR HOURLY WAGE FOR EACH HOUR OF WORKING TIME IN EXCESS OF FORTY HOURS  
21 IN ANY WEEK, EXCEPT THAT AN EMPLOYER IS NOT REQUIRED TO PAY THE OVERTIME  
22 RATE TO AN EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE OR  
23 PROFESSIONAL CAPACITY.

24 3. IF THE CURRENT IN-STATE OR FEDERAL PREVAILING WAGE FOR  
25 GOVERNMENT CONTRACTORS IN THE SAME CLASS OR FUNCTIONAL AREA IS HIGHER THAN  
26 THE MINIMUM WAGE PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION, AN EMPLOYER  
27 SHALL PAY THE EMPLOYEE THAT IS AN ESSENTIAL WORKER AT THE HIGHER RATE.

28 B. FOR THE PURPOSES OF THIS SECTION, "ESSENTIAL WORKER" MEANS  
29 EITHER OF THE FOLLOWING:

30 1. ALL WORKERS DEFINED AS ESSENTIAL UNDER THE LAWS OF THIS STATE OR  
31 AN EXECUTIVE ORDER.

32 2. ALL WORKERS DEFINED AS ESSENTIAL IN FEDERAL GUIDANCE, INCLUDING  
33 THE ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL  
34 INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE DATED MARCH 28, 2020  
35 ISSUED BY THE OFFICE OF THE DIRECTOR OF THE UNITED STATES DEPARTMENT OF  
36 HOMELAND SECURITY CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

37 Sec. 2. Short title

38 This act may be cited as the "Essential Wages for Essential Workers  
39 Act".

40 Sec. 3. Requirements for enactment; three-fourths vote

41 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
42 section 23-383, Arizona Revised Statutes, as added by this act, is  
43 effective only on the affirmative vote of at least three-fourths of the  
44 members of each house of the legislature.