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TESTMONY IN SUPPORT OF SB 677
Before the House Committee on Business and Labor
May 13, 2013
Submitted By: Sybil Hebb

Chair Doherty, Vice-Chairs Barton and Kennemer, and members of the Committee:

Thank you for the opportunity to provide testimony regarding SB 677, which create an exception in certain circumstances to ORS 652.145's requirement that seasonal farmworkers be paid immediately when work ends.

OLC is a statewide non-profit law firm whose mission is to provide access to justice for the low income communities of Oregon by providing a full range of the highest quality civil legal services. Our clients generally fall within 125% of the federal poverty level. Seasonal farmworkers are amongst our most vulnerable populations, struggling to make ends meet and feed their families while they are working hard to make food available for others' tables.

Under current law, ORS 652.145 requires that wages due to seasonal farm workers must be paid immediately after work stops. This law was passed in recognition of the fact that seasonal farmworkers often cobble together multiple temporary jobs, moving from one to the next as the picking or planting season moves through our countryside. These jobs are often lined up in advance, and workers try to minimize the down time between jobs so as to maximize productivity. If a farmworker has to return to a job site days after work has stopped in order to collect payment, the delay prevents the family from moving to the next job. During a delay while waiting to be paid, the family would continue to incur rent and living expenses. In addition, delay in payment can lead to abuse by bad actors or fly-by-night contractors and reduced chances of getting paid at all. All of these important concerns are at the heart of the current ORS 652.145 requirement to make payment immediately after the job stops.

However, the current law can be a challenge for good actor small farmers, some of whom do not have HR staff and who may struggle to meet the demands of finishing a harvest job while also finishing the requisite book-keeping within the boundary of the current law.

SB 677 strikes a balance by preserving essential protections for farmworkers while allowing growers who provide on-farm housing at no extra cost to the employee a reasonable time window within which to make payroll. In these circumstances, farmers may pay wages by noon the next day, instead of immediately. SB 677 represents a fair balance of concerns in this limited circumstance.

We appreciate Senator Thomsen's work on this issue and the opportunity to present this written testimony, and urge a "yes" vote on SB 677.