

3/8/2021

House Committee on Business & Labor

RE: HB 2358, Ag Overtime

My name is Brenda Frketich and I am farm in St. Paul. I am the owner of a diverse and sustainable farm raising a number of seed crops, hazelnuts and vegetables. Our farm employs anywhere from 2 to 10 employees depending on the time of year. Many of these employees, while seasonal, are also long time employees of our farm. I am against HB 2358 and I want to make sure that you all understand the real on the ground impacts that this bill will have for not just our farm and employees, but farms across Oregon.

HB 2358 is a bill that would require every farm in Oregon to pay overtime to employees after 40 hours of work per week. Right now agriculture in Oregon and in most other states is exempt from overtime pay under the federal Fair Labor Standards Act. This may seem strange, but there is strong reasoning behind this type of exemption. Farming is different than many other industries because we are very seasonal in our work. Not just due to the fact that plants have a growing season and harvest season, but also because we are up against Mother Nature when we try to get work done through the growing season on a day to day basis. This limits our ability to cut work just because of the time clock, and keeps us going for longer hours during certain times of the year. It also on the flip side of that creates times where we don't have work for our workers. So there may be weeks when the sun is out that we can for instance put out mouse bait, put in some longer days to get that done because it must be done when the weather is nice. But then in a week when it starts to rain, we will not have work for those employees. Overall their hours for that one week might be over 40, but the week following it will be well under. Our employees enjoy being able to get work done and get paid for hours, should this pass, this will all change. Hours will get cut, and you can't just make them up on your pay check the next week because the opportunity to work may not be there any longer.

My main concerns for our farming industry here in Oregon the overall increase in the cost of doing business in Oregon. To be honest this isn't the first hit that agriculture is facing, but as a price taker the true obstacle of our costs to get crops to market continuing to go up only is made worse by the fact that the price that I "take" for my crops is not going up fast enough. In Oregon and the United States as a whole we can enjoy local produce as a lower cost than just about any other country and yet we continue to increase costs such as labor without ever increasing the price to the farmer. This will continue to be a breaking point for many farms here in Oregon in years to come. HB 2358 bill will only speed up the process to more mechanization or truly going out of business for many. It will destroy certain sectors who rely on hand labor, including blueberries, strawberries, etc.

I am also very concerned that our farm won't be able to employ as many people for as long of hours. Our employees are like family, and we treat them very well. Honestly they like to work when the sun shines and they are able to get more done, even if that means they have a 45 hour work week, because they also know that in a few days it could be raining and they won't be able to work at all, bringing them no paycheck. Our employees will not be happy if I start to limit their hours, but my hands will be tied should this bill pass. Our farm won't be able to absorb the added cost of labor, which will be over \$10,000 to our farm in new labor costs.

Should this pass we will cut hours, which will cut our employee take home pay. We will also have to look at taking away year-end bonuses to subsidize the new costs. We will look for ways to mechanize, thereby removing family wage jobs from our farm forever.

I'm asking you to please take a stand for agriculture, take a stand for employees of agriculture, and say no to HB 2358.

Thank you for your time and consideration on this important issue.

Brenda Frketich