



**Testimony before the House Committee on Business and Labor  
Relating to HB2358 Agricultural Overtime  
By Leigh Geschwill, Owner  
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Chairmen Holvey, Vice-Chair Bonham and Grayber, and members of the committee, my name is Leigh Geschwill. Along with my husband, and my brother and sister-in-law we run a third-generation nursery and farming operation in the Willamette Valley. Our crops include hops, grass seed (where we operate our own cleaner for primarily the export market), specialty seed crops, row crops, a greenhouse nursery operation, and hazelnuts. Thank you for allowing me to submit my comments on the issue of overtime for agricultural workers to this committee.

**The current state of the work week for agricultural employees:**

It is fitting that we have this hearing on International Women's Day, as it so beautifully highlights the changes that have occurred in agriculture over the last decade. The agricultural workforce is incredibly diverse. At our operation, workers span from their 20's to their 60's, men and women, various ethnic and racial groups, differing gender identities, and immigrants and citizens alike. Workers living conditions also represent a great deal of diversity – off the grid, single and multifamily housing, public subsidized farmworker housing, alone, couples, couples with children and multi-generational.

The reason for highlighting this diversity is to highlight that agricultural employment is not a one-size-fits-all situation. Workers needs for flexibility in their work week, combined with their need for income, has been steadily increasing. Additionally, marketplace and consumer demand for more "just in time" shipping have changed how our customers order product from us and their demands for delivery. These changes in product ordering result in workflow changes at our operations.

To highlight how these 2 needs come together I would like to provide you with a few examples.

**Example 1: Maria**

Maria is a long-term employee of F & B Farms, having worked for us for 12 years. She has had many struggles in her time working for us but continues to be one of our best employees. She has battled domestic abuse / violence, which we worked with the Sherriff's office to get her legal protection. She has had a child who struggled in school both with learning and discipline issues. It has been necessary for her to take time off work to deal with issues such as these. Her domestic violence issues took a several month absence to resolve, in which we guaranteed her job. Her situation as a single mother, who is the sole provider now for her family, means that she is the first response and needs time off during the week to care for needs her children



have. What that might look like is that in one week of the two-week time period she may have only worked 36 hours. Knowing that she needs the income for her family, she sometimes elects to use her Paid Time Off. If she wants to save her Paid Time Off for another use, she might ask her supervisor if she can have extra hours the following week so she can get to her full 80 hours for the pay period. This "overtime" was not required of her, but rather given to her to ensure that her family income needs are met. Maria works an average of 40 hours a week. Ag overtime rules as written in this bill could result in a 5% reduction in wages.

### **Example 2: Pedro**

Pedro is also a long-term employee. He is the primary bread winner in his family and prefers that his wife does not work outside of the home, but that she is available to take care of their children and household needs. Pedro has regularly let us know that he wants and needs more hours during his work week. He has made it clear to us that if he does not get extra hours, he will look for work at a place that will give him that. He routinely works about 45 hours a week. Pedro's ability and desire to work extra hours enables other workers who do not want to work extra hours to keep their schedules at 40 hours or below. Ag overtime rules as written in this bill would result in a 10-12% reduction of wages.

### **Example 3: Steven**

Steven is a more recent hire, starting for us 3 years ago. Steven is divorced, with 2 special needs children that he has sole custody of. Steven has a schedule where he works anywhere from 1 – 4 mornings a week with us, depending on what is happening with his children. It would be rare for Steven to work over 20 hours a week. He appreciates having the job because it gives him a sense of empowerment and usefulness. The extra income he earns helps to supplement what he receives from various government programs to help his situation. Ag overtime rules as written in this bill would have no effect on reduction of wages.

### **Example 4: Fernando**

Fernando is an employee who comes on a work visa every year from Mexico. He comes here for 3-4 months with the intention of working long hours to bring income back to his extended family that resides in Mexico. He lives on his own when he is here. He prefers to work all the hours that can be given to him to maximize his time here each spring. He returns to us each year because he knows that he will have the opportunity to maximize his income while he is here. Fernando routinely wants to work 50-55 hours per week. Ag overtime rules as written in this bill would result in a 25% reduction of wages.

### **Marketplace Impacts on Workflow:**

Work at F & B Farms centers around two different activities.



The first activity is production. Production encompasses the planting and growing/cultivation of products. That can occur either inside a warehouse or greenhouse or out in a field. Outdoor activities are dependent on weather which can help or hinder the process immensely. Inclement weather, like the recent ice storm, can create additional and unforeseeable work, especially when that workplace is not enclosed within a predictable four walls. When weather is not a factor, we can predictably schedule work activities. Due to the labor shortages, we have started to make the heavy capital investment necessary for mechanization where possible. These investments can be between \$300,000 to \$1,000,000. The mechanization does not reduce the number of employees that are currently needed but does increase the skill set necessary to operate the equipment and slows down the need for additional employees in the future.

The second activity is centered around sales, harvesting and shipping. This activity is driven by customer demand and crop readiness – both are tied to weather and time of year. Unfortunately, this part of the process is not as predictable and can have more overlap between crops. If the weather is good, customer demand for greenhouse products increases exponentially. Last year, the COVID-19 pandemic added to this furor as customers panicked to buy edible starts and animal feed and bedding for their gardens to prepare against potential food shortages. Many of our customers are still seeing high demand for these products even into this year as grocery store supply is still uneven. Our nursery shipments can occur at the same time as farm harvest periods, exacerbating the need for labor. We do our best to hire additional labor on, either direct or through a labor contractor, but when the entire marketplace is under the same conditions this labor supply dries up quickly. The perishable nature of our products means that we cannot “back order” items to ship whenever it becomes convenient, or whenever there is more labor available. Harvest and shipping must happen when the product is ready.

**Standard Employee Benefits:**

All full-time (40 hours/week) employees for F & B Farms are eligible for a robust, fully company paid health care plan from Providence after 60 days. After 1000 hours of work (about 6 months), employees become eligible for our 401k plan where the company guarantees a minimum 3% of their income payment into their plan each year. Full time employees also receive a minimum of 16 additional hours over the state mandated sick leave for Paid Time Off. Our PTO policy does not designate that the time must be used for sick leave but can be used for any purpose the employee chooses. We have no employees at minimum wage, all are paid above minimum wage, even entry level positions.

These benefits are valuable to the employees that work for us. Our workforce is aging and access to good quality health care with low out of pocket costs is vitally important. They are



also more financial educated than in the past and desire to have retirement savings to plan for their future. Our flexible PTO policy allows individuals to meet the immediate needs of their families.

Agricultural employees also receive special protection under the WPS (Worker Protection Standard) that all agricultural employers must adhere to. This standard is designed to protect employees from any work-related harm, over and above standard OSHA protections.

Agricultural employees are considered essential workers under the COVID-19 pandemic rules. Our employees, once eligible on March 29<sup>th</sup>, will be able to take paid time during the workday to get their COVID-19 vaccine. Many employees have used paid COVID time off to get themselves or members of their household tested. At this time, we have had no cases of workplace related COVID 19 transmission.

### **Conclusion**

The unique nature of agriculture and horticulture is unlike traditional manufacturing. We are a weather driven economy and production model, dealing in perishable products that have a limited shelf life. Past legislators have recognized this unique situation in enacting the work protections that agriculture and horticulture receive today.

Agriculture and horticulture are also commodity products, which are highly price sensitive and low margin products. Industries such as this have also historically been treated differently than industries with luxury, consumer, or specialized products where margins and pricing can accommodate a different cost-price relationship. Industries similar to ours would include gas and basic building materials – items everyone needs to survive, and where keeping prices low and supply steady is seen as a benefit to society.

Additionally, today's modern workforce has a multitude of needs for flexibility in accommodating modern families. Variety in living conditions, family structures and income priorities lead employees to make more personalized choices for them and their families. Certain job benefits may outweigh others as they consider the best outcome for themselves. Restricting income potential, or work week flexibility seems to be a heavy handed and overreaching approach by government. Our modern workplaces function on the diversity of these needs – allowing individuals the choice to work more or less, and the company to be sustainable in the long run to provide these fulltime, year-round jobs.

Thank you for the opportunity to provide testimony to the committee. I would urge you to dismiss this bill or table it until further impacts on working people can be studied.