



BOARD OF COUNTY COMMISSIONERS

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February 8, 2022

Oregon House Committee on Business and Labor

Chair Paul Holvey

Vice-Chairs Daniel Bonham and Dacia Grayber

(Submitted into public record via Committee Assistant Desi Root: desi.root@oregonlegislature.gov)

Dear Chair Holvey, Vice-Chairs Bonham and Grayber, and Members of the Committee:

My name is Lindsay Berschauer. I serve as Chair of the Yamhill County Board of Commissioners. This testimony represents my individual views and is not a reflection of the majority viewpoint of my Board, however we will be addressing HB 4002 in our formal session on Thursday February 10th and plan to submit our thoughts as a collective Board at that time.

My husband is a 5th generation hazelnut farmer and processor in Yamhill County. I've learned the ins and outs of how farms operate, budget, strategize and manage ever-changing realities in global markets, local labor conditions and yes, the weather.

While overtime pay is not a damaging policy in and of itself, currently farm workers are exempt from overtime pay due to the nature of farming being seasonal and temporary. Ag employees don't work traditional 8-5 hours, and very few states have enacted mandatory overtime laws because of this.

House Bill 4002 would phase in mandatory Ag overtime pay in Oregon with taxpayers footing half the cost in the first years and continuing to pay portions of the cost until fully implemented. While a staggered approach may seem beneficial, it simply delays the inevitable harm it will cause to our family-owned farms.

Previous attempts to mandate Ag overtime failed in large part because Oregon grows 225 different commodities and every farm has different growing conditions, staffing needs, and ability to provide employment benefits. Oregon's 36,000 family farms have seen labor costs nearly double in the last decade, with farm worker pay outpacing minimum wage rates at nearly \$18-20/hour. Couple that with Oregon's punitive tax and regulatory burdens on businesses in general, and this policy would have an immediate, negative impact.

Without a consistent and equally applied federal law around agricultural overtime pay, states with no mandates are at a competitive advantage over states with the requirement. In Yamhill County, our farmers fear hundreds of thousands of dollars in additional labor expenses, which would necessitate eliminating other benefits offered to employees like healthcare plans and bonuses.

Other states that have passed this type of legislation have seen workers' hours capped, a rapid shift to mechanization, and a decrease in growing labor-intensive crops.

Putting Oregon's farmers at significant risk with a one-size-fits-all state mandate is the wrong solution and harms the very people it is intended to help. This discussion belongs at the federal level to ensure Oregon's agricultural industry stays competitive. And by no means is this an appropriate use of a special session, with only one offering of public testimony for legislation that would upend our farming communities. I urge you to Vote NO on House Bill 4002.

Thank you,

Lindsay Berschauer
Yamhill County Commissioner, Chair