

Submitter: Jim Gilbert

On Behalf Of:

Committee: House Committee On Business and Labor

Measure: HB4002

Dear Chair Holvey and members of the Committee, My name is Jim Gilbert. I have been raising nursery stock in south Clackamas County for over 40 years.

I appreciated your concern for the welfare of the employees of Oregon's farms, ranches and nurseries, however HB4002 as written will do more harm than good. The bill has significant flaws and unintended consequences that will hurt Oregon's vital agricultural industries and our employees.

Important reasons to amend this bill include:

1. Oregon farms are already struggling. Farmers are price takers and must accept whatever price is given for their crops. The cost of raw material, fertilizer, machinery and fuel is already rising and adding the cost of overtime will likely force many farmers to either reduce production or cease operations. Failures of Oregon farms will mean loss of jobs and loss of farmland.

2. Farming is different from manufacturing. The rules exempting agricultural workers from overtime pay are based on the nature of the work we do. We are growing living plants and animals, which often need care outside a 5 day, 40 hour week. You can't take the weekend off when weather threatens your crops or animals and you have to pick your fruits and vegetables when they are ripe. Farmers don't make more money by doing this overtime work, we are just taking care of our plants and animals.

3. Oregon farm wages are the highest in the nation. Despite the statements made by supporters of this bill, agricultural workers in Oregon earn well above the state's minimum wage, in many cases exceeding \$20 an hour. Most farm businesses also offer generous benefits, including health insurance, bonuses and paid time off.

4. Exempting agricultural employees from mandatory overtime is not racism. Proponents of this bill are claiming that the rule is based in white supremacy and racist policies. Such buzzwords are demeaning, disrespectful and alienating to farmers and our employees. In fact, in Oregon for many years, agricultural workers were white. School children like me were picked up at our schools and bussed to the fields to pick berries and beans. College students and white, itinerant workers picked cherries, apples and pears in Hood River, the Dalles and elsewhere. Child labor laws took the kids out of the fields and the white fruit pickers moved on. The workers from Latin America then filled the void.

5. HB4002 has several serious flaws. It includes a cap on hours subject to overtime that is reduced over time and expires in 2027. What will change to make it easier to pay overtime for over 40 hours of work by then? Walmart, Kroger and other supermarket chains, for example, are not likely to pay orchardists more for their apples and lemons. The bill also provides for a tax credit that decreases as the cost of mandatory overtime increases, ending when the cost is the highest.

Oregon farms, ranches and nurseries bring billions of dollars into our state. Please support us and our employees and amend this bill. A reasonable compromise would be a 50 hour a week threshold for mandatory overtime. This would maintain the current pay level for our employees, keep our family farms operating and save Oregon's precious farmland for growing food, which will be increasingly important in these times of climate change and food security issues.

Thank you!

1. Fixed revenue: Farmers are price takers and must accept whatever price is given them for their crops.

Thank you

Among the potential unintended consequences of this bill are reduced wages for our employees, failures of farm businesses and takeovers by large, out of state corporations, and loss of farmland to wealthy individuals.

The cost of farming is already rising. Raw materials, fertilizer and fuel are much more expensive. Because farmers are price takers, it is not possible to raise prices to cover additional expenses. Labor is the largest expense in many farm operations and the additional