

Submitter: Anne Hank

On Behalf Of:

Committee: House Committee On Business and Labor

Measure: HB4002

I urge you to vote against HB 4002 the agricultural overtime bill. Implementing such a bill is a physical impossibility on this farm.

During harvest, from late May to early October, we have as many as 800 employees. The majority of these workers earn more than minimum wage because they are motivated to earn as much money over the summer as possible. The top 25% pickers routinely earn over \$25/hour, and the top pickers earn over \$30/hr. With overtime, these pickers will earn double the average state worker's wage of \$22.77.

Most harvest workers set their own hours, working as few or as many hours as they wish. The farmer states the hours of work available but has no control over the hours the employees choose to show up. Many harvest workers work significant hours in the summer so they can not work in the winter, hoping to earn enough in four months to sustain them for the year.

Many harvest workers pick on a piece rate but also work for an hourly rate accomplishing other tasks on the farm on the same days. As a berry farm, we may pick two or three types of berries in a day and may have three different pay rates in a single day. Overtime pay would have to be calculated on each different rate, as well as on the hourly rate for the employee. An easy-to-read and understand paystub just became complicated.

As an experiment, I calculated the overtime rates due to one theoretical employee who picked berries for four different rates and worked hourly in one week, using a real employee's data from last year. It took me 3.75 minutes to isolate and calculate the pounds that need to be paid at the overtime rate and to isolate the hourly hours that need to be paid at the overtime rate for just one week.

Imagine now, 3.75 minutes of calculation per work week per employee for 400 employees. Those calculations would take 50 HOURS for each pay period. How am I supposed to add 50 hours of work and still pay the crew on time? I would have to hire six people to work an entire day every two weeks just to complete the work. Given the challenges of hiring anyone, hiring someone for one day every other week is impossible.

Obviously, we cannot physically pay overtime. As such, passing the overtime in agriculture bill would leave me only three options: mechanize, refuse overtime, or close the farm. All of these options hurt the workers, the very people this bill purports

to help.