

My name is Julie Stuben, and I am a 3rd generation pear orchardist in the Hood River Valley where my husband and I farm approximately 46 acres of pears. Being financially competitive with wages and treating all our employees with fairness and respect has meant we have employees that continually come back to help us each year, including multiple generations from the same families. We are beyond grateful for the hard work and dedication from our employees, knowing that we could not continue to farm without their efforts.

We are very concerned about the impact of HB4002 on both our farm and our employees. As a family business, we struggle to stay financially viable and not operate at a loss, forcing us to control costs that keep increasing every year in Oregon. With the proposed requirements of HB4002 to pay overtime to employees after 40 hours of work, we would need to make adjustments and limitations of work hours available to our employees to prevent cost-prohibitive increases to our labor expenses. Agriculture is unique in that it is greatly impacted by weather and strict harvest timelines—things that don't generally have to be considered in other indoor, manufacture-type sectors. Due to the seasonal nature of our industry and operating at the mercy of Mother Nature, we often have to be flexible with job requirements and what a work day or week entails. There might be a week during pruning where we shut down for a day due to rain or snow, and our employees only work 32 hours that week. The following week might be mild, offering additional hours of good weather where employees could work an extra day for 48 hours total during the week. The employees are still working the same average number of hours per week over the time period, but under the new proposed bill we would be responsible for paying overtime during the second week...hours those employees will have asked to work to make up for the lost hours the previous week to keep their incomes stable. Our family business would not be able to absorb those increased overtime labor costs, and would need to reduce the hours offered to our employees.

Another example of the time-restrictive nature of agricultural work is during harvest. We have limited time to get our pears hand-picked from the trees due to market demands of receiving our crop within certain pressure and packing standards. Over the past few years, we have had to be more flexible than ever with the hours of our harvest days, needing to shut down due to hot temperatures or wildfire smoke that endanger employee health, rain and hail conditions, and even freezing morning temperatures where fruit can be damaged if picked. Sometimes these uncontrollable weather-influences limit our workable hours to 25 or 30 hours in a week. Due to the restrictive time frames to harvest our fruit within a specified number of days, we would usually offer our employees extra work hours in following weeks to get the crop picked- beneficial to us to get our perishable product harvested in time, and beneficial to the employees to keep their incomes stable. Our employees appreciate how we look out for their well-being and how they can be offered flexible or extra hours to earn money to provide for their families. Requiring overtime pay would remove that flexibility and force us to shut down employees at a maximum of 40 hours per week, regardless of how possibly few hours they may have worked the previous week.

If there is no other choice than to implement overtime legislation for agriculture, there should be a seasonality provision when weather, harvest windows and the needs of crops dictate longer hours- an exemption in weeks when employees are allowed to work over the overtime threshold to meet the seasonality demands of the farm.

HB4002 would have unintended consequences of harming the people it is trying to help. Forcing the application of overtime wages would be impossible for us to meet on our small family orchard, resulting in reduced hours and pay for our respected employees- if we are even able to stay in business. Please consider revisions to HB4002 this session, including an increase in the overtime threshold for number of work hours per week or a seasonality provision of exempted weeks each year. Thank you for your time.