

RE: HB 4002 Ag Overtime Mandate

We are a small family farm near The Dalles that currently has 6 year-round employees and hires apx. 110 seasonal employees during a 6-7 week harvest each summer. All of our year-round employees earn \$20/hr or more. We guarantee them a 40-hour paid week, even if they don't work 40 hours (such as due to inclement weather.) They have the entire month of December as PTO. Our margins are tight. There are many years when we've not broken even. In the years that we've made a profit, our employees have been rewarded with a bonus. NOTE: in 2021 we paid between 300 & 344 PTO hours to **each** of our year-round employees (the equivalent of 7 or more work weeks for the year.)

Our seasonal employees (and their families) are provided free, clean, air-conditioned housing for the nearly 2 months they are working with us. They are paid piece rate. In 2021 most of our seasonal workers earned between \$3500 - \$8000. Some were only here for part of the season; some are more skilled than others. These are good wages, **well over** the equivalent of \$25/hour. This does not include the bonus of free housing.

Faced with having to add overtime wages to our payroll, our survival options will include:

- Cutting hours and/or hiring additional workers to keep under the 40-hour threshold.
- Possibly charging seasonal employees for housing, which will significantly cut into their earnings.
- NOT paying for time off due to inclement weather, thus not guaranteeing a 40-hour week in off season months.
- No bonus.

Even with these actions, we may not survive as a small grower. Large corporate farms which can vertically integrate or have other financial means of staying afloat will replace small family farms, creating a very different footprint for rural Oregon. Our current employees, some who have been with us over 30 years, may choose to transfer to corporate agriculture to survive, but they won't be "family" to the corporation like they are with us.

HB 4002's supporters have declared that farmers are racist and that ag overtime is about social justice. This lacks any grounding in reality. Their cause, however, is entirely about social engineering. They're not worried about (non-existent) racism. They're trying to create a political power base in farm labor unions which allows them to control how all farms and their employees live and work. Supporters display no understanding of how agriculture actually works nor recognize the importance of small family farms in our rural communities.

Let's talk HARVEST.

There's a perishable product that is ready to pick. We've filled our camp with seasonal help. Our neighbors have done the same. There's no space to house more employees even if we wanted to.

Early morning is the best time to pick, both for the employee and the quality of the fruit. The length of time spent in the field is determined by the weather and the amount of fruit that's ready for harvest. Some days are long, some are short. Once the fruit is picked and the pickers are out of the field for the day, the work isn't done. There's still all that's involved in getting the fruit to the packing house. Then there's prep work to be ready for the next day ... moving equipment, porta potties, assuring bins are set up for the pickers, etc. There's also continued irrigation to tend to, mowing so that the pickers and equipment can get into the next field and that the fruit is cared for so that it is a quality product. There

are mandatory sprays that must be applied for pest management. The weather dictates when that's applied. Can't be windy, can't be too hot, can't be rainy. So, if it's in the middle of the night (which is common) that's when it happens. However, the fruit doesn't wait to ripen. We still have to get out first thing in the morning to harvest it before it over ripens and is no longer acceptable for market. Shortened days for the employees would result in a large amount of our fruit to end up over-ripening on the trees, making it unpickable and a major financial loss for both the pickers and the farm.

We've planted different varieties of cherries to mitigate some of the timing so that the fruit ripens through the entire harvest season. This has provided a longer, more stable work time-frame for the seasonal workers. They can stay at our farm (free of charge) for close to 2 months and know that they have well paid work for that entire time.

Harvest is a hectic and intense time. The seasonal crew are motivated to make as much money as they can, based on their skill. They recognize and accept that there are days that are longer than others. I've heard many times from them that cherry picking is their most lucrative job throughout the year. They don't want us to shorten their day to accommodate a 40-hour week. (That would be 5.7 hours/day if we pick seven days a week, which is the norm for harvest.)

My observation is that our year-round employees are energized by the uptick of activity during harvest. They take pride in knowing that their work throughout the year has come to 'fruition' and they are excited to a part of all of it. They don't want to have a temporary employee take away the extra hours that they know are needed at this crucial time of the year. A temporary person who hasn't contributed to the GOAL that is harvest like they have. This is THEIR harvest, too. Our year-round employees take a lot of pride in how well they contribute to the success of the farm, and they know that they are appreciated and compensated well for their efforts.

Thank you for taking the time to read this and to consider the negative impact that HB 4002 would cause to the people it claims to want to help.

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