

Submitter: Devon Wells

On Behalf Of:

Committee: House Committee On Business and Labor

Measure: HB4002

Representative Holsey and members of the Committee, thank you for the opportunity to speak this evening on this important topic. I am here to testify in opposition of House Bill 4002.

In the absence of being able to testify last night due to the high numbers of people signed up in opposition of this bill, I wanted submit what my verbal comments would have been.

I am a 5th generation tree fruit grower in Hood River County and currently the President of the Hood River Farm Bureau. This bill would have devastating effects on all segments of the agriculture industry, to include farm owners, farm employees, farm supply companies, and consumers. It also has the potential to devastate small communities that rely on the agriculture industry for population of schools, business patrons, and community members.

The tree fruit industry, as with most agriculture in Oregon, operates in a highly competitive global market that determines the price of commodities, and we face regulatory and workforce costs well above other states and countries, making it difficult to stay in business. Oregon agriculture is unique and diverse – every industry sector will face challenges specific to their operations as they try to absorb the financial and operational challenges this overtime proposal creates.

Farm owners and employees will both bear the burden of a poorly crafted, one-sided approach to addressing agriculture overtime. We must all be willing to compromise to create an Oregon solution that preserves employee jobs, recognizes Oregon's family farm economy, and treats employees and farmers fairly. Other states have identified workable solutions that recognize that a threshold of 40-hours for overtime with agricultural labor is not sustainable for anyone. We must work together to find a good solution.

The possibility of that was tried in Hood River a few months ago when Representatives Salinas and Williams put together an opportunity to discuss this topic between ag employees and farm owners. However, much to my utter astonishment, when Representative Salinas was asked to explain to the group what the meeting and legislation was about, she immediately turned the meeting over to PACUN, an agricultural labor union, to explain the purpose of the meeting. The PACUN representative immediately stated that the bill (last year's version) was created in response to generational discrimination based on the 1938 FLSA

exemption of agricultural overtime. Following her diatribe on nothing relating to employee pay, 4-5 of us individuals were asked to leave the room because we were farm owners and were "making the employees uncomfortable." It just so happens that one person who was not a farm owner, was asked to leave also. It became very obvious that we were all asked to leave because we were not Hispanic since my farm manager, who represented me after I left, was allowed to stay. This type of underhanded meeting is no way to get both sides to talk.

I am here tonight to ask that you oppose House Bill 4002, and get a fully open, non-labor union stacked, fully bi-partisan, committee or working group together to create an actual workable solution for all parties involved. It may be difficult, but lets work hard to do it right the first time, instead of making major mistakes and paying for it later while we try to correct the newly created problems.

Thank you for your time and effort on this vitally important topic to agriculture in Oregon.