

Submitter: Bruce Chapin
On Behalf Of: Oppose HB 4002
Committee: Joint Committee On Farm Worker Overtime
Measure: HB4002

I am a orchardist producing hazelnuts and cherries. We hire about 90 agricultural employees each season to harvest our cherries, many of whom come back to my farm year after year. I am concerned about the impact that HB 4002A, the ag overtime proposal, would have on my farm and employees. I do everything I can to compensate employees fairly, but as a farmer, I am a price taker.

Below is testimony that I submitted on HB 4002A explaining some of my concerns. Please help us save agricultural jobs and family farmers - VOTE NO ON HB 4002A! I would rather take our chances making our case to BOLI than deal with the immediate consequences of the passage of HB 4002A

Opposition to HB 4002A 2-23-2022

I am Bruce Chapin and I am a recently retired orchardist with my son and son-in-law continuing the family business in Marion County just north of Salem. For many years I managed our hand harvest cherry crew. The pickers are paid on a piece rate with a guaranteed minimum wage and I have never used a labor contractor.

I have learned the importance of building long term relationships, accommodating the picker's schedules and having systems well defined that provide proper incentives. In addition to the additional harvest costs, I see this overtime proposal causing an unacceptable number of conflicts. Let me explain.

The pickers are free to come and go at their own schedule throughout the week, but they do have to fill out a timecard recording their hours worked. I feel we have to allow this level of flexibility to get the fruit harvested.

1. As a result of this flexibility pickers will cross the overtime hour threshold at different times. This will create a situation where one picker for example will be paid \$5 per bucket while the person picking next to him will be paid \$7.50. That likely will be viewed by some as a major inequity and cause discontent.
2. This unequal pay creates some bad incentives for dishonest behaviors. For example a picker who has not crossed the overtime hour threshold will have an incentive to place some of his full buckets under his friend's tree who is getting paid 1.5 times more per bucket and collect from his friend later.
3. With each person in the crew working their own schedule, pickers will cross the overtime threshold at different times throughout the day and week. One may cross the threshold at 9:45 am while another may cross the threshold at 2:00 pm. I do not see a practical accurate method for determining what buckets were picked before the picker crossed the threshold and which ones were picked after the threshold.

We use a tractor and trailer moving through the crew about every two hours to pick up and record the full buckets. The question will be how many of these buckets under this tree were picked before the threshold was reached and how many were picked after the threshold was reached. There is a strong incentive for the picker to understate how many buckets were picked prior to when he crossed the overtime threshold and overstate how many were picked after the threshold was reached.

4. I do not see how it will be feasible to create enough documentation to protect the operator from a frivolous legal attack claiming someone was underpaid. This is a major concern.

Please do not move forward with a proposal that will have devastating outcomes.

Please do not set up a system that will be a "lawyer's delight".