

# House Bill 2548

Sponsored by Representatives VALDERRAMA, MUNOZ, NELSON; Representatives FRAGALA, GAMBA, HUDSON, NOSSE, RUIZ, TRAN, Senators JAMA, PATTERSON, PHAM K, TAYLOR (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates laws about a labor standards board for agricultural workers. The Act would prohibit employers from firing such workers without cause. The Act takes effect when the Governor signs it. (Flesch Readability Score: 63.8).

Establishes the Agricultural Workforce Labor Standards Board.

Prescribes the duties of the board. Directs the board to establish minimum working standards for agricultural workers. Provides remedies for agricultural workers alleging a violation of the minimum standards established by the board.

Requires the board to conduct an biennial comprehensive review to determine whether to adopt new minimum standards or revise existing standards. Directs the board to establish uniform training requirements for agricultural workers, supervisory and nonsupervisory employees and establish a process by rule for certifying worker organizations to provide the training to agricultural workers.

Requires the board to submit an annual report to the Governor and the Legislative Assembly summarizing the results of the comprehensive review and any actions taken by the board in the prior year.

Prohibits employers from terminating an agricultural worker unless the termination is for cause. Sets forth the conditions that must be satisfied in order to determine the existence of cause. Provides remedies for agricultural workers alleging a retaliation or a violation of the for cause standard.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

Relating to labor standards for agricultural workers; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

## DEFINITIONS

### **SECTION 1. Definitions. As used in sections 1 to 12 of this 2025 Act:**

(1) "Agricultural worker" means an individual who performs services in agriculture for an employer in exchange for an agreed remuneration or rate of pay.

(2) "Agriculture" has the meaning given that term in ORS 653.271, including the planting, pruning and harvesting of Christmas trees.

(3) "Christmas tree" has the meaning given that term in ORS 571.505.

(4) "Employer" has the meaning given that term in ORS 653.010.

(5) "Worker organization" means an organization that provides services to low-wage and immigrant workers, including agricultural workers.

## AGRICULTURAL WORKFORCE LABOR STANDARDS BOARD

**SECTION 2. Establishment; members; term; vacancies. (1) There is established within the Bureau of Labor and Industries the Agricultural Workforce Labor Standards Board, the**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 purpose of which is to establish minimum standards for the working conditions of agricul-  
 2 tural workers, including but not limited to compensation, work schedules and other working  
 3 conditions that are necessary to protect the health and welfare of such workers.

4 (2) The board shall consist of nine members appointed by the Governor, as follows:

5 (a) Four members who represent the interests of agricultural workers.

6 (b) Four members who represent the interests of employers of agricultural workers.

7 (c) One member of the public with legal knowledge and expertise in health and safety  
 8 issues that affect agricultural workers and low-wage workers.

9 (3) The term of a member of the board is four years and the member may be reappointed  
 10 but may not serve for more than two full terms.

11 (4) Successor board members shall be appointed by the Governor, before the expiration  
 12 of the term of a member, but not later than January 1 of each even-numbered year. If a  
 13 vacancy occurs for any reason before the expiration of the term of a member, the Governor  
 14 shall make an appointment to fill the vacancy, in the same manner as an appointment to a  
 15 full term, to become immediately effective for the unexpired term.

16 (5) The members of the board shall elect from among themselves a chairperson and a  
 17 vice chairperson who shall preside over meetings and exercise the functions of the chair-  
 18 person during any absence of the chairperson.

19 (6) The Governor shall appoint an executive director for the board who is responsible for  
 20 the performance of duties assigned by the board. The executive director may employ appro-  
 21 priate staff to carry out the duties assigned by the board.

22 **SECTION 3. Compensation; meetings.** (1) Members of the Agricultural Workforce Labor  
 23 Standards Board shall receive such compensation as the board determines is necessary, but  
 24 at a minimum, shall be reimbursed on a per diem basis in an amount that is not less than  
 25 \$151 for the expenses the members incur in the exercise of board duties.

26 (2) The board shall adopt rules for conducting meetings and any other rules as necessary  
 27 for carrying out the duties of the board.

28 (3) A majority of voting members of the board constitutes a quorum for the transaction  
 29 of business.

30 (4) An affirmative vote by the majority of voting members of the board is necessary for  
 31 the board to take any action.

32 (5) All meetings of the board shall:

33 (a) Be held as public meetings in accordance with ORS 192.610 to 192.705.

34 (b) Be held at least once per month rotating throughout this state to ensure that local  
 35 considerations of each agricultural area of this state inform the decisions of the board re-  
 36 garding minimum standards for the working conditions of agricultural workers.

37 (c) Provide translation and accessibility services to encourage wider participation of ag-  
 38 ricultural workers in the meetings.

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 40 **DUTIES OF THE BOARD**

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 42 **SECTION 4. Minimum workforce standards.** (1) The Agricultural Workforce Labor Stan-  
 43 dards Board shall adopt rules establishing minimum standards for agricultural workers that  
 44 are designed to ensure the health and welfare of such workers. In adopting rules, the board  
 45 shall consult with the Bureau of Labor and Industries, the Department of Consumer and

1 Business Services, the State Department of Agriculture and any other relevant state agency.  
2 The board may not adopt standards that are less protective of or beneficial to agricultural  
3 workers than any other applicable statute or rule or any standard previously established by  
4 the board.

5 (2) At a minimum, the standards must:

6 (a) Set compensation rates for paying agricultural workers, provided that the rates are  
7 not less than the greater of the following, as applicable:

8 (A) The minimum wage rate established under ORS 653.025.

9 (B) The minimum wage rate established by the United States Department of Labor for  
10 agricultural workers employed under a temporary or seasonal agricultural worker visa pro-  
11 gram.

12 (b) Set compensation rates for agricultural workers who perform agricultural labor on a  
13 piece-rate basis, taking into account the geographic area where the labor is performed, the  
14 type of labor performed and the potential need for cost of living adjustments.

15 (c) Establish requirements for working conditions such as rest breaks, work schedules  
16 and working hours.

17 (d) Require the provision of training for agricultural workers that is:

18 (A) In accordance with the training described under section 5 of this 2025 Act; and

19 (B) Made available to agricultural workers during working hours without the loss of time  
20 or pay.

21 (e) Establish workplace health and safety requirements specific to agricultural workers  
22 that address the particular concerns of agricultural workers, in addition to applicable health  
23 and safety requirements prescribed by the Oregon Safe Employment Act.

24 (f) Provide for the provision of paid benefits that may include, but need not be limited  
25 to:

26 (A) Paid leave;

27 (B) Retirement benefits;

28 (C) Hazard pay;

29 (D) Severance pay;

30 (E) Disability insurance; and

31 (F) Workers' compensation.

32 (g) Create disciplinary standards that require that termination of an agricultural  
33 worker's employment shall be done for cause in accordance with the standard specified in  
34 section 12 of this 2025 Act.

35 (3) Before adopting any rules establishing minimum standards under this section, the  
36 board shall hold at least one public hearing at which members of the public, including agri-  
37 cultural workers, shall have the opportunity to provide input on any matter relating to the  
38 minimum standards being considered by the board.

39 **SECTION 5. Uniform training standards; training certification.** (1) In addition to the du-  
40 ties provided under section 4 of this 2025 Act, the Agricultural Workforce Labor Standards  
41 Board shall establish by rule uniform standards for providing training for agricultural  
42 workers, supervisory employees and nonsupervisory employees who are not agricultural  
43 workers. At a minimum, the standards must include a training curriculum that provides the  
44 following information to agricultural workers, supervisory employees and nonsupervisory  
45 employees:

1 (a) The applicable minimum standards established by the board under section 4 of this  
2 2025 Act.

3 (b) The rights and remedies afforded to agricultural workers, including the right to be  
4 protected against retaliation and the private right of action for violation of the minimum  
5 standards established by the board.

6 (c) A description of the duties and obligations of the board under sections 1 to 12 of this  
7 2025 Act.

8 (d) The contact information of each state agency with enforcement authority over mat-  
9 ters that relate to the same subjects over which the board has authority.

10 (e) Any other information that the board deems appropriate and necessary to facilitate  
11 compliance with the minimum standards established by the board under section 4 of this 2025  
12 Act.

13 (2) Employers shall ensure that the training described under this section is provided:

14 (a) To agricultural workers, supervisory employees and non-supervisory employees on an  
15 annual basis.

16 (b) To new hires, before the new hire's start date.

17 (c) In a language that the employer typically uses to communicate with the agricultural  
18 workers, supervisory employees and nonsupervisory employees.

19 (3) The board shall establish by rule a process for a worker organization to become cer-  
20 tified to provide the training described under this section to agricultural workers. At a  
21 minimum, the certification process established by rule must provide:

22 (a) The criteria that a worker organization must meet to become certified.

23 (b) Application procedures by which a worker organization may apply to become certified.

24 (c) Policies and procedures for renewing, terminating or revoking a certification.

25 (d) Requirements for translation and accessibility services to be made available to agri-  
26 cultural workers who attend a training provided by a worker organization that has been  
27 certified to provide training.

28 (4) The board shall hold at least one public hearing for public input and deliberation be-  
29 fore the board adopts any rules establishing uniform training standards under this section.

30 (5) An employer shall keep and maintain records necessary to demonstrate compliance  
31 with this section. An employer must provide records kept and maintained under this section  
32 to the Bureau of Labor and Industries upon request.

33 **SECTION 6. Comprehensive review.** At least once every two years, the Agricultural  
34 Workforce Labor Standards Board shall conduct a comprehensive review of the minimum  
35 standards previously adopted by the board under section 4 of this 2025 Act to determine  
36 whether the standards have continuing applicability or whether the board should adopt new  
37 standards or revise the existing standards.

38 **SECTION 7. Reporting.** No later than December 1 of each year, the Agricultural  
39 Workforce Labor Standards Board shall prepare and submit a report in the manner provided  
40 in ORS 192.245 to the interim committees of the Legislative Assembly related to business and  
41 labor on the board's activities and any recommendations for changes. The report must in-  
42 clude, at a minimum:

43 (1) A statement of findings and conclusions of the comprehensive review required under  
44 section 6 of this 2025 Act, including recommendations for statutory changes.

45 (2) A copy of the budget documents of the board including statements showing aggregate

1 data regarding compensation paid and benefits provided to agricultural workers.

2 (3) A description of the public hearing process used to inform the minimum standards  
3 established by the board under section 4 of this 2025 Act.

4 (4) A description of the current minimum standards established by the board and re-  
5 commended changes to the standards, along with any supporting documentation for the  
6 proposed changes.

7 (5) The number and types of complaints or civil actions filed alleging a violation of any  
8 of the standards established by the board, if any.

9 (6) A summary of all other actions taken during the prior year in the performance of the  
10 board's statutory responsibilities that is adequate to allow evaluation of the board's per-  
11 formance.

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13 **BOARD AUTHORITY**

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15 **SECTION 8. Investigative authority.** In order to determine any facts relevant to matters  
16 concerning implementation of and compliance with the minimum standards established by  
17 the Agricultural Workforce Labor Standards Board under section 4 of this 2025 Act, the  
18 board may conduct investigations, issue subpoenas to compel the testimony of any party or  
19 witness and require the production of documents, including any book, record, document,  
20 certificate, writing, article and other information relevant to such matters before the board.  
21 The procedure in such matters shall be informal.

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23 **WORKER PROTECTIONS**

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25 **SECTION 9. Retaliation prohibited.** (1) An employer may not terminate, discipline, pe-  
26 nalize, retaliate against or take any other adverse action against an agricultural worker be-  
27 cause the worker has:

28 (a) Inquired about or exercised any right afforded to an agricultural worker under  
29 sections 1 to 12 of this 2025 Act or under any minimum standards established by the Agri-  
30 cultural Workforce Labor Standards Board under section 4 of this 2025 Act.

31 (b) Participated in any process or proceeding under or related to sections 1 to 12 of this  
32 2025 Act, or has testified or is about to testify in any such proceeding.

33 (c) Participated in any training provided by a certified worker organization pursuant to  
34 section 5 of this 2025 Act.

35 (2) An agricultural worker alleging a violation of this section may file a complaint under  
36 ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries. The complaint  
37 must be filed within one year of the occurrence of the conduct giving rise to the complaint.

38 **SECTION 10. Civil action.** (1) An agricultural worker may file a civil action for injunctive  
39 relief or other appropriate equitable relief against any person alleged to have violated a  
40 minimum standard established by the Agricultural Workforce Labor Standards Board under  
41 section 4 of this 2025 Act or to have violated section 9 of this 2025 Act.

42 (2) In any action under subsection (1) of this section alleging a violation of a minimum  
43 standard established by the board under section 4 of this 2025 Act or a violation of section  
44 9 of this 2025 Act, the court may award, in addition to the relief authorized under subsection  
45 (1) of this section, compensatory damages or \$1,000, whichever is greater, including damages

1 for emotional distress.

2 **SECTION 11. Limits.** Nothing in sections 1 to 12 of this 2025 Act is intended to:

3 (1) Limit the rights of any parties to a collective bargaining agreement.

4 (2) Diminish the rights or remedies that are otherwise available to an agricultural worker  
5 under federal or state law or regulation, including the right to file a wage claim under ORS  
6 652.310 to 652.414.

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8 **MISCELLANEOUS**

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10 **SECTION 12. For cause termination.** (1) As used in this section:

11 (a) "Farm labor contractor" has the meaning given that term in ORS 658.405.

12 (b) "Progressive discipline system" means a disciplinary system under which:

13 (A) Disciplinary measures involve graduated and proportionate responses to an agricul-  
14 tural worker's misconduct or failure to meet an employer's performance expectations; and

15 (B) The severity of the discipline may increase for repeated misconduct.

16 (2) Except as provided in subsection (3) of this section, an employer may not terminate  
17 the employment of an agricultural worker unless the worker is terminated for cause. For  
18 purposes of this section:

19 (a) An employer terminates an agricultural worker for cause only if all of the following  
20 conditions are satisfied:

21 (A) The employer has informed the agricultural worker, in the language most typically  
22 used to communicate with the worker, of the employer's policies or rules and performance  
23 expectations.

24 (B) The ability to comply with the employer's performance expectations is within the  
25 agricultural worker's control.

26 (C) The employer's policies or rules regarding performance expectations are applied  
27 consistently among the agricultural workers in corresponding employment.

28 (D) The employer undertakes a fair and objective investigation into the agricultural  
29 worker's job performance or misconduct.

30 (E) Action taken by the employer to correct an agricultural worker's conduct or job  
31 performance must be taken in accordance with a progressive discipline system that has been  
32 adopted by the employer.

33 (b) The employer has the burden of establishing that any termination for cause meets  
34 the conditions set forth in paragraph (a) of this subsection.

35 (3) An employer may terminate an agricultural worker without cause if the termination  
36 is due to:

37 (a) A bona fide economic layoff that is:

38 (A) Supported by legitimate and verifiable economic reasons documented in the  
39 employer's records; and

40 (B) Made in the reverse order of seniority within job classifications.

41 (b) The expiration of a designated period of temporary or seasonal agricultural work.

42 (4) An employer may not terminate, discipline, penalize, retaliate against or take any  
43 other adverse action against an agricultural worker because the worker has:

44 (a) Opposed any practice prohibited by this section.

45 (b) Initiated a complaint or civil action alleging a violation of this section.

1       **(5) An agricultural worker claiming to be aggrieved by an alleged violation of this section**  
2 **may file:**

3       **(a) A complaint with the Commissioner of the Bureau of Labor and Industries in the**  
4 **manner provided by ORS 659A.820.**

5       **(b) A civil action against any person alleged to have terminated the worker in violation**  
6 **of this section.**

7       **(6)(a) In any civil action brought under this section, the court may order injunctive relief,**  
8 **and any equitable relief that may be appropriate, including but not limited to reinstatement.**

9       **(b) In addition to the relief described in paragraph (a) of this subsection, the court may**  
10 **award a civil penalty in the amount of \$5,000 and compensatory damages, including damages**  
11 **for emotional distress.**

12       **(c) In all actions brought under this section, the court shall award reasonable attorney**  
13 **fees and costs to a prevailing plaintiff.**

14       **(7) For purposes of determining liability under this section, if a farm labor contractor**  
15 **recruits, solicits, supplies or employs agricultural workers to perform work in agriculture**  
16 **for an employer of agricultural workers, the farm labor contractor shall be jointly and se-**  
17 **verally liable with the employer for the acts committed in violation of this section.**

18       **SECTION 13.** **The unit and section captions used in this 2025 Act are provided only for**  
19 **the convenience of the reader and do not become part of the statutory law of this state or**  
20 **express any legislative intent in the enactment of this 2025 Act.**

21       **SECTION 14.** **This 2025 Act being necessary for the immediate preservation of the public**  
22 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**  
23 **on its passage.**

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