

OFB seeks changes to paid sick rules

Bureau opposes joint liability for farmers and labor contractors

By **MATEUSZ PERKOWSKI**
Capital Press

The Oregon Farm Bureau fears that growers will be forced to track the hours of farmworkers hired by labor contractors under proposed paid sick leave rules.

Earlier this year, state legislators passed a law requiring companies to provide em-

ployees with paid sick leave, depending on how many work hours they'd accrued.

The Oregon Bureau of Labor and Industries is now crafting regulations to implement the statute.

Under the agency's proposed rules, "employees of a temporary agency, staffing agency, employee leasing company, professional employer organization or in another similar employment arrangement are considered to be jointly employed by both the agency and the client entity contracting for the employee's services" and subject to accrual

record-keeping requirements.

This joint liability is duplicative and expensive for farmers, since the rule is very unclear about when they must begin tracking workers as they move from property to property, said Jenny Dresler, director of state public policy for the Oregon Farm Bureau.

"The farmers doesn't know how many hours the worker has worked before they got to the farm," she said.

Under the law, employers with fewer than 10 employees must provide sick leave, but don't have to compensate workers for that time.

A troubling aspect of the

proposed rules is that farmers will have to count workers hired by a labor contractor as their own employees when calculating whether they must pay for sick leave, Dresler said.

Counting such temporary workers twice — as employees of the farmer and the contractor — goes against legislative intent, she said.

The rules should also clarify that co-owner spouses do not qualify toward the 10-employee limit, Dresler said.

The Oregon Farm Bureau also recommended several other revisions to the proposed rules to BOLI, which

is reviewing submitted comments before finalizing the regulations.

Most employers would have to provide workers with sick leave in one-hour increments unless this arrangement creates an undue hardship for the company, in which it could require workers to schedule sick leave in four-hour increments.

During harvest, allowing pickers to suddenly leave an hour or two early would effectively prevent growers from finding replacements, said Dresler.

Among the factors that make an employer eligible

for the "undue hardship" provision is the handling of perishable materials. Oregon Farm Bureau wants the rules clarified to include perishable crops in this definition.

"As a farmer, the harvest period is seen as an 'all hands on deck' period requiring all employees to be present," said Launa Frahm, an Ontario, Ore., farmer, in comments to BOLI.

"Providing paid sick leave time in small increments during this period would be an undue hardship to my business, as would finding replacement employees during this critical time," Frahm said.

Hundreds pack gym to oppose monument proposal

By **SEAN ELLIS**
Capital Press

ADRIAN, Ore. — Ranchers, farmers and other Malheur County residents packed Adrian High School's gymnasium Oct. 29 to oppose a proposal that would designate 2.5 million acres of the county as a national conservation or wilderness area.

The 500-person crowd was mostly against the Owyhee Canyonlands Conservation Proposal but included a contingent of people from other parts of the state who support it.

Loud applause and standing ovations greeted those who spoke against the proposal, while mostly silence followed after people who support it spoke.



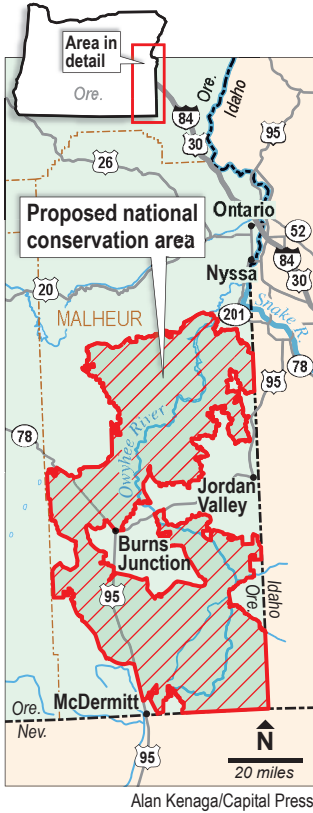
A Malheur County resident speaks in opposition to a proposal that would set aside 2.5 million acres of Malheur County as a national conservation or wilderness area. About 500 people packed the Adrian High School gymnasium to learn more about the proposal and comment on it.

and organizations across the state and country, said Brent Fenty, executive director of the Oregon Natural Desert Association, which is spearheading the effort.

"We all care about the Owyhee and want to keep it the way it is today, we just may disagree on how we do that," he said. "I sincerely hope the future of the Owyhee is not oil and gas drilling."

Fenty said livestock grazing and mining activities would be grandfathered into any monument or wilderness designation and allowed to continue where it's occurring now.

But opponents doubted that, and Jordan Valley rancher Bob Skinner, who is leading the opposition effort, received a standing ovation when he told the crowd, "Don't believe that stuff. The proponents of this (proposal) are professional litigators. Once this gets to court, all



Alan Kenaga/Capital Press

tourism dollars from the nation's large outdoor industry but locals weren't convinced. Opponents also expressed doubt that the federal government could care for the place better than their families have for generations.

The meeting, which was organized by Rep. Cliff Bentz, R-Ontario, was videotaped and will be shown on the internet and presented to President Barack Obama, Bentz said.

He said opponents are concerned the president may act on the proposal without being aware of how much local opposition there is to it.

Commissioners and judges from five other Eastern Oregon counties and Owyhee County, Idaho, were at the meeting and spoke against the proposal.

"We will continue to stand with each other in Eastern Oregon and protect our home," said Grant County Court Judge Scott Myers.

Walden asks Interior Department where it stands on Malheur monument proposal

By **SEAN ELLIS**
Capital Press

ADRIAN, Ore. — Rep. Greg Walden, R-Ore., has asked Department of Interior Secretary Sally Jewell to formally outline where the federal government stands on a proposal to designate 2.5 million acres in Malheur County as a national monument or wilderness area.

The Owyhee Canyonlands Conservation Proposal, which would impact about 33 percent of the county's total grazing land, is strongly opposed by the county's ranchers and farmers.

Walden hopes to receive a response to that Oct. 28 request soon and will keep pushing until he gets one, said Andrew Malcolm, Walden's communications director.

"We want them to make clear what their intentions are on this proposal," he said.

In his letter to Jewell, Walden said locking up that much land, which is equal to 43 percent of the county, is "understandably concerning to local communities."

"These hard-working local residents deserve to know where the federal government stands on the proposal that would affect their daily lives far beyond anyone else's," Walden stated.

He also said the proposal could harm agriculture, which "provides the economic base for Malheur County."

Agriculture generates \$370 million annually in farm gate receipts in the county, and \$134 million of that total comes from the livestock industry.

Because the U.S. Bureau of Land Management and other federal agencies manage 73 percent of the county's lands, "public lands grazing (is) an integral part of most local family ranch operations," Walden stated.

"Greatly restricting use of that land through a monument designation could have disastrous economic impacts to the county

and the surrounding region."

Walden told Jewell that "it's very important that you ... outline formally to Malheur County (residents) where the DOI stands on this proposal...."

Oregon Sens. Ron Wyden and Jeff Merkley, both Democrats, have also weighed in on the issue and, in a joint statement, said any proposal needs to protect ranching families as well as other existing rights in the area.

"Malheur County has been home to ranch families for generations," their Oct. 29 letter states. "We want to ensure that agriculture, ranching and other uses of this landscape continue into Oregon's future."

Five other Eastern Oregon counties also support Malheur County in its opposition to the proposal.

A Harney County Court resolution opposing the plan said it could reduce ranching operations in Southeastern Oregon, "as the majority of ranches are tied to federal grazing."

The proposal is being spearheaded by the Oregon Natural Desert Association and the group's executive director, Brent Fenty, said the plan's supporters would be happy to work with Malheur County residents to help craft a proposal palatable to both sides.

"We're certainly ready and willing to have those conversations," he said.

According to Fenty, 100 Oregon businesses have signed letters urging Wyden to support the proposal and more than 10,500 petition signatures favoring the plan have been collected.

Fenty said proposal proponents support congressional action to approve the plan but opponents say they anticipate supporters will ask President Barack Obama to use his powers under the Antiquities Act to designate the land as a national monument or wilderness area.

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