

## Overtime: 'I have to be honest, I can't make it pencil'

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"We will not be able to absorb the costs this would incur," said Molly McCargar, who farms near Gervais, Ore. "I have to be honest, I can't make it pencil."

Proponents of House Bill 4002 argued the agricultural overtime exemption is "explicitly racist" and must end to ensure fairness for farmworkers while protecting their health and safety.

"Farmworkers are treated as disposable," said Miguel Carlo-Sosa, a farmworker. "We are not disposable. We deserve fair pay."

Under HB 4002, growers would be required to pay overtime after 55 hours per week in 2023. After two years, the weekly threshold would drop to 48 hours, and then to 40 hours beginning in 2027.

Farmers would be eligible for tax credits to compensate them for the added labor expenses. The rate would decrease from 50% to 20% over six years, ending after 2028.

Under a proposed amendment to the bill, the tax credits would shift from 75% to 15% of overtime expenses for smaller farmers and from 60% to 15% for larger farm employers.

As California has ended its overtime exemption for agriculture, migrant workers are coming to Oregon earlier in the year to earn added



Andrea Johnson

**Farmers overwhelmingly opposed a bill to end Oregon's agricultural overtime exemption during a legislative hearing Feb. 8 despite proposed tax credits to help with the transition.**

income, McCargar said.

"They appreciate the opportunity to earn a little extra they can't when they're at home," she said.

The bill would likely prompt farmworkers to simply switch between operations after reaching the weekly cap, rather than working longer hours for the same farm at a higher rate, said Doug Krahmer, a blueberry farmer based in St. Paul, Ore.

"It will cause increased mobility of workers," he said.

Supporters of HB 4002 argued that farm organizations have similarly predicted dire consequences from paid employee leave and minimum wage increases.

Despite those claims, the value of Oregon's agricultural output has increased in recent years, said Gordon Lafer, a professor at the University of Oregon who studies labor policy.

Likewise, California has ended the agricultural overtime exemption without suffering large-scale job losses, as predicted by opponents, he said.

Limits on weekly hours largely haven't materialized in California — farmworker hours have declined but remain over 40 hours weekly on average, said Paul Sonn, state policy program director for the National Employment Law Project.

"The California data does not seem to bear that out," he said.

While farmworkers were recognized as essential during the coronavirus pandemic, labor policy has not reflected that reality, said Susannah Morgan, CEO of the Oregon Food Bank.

It's "gut-wrenching" that workers who put food on the tables of Oregonians face food insecurity themselves, she said.

"Farmworkers are some of the lowest paid workers in Oregon, with an income of \$28,000 per year," Morgan said.

Farmworkers endure heat, cold, rain and snow while performing difficult physical labor without an opportunity to recuperate, said Angelica Ortiz, a farmworker.

## Fire: 'People like Austin are just so important to these small rural communities'

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Protection District — he as a volunteer firefighter, and she as an emergency medical technician.

"People like Austin are just so important to these small rural communities to keep them functioning the way they do, and to keep everyone safe," Frketch said. "It was so great to see someone like that, who was willing to stay in his community and work to make it better."

Mark Daniel, a fellow EMT and spokesman for the fire district, remembers training with Smith when they joined in 2015. The district has between 30 and 35 volunteers, Daniel said, along with a cadre of part-time paid medics providing an ambulance service.

Daniel said Smith was "your typical hometown kid who does very well, and wants to be involved with what happens in his community."

### MEMORIAL SERVICE

A public memorial service and procession will be held at 1 p.m. Saturday, Feb. 12, for fallen firefighter Austin Smith at the St. Paul Rodeo Grounds, 4174 Malo Ave. NE.

Those with questions about the service can contact Gert Zoutendijk at 503-807-8207.

### DONATIONS

In lieu of flowers, donations in Austin Smith's name may be made to the St. Paul Rural Fire Protection District or the Smith family for funeral expenses. Links to donate can be found online at [www.stpaulfire.org](http://www.stpaulfire.org).

"That's why everybody is hurting as much as they are," Daniel said. "We are a family."

On the farm, Smith was a dedicated and forward-thinking hop grower alongside his father, uncle and cousins. B&D Farms is Oregon's third-largest hop farm by acreage, said Michelle Palacios, administrator of the Oregon Hop Commission.

Just two weeks earlier, the farm took home the Cascade Cup at the annual American Hop Convention held in Tampa, Fla. The Cascade Cup is a coveted industry award, given to the farm with the best Cascade hops as judged by the Hop Quality Commission.

It was the third time B&D Farms has won the award in the 10 years since it was introduced.

Palacios said Smith was a rising star within the new generation of young hop farmers. When he couldn't get a seat on the Oregon Hop Commission, Smith instead joined the Hop Growers of America, serving on a national committee to study best growing practices for the crop.

A short time after that, Smith was elected as one of two representatives from Oregon on the Hop Growers of America board.

"What struck me with Austin is that he had no hesitation to help," Palacios said. "He was always willing to do what needed to be done. He was so service-minded."

Charron, owner of Willamette Ag Solutions, a company that designs and builds farm equipment, remembers long visits with Smith in his office or at the B&D Farms hop dryer during harvest, where they would talk business for hours at a time.

At the same time, Charron said Smith was "notorious for somehow finding the time to play hooky," especially for fishing trips to the Oregon Coast.

"If there was an opportunity to have a good time with good friends, he didn't skip it," Charron said.

In addition to growing hops, Smith was an avid home brewer and even opened a small on-farm brewery, Trelis Brewing Co., in 2018.

Last year, Smith and Bruce Ernst, of Ernst Nursery & Farms, purchased a building previously owned by Marion Ag Service in St. Paul that they planned to reopen as a taproom. Smith came up with the name, Harvester Taproom, and an opening date was tentatively scheduled for June 1.

Ernst, who is Dave Smith's cousin, said he will talk with the family about if and when they want to proceed with the project.

"From what I understand, they still want to open it," Ernst said. "(Austin) was going to be the face of the place."

The Oregon Farm Bureau said in a statement that Smith was "a prime example of the spirit of giving back that's so evident in Oregon's small agricultural towns. ... He will be deeply missed."

Charron said he expects his friend will be memorialized and remembered for a long time to come in St. Paul.

"He'll never be forgotten," Charron said. "There's going to be stuff named after him all over. He's going to be remembered in every way."

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