

### VOICE of the CHIEFTAIN

# A possible silver lining on a bad bill?

While we are not by any means proponents of HB 4002, the bill passed in early March that will end the agriculture overtime exemption, maybe there is a silver lining to this bill that can help farm owners and farmworkers.

Now, hear us out before you burn this editorial.

Here is the simple answer: More jobs.

The gist of the bill is that, by 2027, farmworkers are to start being paid overtime for any amount worked over 40 hours a week — something that is a commonality in the farming industry, especially during harvest time.

Here's some quick math to show the pinch this puts on farm owners. The rural Oregon minimum wage jumps to \$12.50 per hour starting in July (who knows what it will be in five years). A 40-hour work week, then, would be a gross of \$500. Double that — 80 hours (which may be a underestimation during harvest) is \$1,000. If overtime is to be paid on that, it raises the gross pay to \$1,250.

While that may not seem like a lot at first glance, an extra \$250 a week spread over your staff quickly adds up. Even with a staff of just four, that's an extra \$1,000 per week, or \$4,000 per month.

That will get pricy quickly for farm owners, who are going to have to find a way to adapt — something they already are having to do in the midst of inflation, supply chain issues and drought.

Which brings it back to the above answer: More jobs.

Perhaps a (not necessarily *the*) solution to consider for these farms is to hire more people, especially during the peak of harvest.

In the scenario above, 40 hours could end up being worked in just three days (80 hours in six). If that is split, and more people are brought into do the work — say, on a three days on, three days off rotation, (or three on, four off) — then the amount of work could still be done. Previously, the above four employees working 80 hours are making \$1,250 per week apiece, or a combined \$5,000 per week.

Double the staff, but at just 40 hours, and the cost (without the overtime) drops to \$4,000 per week.

Obviously, there are tradeoffs to this. Yes, more people could be able to work, but, those who had previously logged those extra hours at harvest would be hurting with less cashflow than they previously had.

There is not a perfect solution to an imperfect — check that — bad bill, and there will be consequences that the Legislature (we hope) did not intend.

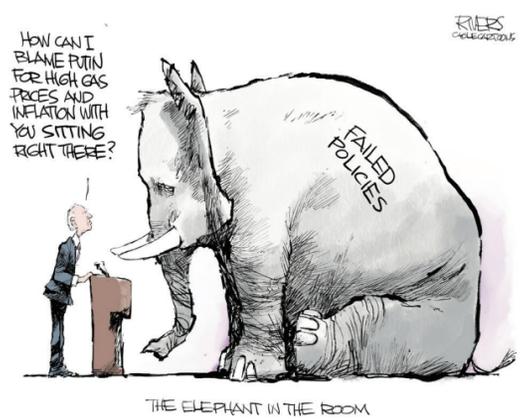
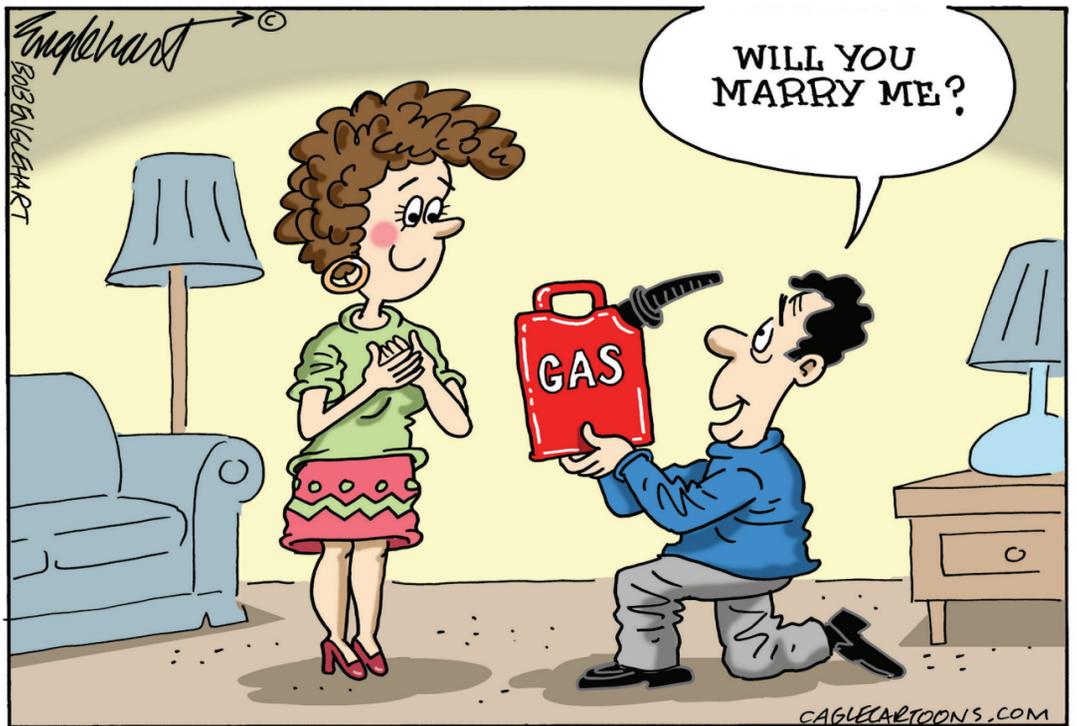
And, invariably, it will fall on the backs of one of the most taken-for-granted groups in our nation — the farmers — to come up with a solution.

We are confident they will do so, and that they likely have a solution better than this.

But this could be a way out that could help other workers at the same time.

Maybe, indeed, a silver lining.

Now, are there workers out there to fill in that gap?



# Ag overtime bill is a win, not a victory

## OTHER VIEWS

Bill Hansell



Before even the first gavel dropped on the 2022 legislative session, I knew that one of the most consequential bills of my legislative career would be considered.

HB 4002, or the agriculture overtime bill, was a divisive bill from the start and presented the Oregon Legislature with two options. One that would favor one side to the detriment of the rest of Oregon, especially the agricultural economy. This is what I called a win — a win for a select few at the cost of the rest of us. The other path included compromise, good-faith negotiation and a bill that would generate support from both parties. This is what I called a victory — a victory for all of Oregon.

I worked hard to get a victory, not just a win on agriculture overtime. But the final result was a win — a win for Willamette Valley liberal special interests who donate money to the majority Dem-

ocrats' campaign funds.

It will make these groups feel good about themselves, but it won't make Oregonians better off. HB 4002 will result in higher prices at the grocery store for working families, hours and pay capped for agricultural workers and ultimately the shuttering of small family farms that fill my district.

Agriculture is a unique industry. During harvest seasons, it requires long hours to reap all the crops before frost or rains come. In ranching, there is even more nuance.

The bottom line is that farmers and ranchers don't set their own prices, they have to take whatever price the markets are offering. The Democrats advanced an argument about ag overtime that essentially stated that a bushel of wheat harvested in the 41st hour is worth 50% more than one harvested at the fifth hour. Anyone who has grown up around farms knows that that is not true. And requiring farmers to pay their workers as such will soon result in a dwindling number of family farms to even employ these workers.

HB 4002 leveled all these unique distinctions in agriculture and mandated a one-size-fits-all "solution" that is really no solution at all. The "olive-branches" that Democrats extended, the agricul-

tural community never asked for. One example: Under this new overtime pay mandate, family farms will now be able to apply for tax credits to ease the burden of the new overtime pay mandate. Now taxpayers will be subsidizing this new program. Farmers and ranchers never asked for that, but the majority decided that is what would be best for them.

I worked hard to come to a compromise. Simple adjustments for seasonality, flexible scheduling and recognizing the difference between the kinds of agriculture would have helped. But the majority party rejected all these and charged ahead with what seemed to be a predetermined outcome, driven by their special-interest groups.

I know how much Oregon's farmers and ranchers care about their employees and their families. HB 4002 will now force those farmers and ranchers to make difficult decisions about how much they can afford their employees to work. I grew up on these kinds of farms and I am afraid that under this policy, fewer and fewer of those farms will be around in the future.

Sen. Bill Hansell, R-Athena, is in his 10th year representing the seven counties that make up Senate District 29.

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