

# Ag overtime should not pit owner versus worker

**As Oregonians, we have a long and storied tradition of political compromise.**

I believe that any policy debate should include a range of perspectives. This discussion can lead to mutually satisfactory solutions.

That's why the Oregon Association of Nurseries (OAN) is disappointed with ongoing efforts by PCUN (Pineros y Campesinos Unidos del Noroeste), the farmworkers union, to unilaterally move legislation forward that calls for mandatory overtime pay for agricultural workers when they exceed 40 hours per week.

The OAN has previously sat at the table with PCUN to discuss this policy in the form of House Bill 2358, which the Oregon Legislature tabled during its 2021 session. Now it looks increasingly likely the legislature will revisit this issue during the upcoming 2022 session starting this month. Concurrently, PCUN has launched a renewed campaign questioning the integrity of our member nurseries, as well as farms and agricultural businesses around the state.

## Compensation means more than pay

Many people do not realize there are numerous ways in which our hardworking and dedicated employees are compensated aside from mandatory overtime. These include paid time off, housing allowances, generous health care benefits, flexible shifts that allow families to thrive, profit sharing, and more. We have many long-term and highly skilled employees who have found success under the current rules.

Seven states, including Washington and California, have approved mandatory overtime laws for agricultural workers. These have caused employers to cap employees' hours to eliminate overtime. This limits productivity during the busiest times of harvest. It also hampers the employees' ability to earn. Other potential responses to mandatory overtime could include automating harvest work with machines or switching to less labor-intensive crops.

Some businesses would adjust by moving operations outside of Oregon or even

selling off small, family-owned farms to large corporate operations. Further, no industry aside from agriculture is quite as dependent on weather and exterior forces, such as the acute labor demand during times of harvest, that impact our ability to do business.

And let us not forget that national and international economic trends also affect us here in Oregon. Our farmers and ranchers have faced significant challenges in the past 18 months that resulted in lost income, including drought and severe weather conditions, market access and a shortage of labor.

## Escalating costs and competition

Nationwide, agricultural revenue has grown 9% in the last decade, but the cost of feed, seeds, fertilizer, chemicals, machinery, services, rent, and other needs have increased by 16%. Finally, labor costs have increased 41.5% nationally over that period. Oregon pays well above a comparable operation located between in the Midwest or the East.

Candidly, it has been a challenge to convey the dynamics of the agricultural economy to urban Democrats. They like farming but do not approve of the **act of farming**. Why anyone would get into the business unless they were born into it or have fallen in love with producing something special is a mystery to me.

I respect and admire anyone who makes a living doing any of the 225 commodity crops grown in our spectacular state. It is hard work both to make an operation pencil out and the physical nature of producing green goods. It is not for everyone, and that is OK. However, when rural legislators and the farm community comes forward to educate urban policy makers, their eyes glaze over almost immediately.

## Politics getting ahead of good policy

The politics on this issue is dicey. State legislators are seeking higher office and looking to satisfy the hunger of union funders.

The check is due, and I fear that the moderate element of the house and senate Democratic caucus will get squeezed with the threat of running a primary opponent to the extreme left of the political dial. We see this on the Republican side with immigration



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reform and sadly — it is a common denominator for political party agendas.

Lawsuits have been filed by the farmworker advocates, taking Oregon's Labor Commissioner out of play as a positive arbiter. Race gets introduced and rash generalizations are tossed into the public debate. Unsubstantiated scenarios about the labor conditions and abuse go unchecked by the media or within the Democratic Party. In short, the politics is poisoning policy and the ability to reach a compromise.

I am proud of the agricultural coalition the OAN is a part of. Finding common ground for a policy was difficult and was achieved. Egos were set aside to produce an alternative that the Oregon Legislature should consider this month. Within the OAN family, we have those who pay overtime — nothing we do will change that.

We must craft something that works for large and small growers alike. Let's give growers the choice on how to proceed, and not sacrifice other agricultural sectors, because in the end, we are one community.

## Preserving nursery operations

Oregon is blessed to have great growing conditions, and we are the third-largest nursery state in the U.S. behind California and Florida. We have great soil, great farmers and a great nursery industry that has grown steadily over the past 40 years.

Before enacting any agricultural overtime policy in Oregon, we want to examine what other states have done regarding similar policies, and what the consequences have been. Let us not endanger our continued growth by enacting laws that limit productivity and the ability of our employees to support their families and make a living. ©