

# House Joint Resolution 20

Sponsored by Representatives FLORES, THATCHER; Representatives BOQUIST, BUTLER, CAMERON, DALLUM, ESQUIVEL, GILMAN, HANNA, KRIEGER, KRUMMEL, MINNIS, RICHARDSON, SCOTT, G SMITH, WHISNANT, Senator L GEORGE

## 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**.

Directs Employment Department to work closely with nursery industry concerning H-2A temporary agricultural worker program.

## JOINT RESOLUTION

1  
2       Whereas the nursery industry is one of Oregon's traded sector industries, highly valued as a  
3 significant contributor to Oregon's economy; and

4       Whereas the nursery industry relies heavily on foreign-origin workers to fill positions that the  
5 industry is unable to fill with local United States citizen workers; and

6       Whereas the nursery industry competes with many other industries, such as the construction,  
7 manufacturing and hospitality industries, for workers from the foreign-origin worker labor pool; and

8       Whereas nursery employers meet federal requirements for examining work authorization docu-  
9 ments and hire only workers whose documentation reasonably appears to be valid and represents  
10 the worker providing the documentation; and

11       Whereas it is commonly recognized that a large percentage of foreign-origin workers employed  
12 in nurseries may, in fact, not be authorized to work in the United States; and

13       Whereas the other industries previously mentioned are able to pay more for labor and, therefore,  
14 diminish the legal labor pool available to the nursery industry; and

15       Whereas these other industries competing directly with nurseries for labor also employ a sig-  
16 nificant percentage of undocumented, foreign-origin workers; and

17       Whereas counterfeit documentation presented by these foreign-origin workers is often of very  
18 high quality and not easily recognized as counterfeit by employers; and

19       Whereas employers are not trained to recognize counterfeit documentation and are not required  
20 to subject documents presented to minute or forensic examination; and

21       Whereas the nursery industry desires to maintain a legal workforce, regardless of origin; and

22       Whereas nursery employers recognize the potentially high cost of not maintaining a legal  
23 workforce; and

24       Whereas the United States Congress has not produced immigration reform legislation that would  
25 facilitate either a guest worker program or a program that would provide currently undocumented,  
26 foreign-origin workers with a means of obtaining legal documentation; and

27       Whereas enforcement activities by the Immigration and Customs Enforcement under the aegis  
28 of the United States Department of Homeland Security's Secure Borders Initiative have diminished  
29 the flow of workers crossing the international borders into the United States, have increased pres-  
30 sure on employers internally and have increased concerns among the foreign-origin worker commu-

**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 nities; and

2 Whereas the nursery industry is experiencing increasing difficulty employing sufficient numbers  
3 of workers to support growing, harvesting, processing and shipping of crops; and

4 Whereas the nursery industry may need to access the existing H-2A visa program for temporary  
5 agricultural employees; and

6 Whereas the H-2A visa program allows temporary agricultural workers into the United States  
7 for a maximum of only 10 months at a time, and employers are required to repeat the difficult H-2A  
8 visa application process each season; and

9 Whereas employers must undergo a complex H-2A application process and an expensive adver-  
10 tising campaign to validate the unavailability of local, skilled workers before being permitted to  
11 recruit H-2A workers; and

12 Whereas the H-2A visa program is extremely burdensome for the employer and H-2A employees  
13 are afforded significantly greater pay, housing, transportation and equipment benefits than other  
14 legal workers; and

15 Whereas all currently employed workers in positions for which H-2A workers are also hired  
16 must receive the same pay and benefit levels as the H-2A workers during the H-2A contract period;  
17 and

18 Whereas there is no economic benefit to nursery employers for using the H-2A program beyond  
19 having legally employable workers; and

20 Whereas the use of the H-2A program brings extreme pressures to bear on nursery employers  
21 from private groups opposed to the use of the program; and

22 Whereas nursery employers will not use the costly and burdensome H-2A program without le-  
23 gitimate need; and

24 Whereas the Employment Department is charged by the United States Department of Labor with  
25 oversight of the H-2A program in Oregon; and

26 Whereas the Employment Department is viewed by nursery employers who have used the H-2A  
27 system as a significant impediment to program success and, thus, an impediment to the viability of  
28 this important segment of Oregon's economy; now, therefore,

29 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

30 That the Employment Department must work closely with the nursery employers it serves to  
31 develop mutually satisfactory and supportive procedures to:

32 (1) Fulfill the Employment Department's legitimate mission as the United States Department of  
33 Labor's H-2A oversight agency in Oregon; and

34 (2) Provide nursery employers with needed, skilled and legal workers from every source in a  
35 collegial, supportive and nonpunitive manner as long as the nursery employers fulfill their respon-  
36 sibilities under the federal H-2A program.

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