



OREGON
ASSOCIATION OF
NURSERIES™

HB 2386 B

The Oregon Association of
Nurseries recommends
voting

NO

The Oregon Association of Nurseries (OAN) is a non-profit trade association that represents more than 900 wholesale plant growers, Christmas tree growers, retailers, and greenhouse operators. Our members are located throughout the state, with our largest nursery growing operations found in Clackamas, Marion, Washington, Yamhill and Multnomah Counties.

The OAN is the main voice for Oregon's nursery and greenhouse industry.

The nursery industry is Oregon's #1 agricultural sector, ranking #3 in the nation with annual sales exceeding \$766 million.

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House Bill 2386 B

Relating to enforcement authority of the Commissioner of the Bureau of Labor and Industries.

The Oregon Association of Nurseries (OAN) opposes House Bill 2386B and believes it grants unnecessary authority to the Commissioner of the Bureau of Labor and Industries (BOLI). Providing cease and desist authority during an agricultural harvest could cause tremendous economic harm to Oregon agriculture under a system that already protects the rights of workers.

The Oregon legislature passed wage enforcement in 2007

We were proud of the work done in the 2007 Oregon Legislative Session on wage enforcement. **House Bill 2258** (2007) created a clear deadline by which employers must pay unpaid wages that are not the subject of a dispute. Well-defined protections for the rights of workers, along with a reasoned process for employers, were strengths of this bill. The bill did not create, like HB 2386 B does, an expensive and time-consuming process while interrupting products getting to market.

This bill could be "Hot Goods" -- Part 2

During the summer of 2012, the US Department of Labor sequestered products during peak shipping dates for several blueberry and perishable crops to enforce labor laws in the view of most state lawmakers bypassing due process. After repeated efforts by farmers and the delegation to assert a reasonable appeal process – the US DOL instead issued a "hot goods" order and many of the fruits rotted. A federal judge compelled the US Department of Labor return money previously paid by Oregon blueberry growers and drop lawsuits accusing them of "hot goods" labor law violations. The agency paid an additional \$30,000 to each of the two farms – as part of a legal settlement. We are concerned that HB 2386B subverts a labor law process that must provide an appeal and pathway to get product to market while an investigation is ongoing.

Additional enforcement powers are not needed

This bill has a complicated hearing process and does not require BOLI to notify the employer of the legal and factual case against them nor clearly explains the pathway to appeal. The BOLI Commissioner objected to the tactics by the US Department of Labor on harvest of agricultural crops and we find it gravely concerning that this bill enable agency behavior that was thwarted at the federal level.

The commissioner already has broad injunctive powers and has been effective in curtailing violations by employers. This bill is unnecessary, creates potential economic harm to agriculture and does not have the proper appeal side boards.

The OAN urges you to vote NO on HB 2386 B