

March 6, 2017

Dear Chair Holvey and Members of the Committee,

I am a 6th generation farmer here in Oregon, farming with my father and brother. We farm year round keeping our blueberries growing and healthy. Our harvest season only last 8 weeks, and that's if the summer heat or the rains don't take out the crop. Berries Northwest LLC hires 20 to 25 full time workers and 125 to 250 harvest workers. I oppose bill HB 2193 because in our industry we have many variables that impact our ability to adhere to a rigid schedule.

- **Show-up pay:** For our full-time workers and seasonal workers we do our best to give them a heads up on work schedules and picking schedules. Weather plays a big role, and we have no control over this. If I hear rain is in the forecast, we tell our pickers to call before leaving in the morning. My foreman and I are up between 3-4 am in the morning making the call if we think we can pick or not, due to weather.

There have been times we have started picking for an hour or two when a big rain storm comes in. Once the fruit is wet, we cannot pack it as fresh fruit. It will have to go to the process market, which gives us only 1/3 of the price we would have gotten if that fruit had gone fresh.

We do our best to keep our crews working when the weather cooperates, and to communicate as soon as possible when we believe there may be issues. How am I as a farmer going to be able to afford to pay 100 to 200 workers money for not working due to something I have no control over? BOLI says I have to pay the worker his or her average pay. My average picker makes about \$15 per hour, and then 4 hours show up pay times say 150 workers equals \$9,000 for one day! It will only take a few days to put me out of business at this rate. Or I just figure out how to use machinery to pick the fruit for the frozen market which I already do with part of my crop.

- **Right to request a flex schedule:** My seasonal workers already do this. About a ¼ of them have other jobs, so they come pick until 11 am or noon and then take off to go get ready for their next job. Then about ½ of the remaining pickers will pick 5 to 6 hours and then go home. Then the last remaining pickers will pick till we call them out of the field. They choose their schedules as pickers already. Most work long enough to make the money they want for the day and then go home.

For my full-time workers, I work with them on scheduling work already! In the summer when it's hot, they ask for earlier start times, which most of the time we do. In the winter time this is much harder to do, due to only having 8 to 9 hours of daylight to work.

- **Notice (Sec. 13) and Recordkeeping (Sec. 14) and Retaliation (Sec. 15) and Enforcement (Sec. 16) through BOLI:** We do our best at this time to fulfill our full-time employee and seasonal employee schedules.

The record keeping requirements and enforcement will cause us to reconsider whether we continue to hire our own crews or begin hiring labor contractors to harvest our fruit and do the records requirements. The required amount of record keeping you're asking to be done in this bill, adds to

the burden of what we already keep records of for BOLI, DOL, OR-OSHA, State and Federal workers records.

In 2010, we had 4 days of weather over 103 degrees for all 4 days. The fruit on the vines shriveled up, and after day 2 of this weather, we were no longer able to make fresh quality fruit anymore. And we had to lay our pickers off for the season.

For the above reasons, **agriculture cannot afford** HB 2193, especially given the uncontrolled environments in our industry.

Sincerely,

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HR/Harvest Manager

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