

March 6, 2017

House Committee on Business and Labor:

I testified in opposition to Senate Bill 828, and would like to submit that as testimony today in opposition to HB 2193.

My name is Shelly Boshart Davis. We are a small family business. 3rd generation grass seed farmer. My dad started a trucking company in 1983 with two trucks – we now have 34. My mom does the books, I work sales and run the summer harvest crews, my sister helps in the office with safety and payroll, and my brother is an equipment operator, truck driver and mechanic. My dad runs the place – and his job is different every day. Did you notice the amount of hats we all wear? This is common in a small business or a family farm.

SB 828 – I'd like to say it would be onerous or time consuming or costly and it is these things – but honestly it would be a nightmare.

I have a few real world examples that are specific to our farm and trucking business. Let's say a truck driver needs to request a flexible schedule or ask for a day off. Let's say that truck driver finds his manager which is underneath a truck diagnosing a problem with the mechanic. Does he really need to put the mechanic on hold and crawl from underneath the truck to record this conversation with grease covered hands? And remember to file it in the office later? The paperwork and recordkeeping requirement in this bill in Section 13 and 14 truly does not make sense here. I could say the same thing about being under a tractor or on top a baler in a field in the summer. It just doesn't work in the real world.

With 16 pages of rules to implement paid sick leave, and minimum wage increasing in the middle of harvest, we are struggling under the weight of workforce mandates. Creating a new penalty structure around communications with employees further burdens family ag businesses. It is onerous, time consuming, and costly – impacting our bottom line. It is completely unnecessary.

Next example – we have 6 different baling and combine crews, each with a crew chief during the summer. Each night at the end of the work day, our crew chief will give his best guess for a start time the next morning. This is dependent on his and my best guess at the weather. We use technology here and multiple weather apps to try and guess the weather the next morning. We cannot combine grass seed or bale grass straw until the

moisture is under a certain amount. That is different literally every morning in harvest. Fog in the morning, temperature and cloud cover all matter when deciding a start time. Our crew chief each has a group text and keeps in close communication with the crew so that everyone knows about start times. Never do we have employees show up and then send them home! We are constrained by the weather for start time. **If Mother Nature would like to give me her schedule in advance, it would be more possible to comply.**

Lastly, let's talk trucking and I have a very specific example. We deliver between 50-60 export containers to the container yard in Portland and terminals in Tacoma every week. President's Day was February 20th. The terminals didn't make a final decision whether they would be open until Wednesday, February 15th. How could we possibly schedule our truck drivers not even knowing if the terminals would be open?

We have a fantastic relationship with our employees. We offered sick time and paid-time-off long before we were mandated to do so. We value our employee's, we know they have other options, and they stay with us because they want to. We work hard to have low turnover and high retention. We do this by great communication, and a great understanding that our employees have lives and have reasons for time off and for flexible scheduling. We work with this because we want to, not because we're mandated to do so. We also recognize it's smart business. But there are a hundred reasons why there are some times that we literally have our hands tied and are up to variables outside our control. It just doesn't work in our industry.

I recommend HB2193 not move forward. And if it does, I respectfully ask for an exemption for any industry that relies on weather or on other people/places (for example, loading docks and/or shipping terminals or container yards) for scheduling.

Respectfully,
Shelly Boshart Davis
541-936-0469
shelly@bosharttrucking.com
35195 Knox Butte Road
Albany, OR 97322