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To: Chair Williamson
Vice Chair, McLane
Vice Chair, Rayfield
Members of the House Committee on Rules

From: Jessica Giannettino Villatoro, Oregon AFL-CIO

RE: Support for HB 3458 with the -5 Amendments

My name is Jessica Giannettino Villatoro with the Oregon AFL-CIO. The Oregon AFL-CIO represents 300,000 working men and women in the state and is a voice for all workers in the legislative process. Thank you for the opportunity to testify in support of HB 3458 with the -5 amendments.

As Senator Taylor and Senator Knopp shared with you, the conversation about overwork in the manufacturing sector began on the Senate side at the beginning of session when NWGA, AOI/OBA and the Food Processors brought SB 984. SB 984, in our view, was not only a rollback in a recently won worker right that would have reduced the amount of money a worker would have taken home after working overtime, but also stripped the only protection unrepresented workers had of overscheduling in what we know to be a dangerous sector of work. According to a study by National Institute for Occupational Safety and Health: *Overtime and Extended Work Shifts from 2004*, "a pattern of deteriorating performance on psychophysiological tests as well as injuries while working long hours was observed across study findings, particularly with very long shifts and when 12-hour shifts combined with more than 40 hours of work a week." Additionally, when looking at Bureau of Labor Statistics from 2015, we know that the manufacturing sector sees the second highest rate of workplace injuries, nationally. And those types of work shifts, in this industry, are exactly what this bill aims to provide employer clarification on and protect workers who, unfortunately, still today are facing hazardous working conditions.

Senator Taylor went over each of the policy components of the bill. I want to provide a little context as to why some of them were created:

- **Stricter definition of workweek** (Section 5 1(b)): Good employers don't, but some unscrupulous employers will change the start of the workweek to miscalculate overtime and pay workers less than what they are truly due.
- **10 hour right-to-rest between work shifts 8 hours or more:** We had workers testify during about working several 12-13 hour shifts going home for 3-4 hours and being called

back for another long shift. The 8-hour provision allows for employer flexibility to get things off the line when they need to, while also ensuring workers can have a break between long work shifts

- **Stiffer penalties on violations of the daily cap (existence since 1913) and weekly cap:** Good employers don't, but unfortunately, we do see some disreputable employers ask employees to work beyond the 13-hour cap already in statute. Our hope is that stiffer penalties will dissuade them from doing so.
- The last being the new weekly cap, that most of my testimony will center around.

I think you may hear some concerns from seasonal manufacturers about the cap. To be clear, the -5 amendments show significant movement that wasn't easy for advocates. The -5's create an undue hardship provision for manufacturers that process items that are agricultural crops, meat and fish. These employers would be able to work employees up to 72 hours per week, one entire 12-hour shift longer than other sectors for up to 90 days per year, while making sure workers understand the law and BOLI is apprised of the claim of the hardship.

Relying on little data to support what they knew was good policy to protect workers, the first overtime protections in the state were passed in 1913 that in effect, created both a daily cap of 13 hours and a weekly cap of 91 hours. Now, we have the luxury of knowing so much more about the negative impacts of overwork in what is still the second most dangerous sector. We can grant employers what they need in terms of clarifying overtime statutes and rate of pay, while also ensuring much needed protections for workers by passing HB 3458 with the -5 amendments.

The Oregon AFL-CIO encourages your support of HB 3458 with the -5 amendments.

ⁱ <https://www.cdc.gov/niosh/docs/2004-143/pdfs/2004-143.pdf> pg. 4