

Requested by Representative BONHAM

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2358**

1 In line 2 of the printed bill, after “overtime” insert “; and declaring an  
2 emergency”.

3 Delete lines 4 through 30 and insert:

4 **“SECTION 1. (1) The Task Force on Agricultural Overtime Policy  
5 in Oregon is established.**

6 **“(2) The task force consists of 17 members as follows:**

7 **“(a) One member representing the Bureau of Labor and Industries.**

8 **“(b) One member representing the Employment Department.**

9 **“(c) One member representing the division of the Oregon Depart-  
10 ment of Administrative Services that serves as office of economic  
11 analysis.**

12 **“(d) One member representing the State Department of Agriculture.**

13 **“(e) The President of the Senate shall appoint one member from  
14 among the members of the majority party of the Senate.**

15 **“(f) The Senate Minority Leader shall appoint one member from  
16 among the members of the minority party of the Senate.**

17 **“(g) The Speaker of the House of Representatives shall appoint one  
18 member from among the members of the majority party of the House  
19 of Representatives.**

20 **“(h) The House Minority Leader shall appoint one member from  
21 among the members of the minority party of the House of Represen-**

1 **tatives.**

2 **“(i) Four members who represent farmworkers.**

3 **“(j) One member who is a farm labor contractor, as defined in ORS**  
4 **658.405.**

5 **“(k) Four members who represent agricultural employers, including**  
6 **one member who represents the dairy industry.**

7 **“(3) No later than November 1, 2021, the task force shall conduct a**  
8 **study regarding the potential impacts on agricultural labor and wages**  
9 **resulting from the adoption of a statewide overtime policy that re-**  
10 **quires agricultural workers who work beyond any of the following**  
11 **overtime thresholds to receive overtime pay:**

12 **“(a) 70 hours per week.**

13 **“(b) 60 hours per week.**

14 **“(c) 50 hours per week.**

15 **“(d) 40 hours per week.**

16 **“(4) In conducting the study required under this section, the task**  
17 **force:**

18 **“(a) Shall consider data from other states that have laws requiring**  
19 **mandatory overtime for agricultural workers;**

20 **“(b) Shall consult with the division of the Oregon Department of**  
21 **Administrative Services that serves as the office of economic analysis,**  
22 **the Employment Department and the State Department of Agricul-**  
23 **ture; and**

24 **“(c) May use information collected from any other relevant data**  
25 **source that the task force deems appropriate.**

26 **“(5)(a) As part of the study required under this section, the task**  
27 **force shall conduct an economic analysis specific to the following ag-**  
28 **ricultural commodities:**

29 **“(A) Field crops;**

30 **“(B) Hazelnuts;**

- 1       **“(C) Hops;**
- 2       **“(D) Tree fruits and berries;**
- 3       **“(E) Nursery products;**
- 4       **“(F) Wine grapes;**
- 5       **“(G) Vegetables; and**
- 6       **“(H) Dairy.**

7       **“(b) The economic analysis must examine how adoption of the**  
8 **overtime policy described in subsection (3) of this section would im-**  
9 **act:**

10       **“(A) Farms, including but not limited to impacts regarding:**

11       **“(i) The value of agricultural acreage.**

12       **“(ii) The costs and values of crop production.**

13       **“(iii) The relative competitiveness of Oregon’s agricultural com-**  
14 **modities in the agricultural marketplace.**

15       **“(iv) The production of specialty crops.**

16       **“(v) Any changes in the cropping systems used to manage agricul-**  
17 **tural fields.**

18       **“(B) Communities, including but not limited to impacts regarding:**

19       **“(i) Job opportunities in the agricultural sector and other related**  
20 **sectors in this state.**

21       **“(ii) The potential for replacement of the agricultural labor**  
22 **workforce with an automated workforce.**

23       **“(iii) Employment migration flows at the county level.**

24       **“(iv) Agricultural revenue at the county level.**

25       **“(C) Agricultural workers, including but not limited to impacts re-**  
26 **garding:**

27       **“(i) Wages.**

28       **“(ii) Work hours.**

29       **“(iii) Employment benefits including bonuses, housing, healthcare,**  
30 **retirement or other non-monetary benefits.**

1       “(iv) The tax implications that would result from any changes in  
2 the employment benefits provided to agricultural workers.

3       “(v) The need for agricultural workers to work multiple jobs versus  
4 one job.

5       “(6) Upon completion of the study, the task force shall prepare  
6 written findings and policy recommendations concerning overtime re-  
7 quirements for agricultural workers that may include, but need not  
8 be limited to:

9       “(a) Accommodating a seasonal workforce during peak harvest  
10 seasons;

11       “(b) The applicability of the overtime requirements to piece-rate  
12 work;

13       “(c) The applicability of the overtime requirements to farm labor  
14 contractors and other similarly situated agricultural employers;

15       “(d) The flexibility to allow for mutual agreement between agricul-  
16 tural employers and agricultural workers regarding total compen-  
17 sation and employment benefit packages;

18       “(e) How to address salaried agricultural workers; and

19       “(f) How to address agricultural workforce shortages within the  
20 agricultural sector in this state.

21       “(7) A majority of the voting members of the task force constitutes  
22 a quorum for the transaction of business.

23       “(8) Official action by the task force requires the approval of a  
24 majority of the voting members of the task force.

25       “(9) The task force shall elect one of its members to serve as  
26 chairperson.

27       “(10) If there is a vacancy for any cause, the appointing authority  
28 shall make an appointment to become immediately effective.

29       “(11) The task force shall meet at times and places specified by the  
30 call of the chairperson or of a majority of the voting members of the

1 **task force.**

2 **“(12) The task force may adopt rules necessary for the operation**  
3 **of the task force.**

4 **“(13) The task force shall submit a report including the findings and**  
5 **policy recommendations described in subsection (6) of this section in**  
6 **the manner provided by ORS 192.245, and may include recommen-**  
7 **dations for legislation, to the interim committees of the Legislative**  
8 **Assembly related to business and labor no later than December 31,**  
9 **2021.**

10 **“(14) The Bureau of Labor and Industries shall provide staff support**  
11 **to the task force.**

12 **“(15) Members of the Legislative Assembly appointed to the task**  
13 **force and members of the task force who represent the executive**  
14 **branch of state government are nonvoting members of the task force**  
15 **and may act in an advisory capacity only.**

16 **“(16) Members of the task force who are not members of the Leg-**  
17 **islative Assembly are not entitled to compensation or reimbursement**  
18 **for expenses and serve as volunteers on the task force.**

19 **“(17) All agencies of state government, as defined in ORS 174.111,**  
20 **are directed to assist the task force in the performance of the duties**  
21 **of the task force and, to the extent permitted by laws relating to**  
22 **confidentiality, to furnish information and advice the members of the**  
23 **task force consider necessary to perform their duties.**

24 **“SECTION 2. Section 1 of this 2021 Act is repealed on December 31,**  
25 **2022.**

26 **“SECTION 3. This 2021 Act being necessary for the immediate**  
27 **preservation of the public peace, health and safety, an emergency is**  
28 **declared to exist, and this 2021 Act takes effect on its passage.”.**

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