



Locally Grown
and
GROWING STRONG

House Committee on Early Childhood
OFB Testimony on HB 2474

Chair Power, members of the Committee,

Thank you for the opportunity to provide comments on HB 2474. By way of background, the Oregon Farm Bureau is the state's largest agricultural trade association representing nearly 7,000 farm and ranch families across the state. First and foremost, Oregon's farmers and ranchers are deeply invested in protecting agricultural employees, and adamantly believe there is a way to provide adequate safety nets for employees when life's challenges prevent an employee from being on the farm. However, there is a way to do so without causing unnecessary economic harm to Oregon's family run businesses, who are struggling to stay afloat amidst the pandemic and our unstable agricultural economy. Unfortunately, HB 2474 fails to strike this important balance and puts Oregon's family farms at risk of serious financial and legal liability.

First, the proposed definition of "condition" goes well beyond the intended scope of ORS 659A.159. The term "condition" under existing law has historically been interpreted to mean a child is in a physical state or has a medical diagnosis that requires home care. To expand the definition of condition to include a school closure could have far reaching and unintended consequences. Moreover, HB 2474 seeks to codify a decision that was made by an administrative agency without a legislative directive. From a process standpoint, passing a bill to simply codify administrative rules that were made without a legislative directive or a robust public process, circumvents the purpose of the Oregon Legislature. While we understand that certain emergency scenarios require agencies to move quickly, we are concerned about the slippery slope this type of action will have on public policy development moving forward. If HB 2474 passes, we hope there will at least be a full and transparent rulemaking process that includes a cost impacts analysis, despite there already being related administrative rules.

Second, HB 2474 seeks to change the employee threshold of ORS 659A.153 from businesses with 25 or more employees to businesses with only one employee. This change will subject our smallest businesses to the leave requirements of OFLA. While most family run businesses already provide time off and flexibility for employees who need leave, the administrative requirements of this rule will undoubtedly overwhelm small business owners, and having employees missing weeks at a time, with little resources to on-board replacements for short periods will be difficult if not impossible. For agriculture, employers are already struggling to find enough skilled

employees to get through harvest. HB 2474 will exacerbate these workforce shortages for Oregon's small family farms and ranches.

Last, HB 2474 reduces the amount of time an employee must work for an employer before becoming eligible to take leave. OFB has concerns about these provisions because of the unique nature of agricultural work, which is done primarily on a limited seasonal basis and relies heavily on contracted labor. As written, HB 2474 does not make considerations for temporary employees who may only work for an employer for a few weeks out of the year. Changing the 180-day threshold to only 30 days will be difficult for agricultural employers who must have a full workforce during the critical window of time that commodities must be harvested.

Thank you for the opportunity to provide comment today on HB 2474. Please do not hesitate to reach out if you have any questions.

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