

Madras Farms Co.
P.O. Box 638
Madras, OR 97741

February 7, 2022

House Committee on Business and Labor
Oregon State Legislature
900 Court St. N.E.
Salem, OR 97301

Dear Chair Rep. Holvey and Committee Members:

My name is Tom Kirsch, Madras Farms Co., and I farm with my two sons in Jefferson County. We raise seed and specialty crops and employ 37 employees. Approximately 40% of them have worked for us 10 or more years. I have several concerns about HB 4002, which is scheduled for a public hearing on February 8, 2022, and how it will impact our farm and our employees.

HB 4002 will require every farm in Oregon to pay overtime to employees after 40 hours of work in one week. Currently, agriculture is exempt from overtime pay because of the unique, seasonal nature of agricultural production, affecting both the total period when agricultural activities can be pursued and the days within the season when work can be performed.

HB 4002 proposes an aggressive agriculture overtime policy, which would be devastating for Oregon farmers and farm workers. We would have to compete with farms in other states that do not pay overtime. The additional cost on our farm would be about \$110,000 per year based on current wage rates. Some years this would eliminate all of our profit.

Most, if not all, of our employees have the ability to transition to an overtime job outside of agriculture. They choose not to because they like the work and the opportunity to work long hours to earn extra money. They are hardworking and ambitious. The current average wage on our farm is \$23.02 per hour, which is well above minimum wage. We currently employ H-2A workers that are paid one of the highest rates in the country at \$17.41 per hour. Washington state pays the same rate.

Our farm will have to mechanize more and reduce labor if this bill becomes law. This bill will negatively impact farms and agricultural workers. Please oppose HB 4002.

Sincerely,

A handwritten signature in blue ink that reads "Thomas H. Kirsch". The signature is written in a cursive style with a large initial 'T'.

Thomas H. Kirsch
President