



SIMNITT NURSERY

2/7/22

To: House Committee on Business and Labor

From: James Simnitt

Simnitt Nursery

Re: House Bill 4002

My name is Jim Simnitt and I own a nursery with my brother in Canby, Oregon. We grow specialty nursery plants and supply independent retail garden centers throughout the northwest and across the nation into 35 states including Ontario and British Columbia in Canada. We have 10 full time year round employees who have been with us for at least 8 years, some as many as 30. I am quite concerned with the way the ag overtime bill would effect our business, our crew and their opportunities throughout the year to work. If the 40 hour limit is passed we will have to limit our optional extra hours to our crew.

As an ag producer we are impacted by many factors, none being larger than the weather. For example, if we get a rainy couple weeks during harvest we have to delay that harvest until the weather changes and dries out. Sometimes that forces us to work overtime hours when it is dry to make up for the loss time from the wet weather. We are not working overtime hours to sell more plants or make more money, it is just to get the needed work done to continue our business. Wet weather is only one example; ice, snow, air quality (smoke) and extreme heat (like last summer) all have delayed work at our nursery that had to be made up in the following weeks i.e. overtime hours.

If we are limited to 40 hrs per week, any overtime pay accrued will have to come from the season end bonuses that our employees enjoy. Also, any additional hours offered above the scheduled work time will be decreased or more than likely, ended. We can not pay overtime for 'optional hours' that employees decided that they want to work to increase their paychecks. The end result for our employees will be about the same take home pay, less seasonal bonuses, and no optional hours to increase take home pay. Net loss for our crew, which is never something we would want to do.

I urge you to oppose a mandated 40 hour work week. Agricultural work doesn't and can't be viable that way. Please support the agricultural

alternative that allows opportunity for the ag producer and farmworkers to survive and succeed.

Best regards,

James Simnitt
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Canby, Or

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