

Commentary: Legislature must show leadership to keep farms alive

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“The Oregon way.”

It’s a can-do spirit of cooperation and commitment to solutions that balance the many varied needs of Oregonians on all sides of an issue. Many invoke the phrase, but few seem willing to embody it. It takes seeing the other side as a partner and not merely an obstacle to be overcome. It takes willingness to find and embrace a solution because we should, not imposing solutions because we can.

Farm and ranch families never gave up on The Oregon Way. They are being asked to or forced to make changes to their operations all the time. They are doing it in a punishing economic environment. Yet they are still at the table in good faith every single time. They work to understand the needs of those they are negotiating with.

That’s how farm and ranch families have approached agricultural overtime. When ag overtime did not pass in 2021, farmers and ranchers pledged to come to the table in the interim. We did. We were there looking for workable solutions right up until self-proclaimed employee advocates stormed away and said, “see you in court.” This wasn’t a last resort tactic. It was their opening move. Walking away from the table to file a lawsuit is not The Oregon Way.

As this short session approached, again the agriculture community had heart-wrenching internal dialog about what is economically possible for a sector that already has the highest labor costs in the nation and no pricing power to cover further increases. The aim was finding common ground. Then the BOLI Commissioner began calling legislators and threatening that she would impose a draconian set of overtime rules on farm and ranch families if the legislature didn’t pass an overtime bill to rescue us from her. She claims to have a legal opinion telling her she has no choice.

However, Oregon’s Legislative Counsel and the attorney who the Capital Press called Oregon agriculture’s legal top gun both found no basis in case law, statute, or rule for this claim.

The legislative record is clear. Over 75 people signed up to testify against HB 4002. Not one paid lobbyist testified against the bill. 100% of those who appeared in the 4-hour hearing were farmers, ranchers, and farm and ranch employees. Men, women, younger, and not-so-young, different kinds of identity, different regions, different kinds of operations. All care deeply about their employees.

Different personal stories that all said the same thing: A 40-hour threshold for ag overtime with no seasonal exemption is completely unworkable for every single part of the ag community and unworkable for their employees.

On the yes side were 15 or so paid lobbyists (most with nothing to do with agriculture) and a small handful of farm employees. These employees correctly stated that ag work is hard and that they would like to earn more money. If overtime passes in its current form, many will lose jobs and many more will be capped at 40 hours per week meaning their pay will go down.

Some well-meaning leaders have offered tax credits to help shoulder the costs of imposing overtime. This is medicine that cures no ills. No one in the ag community has asked for tax credits nor believes tax credits address core needs. Tax credits are ephemeral and insufficient. They pit one sector against another and current proposals assume there won't be enough funding to meet the need. And tax credits will go away at the first sign of a decline in state revenues. Ag families want a sustainable business model, not temporary tax credits. To be viable, the ag community needs a threshold higher than 40 hours per week and a seasonal exemption. Full stop.

House Speaker Rayfield has shown a desire to move past brute force leadership in the House and has reached out to rural legislators and their communities in ways we haven't seen for many years. Senate President Courtney has served nobly and has always valued integrity, fair process, and the institution of the legislative branch more than any other Senate leader ever has or ever will. Both leaders have a once-in-a-lifetime opportunity to truly lead on this issue The Oregon Way. We hope they will.

This was co-signed by Dave Dillon, Oregon Farm Bureau; Tami Kerr, Oregon Dairy Farmers Association; Jeff Stone, Oregon Association of Nurseries; Colleen Nihen, Oregon Hazelnut Industry; Mike Doke, Columbia Gorge Fruit Growers Association; Tammy Dennee, Oregon Cattlemen's Association; Richard Koesan, Oregon Sheep Growers Association; and Roger Beyer, Oregon Grass Seed Council.