

State Supreme Court hears farm case at Heritage University

By John Fannin
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Photo by John Fannin.

Chief Justice Barbara Madsen seeks clarification on a point during one of three cases heard yesterday in the Lower Valley.

TOPPENISH – Nine Supreme Court justices hearing three cases in one packed house.

Right here in the Lower Valley.

That was the scene Tuesday at Heritage University when the Washington State Supreme Court held a rare session outside of the Temple of Justice in Olympia.

One case in particular drew the ag-dependent Yakima Valley's attention, *Demetrio v Sakuma Bros. Farms, Inc.*

It addresses the question of whether agricultural employers should be required to pay piece-rate workers for rest breaks under the state's minimum wage law.

Arguments in the case attracted a standing-room-only crowd at Heritage's Smith Family Hall.

Sakuma's pay for piece-rate workers already includes compensation for a 10-minute break every four hours, argued the firm's attorney, Adam Belzburg.

He said the piece-rate also takes into consideration the time workers have to spend sorting and weighing the fruit.

The plaintiffs' attorney, Marc Cote, contended that state law requires employers to pay employees specifically for 10-minute breaks. "They must be paid separately," he said.

To his point, Cote said without separate pay there is no incentive for workers to take their breaks.

Justices yesterday were more active than usual, Cote noted later, as they repeatedly questioned both attorneys.

Justice Sheryl Gordon McCloud, for example, focused most of her inquiries on "economic theory."

Questioning, though, did not offer indication on how the court might rule in the Demetrio v Sakuma case.

Justice Mary Yu wondered if farm employers might lower piece rates if plaintiffs are successful. In other words, could bringing the case forward actually harm workers in the future?

On the other hand, Justice Debra Stephens seemed to buttress the plaintiff's case when she inquired about lack of incentives for workers to take their breaks under the current system.

Justices held a private conference after the hearing...but it will likely be months before they announce a decision.

Based on timelines from previous cases, Belzburg estimates it might be four to six months before justices reach a verdict.

"Hopefully, we'll know by apple harvest," he said.

The June berry harvest is approaching for Ana Lopez Demetrio, a lead plaintiff in the case.

The mother of five lives in Mt. Vernon and has been a piece-rate employee for Burlington-based Sakuma since 2003.

Speaking through a translator after yesterday's hearing, Demetrio said it has been "difficult" to continue working at the Skagit Valley farm since she filed the suit.

She gave the reasons for staying on with Sakuma.

"It's the only farm we knew...it's supposedly where we could make the most money," says Demetrio, who missed part of the case presented at Heritage due to a malfunction in translation equipment.

It's too soon to say which side will win or how the court is leaning.

Opinions are hedged. Long-term ramifications and current labor disputes are on hold, pending the outcome.

During a public Q&A session after hearing the Sakuma case, justices at last gave one clear, ringing, unanimous response.

Are they Seahawk fans?

"There's only one answer to that!" laughed Chief Justice Barbara Madsen.

Even then there was a hint of dissent.

"Second only to Gonzaga University basketball," piped up Justice Stephens.