



NEW YORK STATE SENATOR

George M. Borrello

Senator George Borrello and Republican Colleagues Call on Governor, Labor Commissioner to Save Farming in New York State by Rejecting Further Overtime Changes

GEORGE M. BORRELLO September 14, 2021

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Albany, NY — With a decision on whether to lower the overtime threshold for farm workers due to be revisited in late fall, Agriculture Committee Ranking Member George Borrello and members of the Senate Republican Conference today called on state leaders to reject any further reductions in the 60-hour limit that was established by the Farm Laborer Fair Labor Practices Act (FLFLPA) of 2019.

They sent a letter to the Governor and Labor Commissioner outlining their request.

The controversial law, which took effect in January 2020, granted year-round and seasonal farm employees many of the benefits of workers in industries like manufacturing and construction, including overtime pay of one and a half times an employee's regular wages after 60 hours of work per week.

The law also included the creation of an unelected, three-member Farm Wage Board charged with making a recommendation to the Commissioner of Labor on whether to lower the overtime threshold even further. After weeks of hearings on the issue, the board met in December 2020 to make their recommendation, ultimately deciding to delay any changes for a year in recognition of the pandemic disruptions to agriculture.

"While well-intentioned, the Farm Labor Act was pushed by activists on the left who lacked practical knowledge of farming operations and finances. The result was a drastic law that ignored fundamental differences between agriculture and other industries and that placed significant new financial burdens on the already-stressed farming community," said Senator Borrello.

"The farmers I've spoken with say that implementing the 60-hour threshold has been difficult and has caused some unhappiness among the farm workers who've had to endure new restrictions on their hours. Yet, most have indicated they've found ways to make it work," he added.

"However, they are emphatic that any further lowering of the threshold would be financially unsustainable. They would be faced with a choice of transitioning to less labor-intensive crops or giving up farming altogether," said Borrello. "In either scenario, both farmers and farm workers come out on the losing end. If the true intent of the law is to help workers, the

overtime provision needs to stay at its current level, at least until more data can be collected.”

Senator Borrello noted that agricultural organizations have asserted that information from multiple growing seasons is required to make a more accurate assessment of the law. In response, he is sponsoring legislation that would allow for more time to collect data on the 2019 law, to provide a truer picture of the impact on farms.

Senate Bill 2690 would extend to December 31, 2024, the deadline for the Wage Board to submit its recommendation to the Labor Commissioner on lowering the threshold. The measure would also require the board to consider common-sense factors in its decision-making, including the farm wage and overtime rates in neighboring states and the supply and demand for workers.

In the letter to the Governor, Senator Borrello and his colleagues conclude by stating, “As a native of upstate and someone who has made it a priority to visit and engage with people in every corner of New York, your perspective on our agricultural industry is stronger than that of any Governor in the last 15 years. We urge you to consider the tremendous importance of farming to our economy, food supply and quality of life and then work with us to support and protect this vulnerable sector from further harm.”

The letter to Governor Hochul and copied to Labor Commissioner Reardon is attached.

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