



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Criticizes Decision to Lower Overtime Threshold for Farmworkers

JIM RANNEY January 31, 2022

| ISSUE: **FARMWORKERS; WAGE BOARD; OVERTIME; FARM LABORERS FAIR PRACTICES ACT**



Senator Patrick M. Gallivan (R-C, Elma) is criticizing a decision by the Farm Laborers Wage Board to lower the current 60-hour overtime threshold for farmworkers to 40 hours over the next 10 years. The panel approved the change on a vote of 2-1. It says the overtime threshold will be lowered by four hours per week every two years beginning in 2024.

"This decision is harmful for New York's agriculture industry and will jeopardize family farms and small businesses across the state," Senator Gallivan said. "Everyone who works in agriculture understands that farms do not have a standard eight-hour workday and cannot function under a rigid, factory-like schedule, especially at harvest time. The board's decision will result in fewer opportunities for farmworkers and increased labor costs for farm operators. Both are bad for New York's economy and for consumers."

New York State Department of Labor Commissioner Roberta Reardon will have the final say on the board's decision and could modify the recommendations.

The current 60-hour overtime threshold was established in the Farm Laborer Fair Labor Practices Act of 2019. Senator Gallivan voted against the measure and called on the wage board to reject efforts to reduce the threshold even further.

Ninety-six percent of farms in New York State, most of which are family-owned, are unable to cover the costs of paying overtime. The threshold reduction is expected to result in less hours for employees to work and smaller paychecks. With farms being local economic engines, this latest mandate will likely have devastating effects on communities across New York State.