



NEW YORK STATE SENATOR

Robert G. Ortt

Leader Rob Ortt & Senate Republicans Urge Labor Commissioner to Reject the OT Threshold Reduction for NYS Farms

ROBERT G. ORTT September 22, 2022

| ISSUE: **FARM LABORERS WAGE BOARD; AGRICULTURE; FARMS, OVERTIME THRESHOLD**



ALBANY, NY – Senate Republican Leader Rob Ortt and Members of the Senate Republican Conference penned a letter to the New York State Department of Labor Commissioner Roberta Reardon urging her to reject the Farm Laborers Wage Board recommendation to lower the overtime threshold for New York State farms from 60 hours to 40 hours per week.

“Our economy relies greatly on our New York State farmers, who are already struggling with 40-year high inflation, record-high fuel prices, and severe worker shortages. Our farming industry functions much differently than other industries and would crumble under this Albany mandate. If the final report is accepted by the Labor Commissioner, we will see livelihoods across our state ruined and a mass exodus of farm workers. The damage will go beyond our farming industry and increase the price of consumer goods that many New Yorkers are already struggling to afford. If we want to keep workers here, combat rising prices, and support our farmers, then Albany must stay at 60,” **said Senate Republican Leader Rob Ortt.**

“While it is common to hear state leaders praise the invaluable contributions of our farming community, nice words ultimately do nothing to help New York farmers who are struggling under the weight of ever-expanding state mandates and rising costs. The decision on whether to accept the Wage Board’s misguided recommendation that the overtime threshold be lowered is an opportunity to back up words with action. By rejecting the adoption of a 40-hour threshold, Governor Hochul and Commissioner Reardon can save our farming community from a long, painful demise and ensure this vital industry has a future in our state,” **said Senator George Borrello, Ranking Member of the Senate Committee on Agriculture.**

“I govern by listening and when farmers and farmworkers alike tell me this change will be detrimental to their ability to produce here in New York, I take notice. It is far past time for Albany to do the same and reject this misguided change. The future of farming in New York State is on the line, and we will not stop speaking out against this bad policy until the voices of those who will be impacted are truly heard and the decision reversed,” **said Senator Sue Serino.**

During public hearings held by this Farm Laborers Wage Board, hundreds of farmers took time from their busy days to give emotional comments expressing their concerns that

increased labor costs would threaten their small family farms, which make up 96 percent of New York's farms. Several economic development and business organizations came out in opposition to reducing the 60-hour overtime threshold, including the Grow NY Farms Coalition, the Business Council of New York State, the National Federation of Independent Businesses of New York (NFIB) and Upstate United.

In December 2021, Senate Republicans wrote a [letter](#) to the Wage Board, citing a Cornell University [study](#) that found that two-thirds of dairy farmers would make significant changes to their operation, including leaving the industry or investing out of state, and half of fruit and vegetable farmers indicated they would decrease their operations or exit the industry, if the overtime threshold was lowered to 40 hours.

On January 28, 2022, the Wage Board revisited the overtime threshold set in 2019 through the Farm Laborer Fair Labor Practices Act (FLFLPA), and voted to reduce the threshold from 60 hours to 40 over the next decade, decreasing the threshold by four hours every two years.

Members of the Senate Republican Conference signed onto a follow-up [letter](#) written August 16, 2022. [On September 1, 2022](#), **Senator Serino** joined her Republican colleagues and members of the local agriculture community calling on the Farm Labor Wage Board in Albany to reject a reduction of the overtime threshold from the current 60 hours to the proposed 40 hours.

Despite near-universal opposition, the Wage Board voted 2-1 on [September 6](#) to advance its final recommendation for lowering of the overtime threshold for farmers. The state Labor Commissioner Roberta Reardon has 45 days from this date to accept or reject the recommendation.

In addition, **Senator Borrello** carries a [bill](#) to abolish [the Farm Laborers Wage Board](#), who ignored 70% of testimony with their overtime threshold recommendation. The legislation is

co-sponsored by fellow Senate Republicans, including **Leader Ortt** and **Senator Serino**.

A copy of the letter is attached above.

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