



NEW YORK STATE LEGISLATURE

September 21, 2022

Roberta Reardon, Commissioner
New York State Department of Labor
Building 12
W.A. Harriman Campus
Albany, NY 12240

Dear Commissioner Reardon:

We write to you regarding the final report and recommendations related to the overtime threshold for farm laborers that was provided to you by the Farm Laborers Wage Board. We strongly urge you to reject this report and any reduction of the overtime threshold beyond the current 60 hours established in the Farm Laborer Fair Labor Practices Act (FLFLPA) of 2019.

As you consider letters like this one, and others from likely hundreds, if not thousands of involved stakeholders, we implore you to notice the overwhelming trend. The vast majority of these letters are in favor of the overtime threshold staying at 60 hours. Moreover, we urge you to realize that the majority are not just farm-owners.

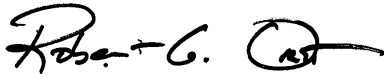
A state-funded report by Cornell University researchers found that if the overtime threshold was lowered to 40 hours, approximately 70 percent of H-2A workers indicated they would be less likely to do their current job or would consider going to another state without capped hours. It further found that 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. This Cornell report was done using an existing survey for a longer-term assessment of agriculture labor issues by a respected agricultural workforce researcher, reducing the bias the Wage Board's Report believed was exhibited in the public hearings and submitted testimony.

The Wage Board's decision to lower the overtime threshold will hurt the very people it was intended to help – farm workers – by restricting the number of hours they can work, meaning smaller paychecks. Ironically, it is also removing things that can be collectively bargained, which was a primary reason for the legislation in the first place.

The latest inflation numbers showed that food prices continued to climb this past month, rising nearly one percent in August from July. The average household is spending \$460 more each month to buy the same basket of goods and services as last year. While the proposed changes to the overtime threshold will not happen until 2024, we know, as the Cornell study illustrated, farmers will start making decisions now. Less farms in New York will lead to higher food prices.

While we hope that inflation returns to historical averages as quickly as possible, it is unclear if food prices will do so anytime soon due to lingering geopolitical forces affecting fertilizers and other agriculture petrochemicals prices. Doing anything that may increase the price of our food, or impact the stability of the food supply-chain (which we learned during COVID just how fragile it is), regardless of when the policies claim to start, would be extremely irresponsible.

For these reasons we urge you to reject any reduction of the overtime threshold. Thank you in advance for your consideration of this urgent request and please do not hesitate to contact us should you wish to discuss further.



Robert G. Ort
Senate Minority Leader
62nd District



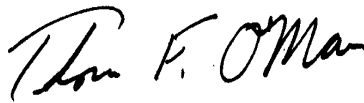
Senator Andrew Lanza
24th District



Senator Peter Oberacker
51st District



Senator Fred Akshar
52nd District



Senator Tom O'Mara
58th District



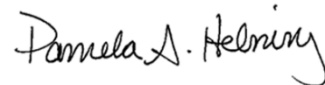
Senator Daphne Jordan
43rd District



Senator Mike Martucci
42nd District



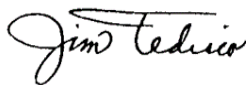
Senator Anthony Palumbo
1st District



Senator Pam Helming
54th District



Senator George Borrello
57th District



Senator Jim Tedisco
49th District



Senator Phil Boyle
4th District



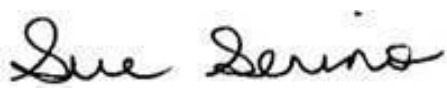
Senator Patty Ritchie
48th District



Senator Patrick Gallivan
59th District



Senator Ed Rath
61st District



Senator Sue Serino
41st District



Senator Alexis Weik
3rd District



Senator Daniel G. Stec
45th District



Senator Joseph Griffo
47th District

cc: Governor Kathy Hochul