



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

August 7, 2020

The Honorable Andrew Cuomo
Governor, State of New York
New York State Capitol Building
Albany, New York 12224

Ms. Brenda McDuffie, Chair
New York Farm Laborers Wage Board
W.A. Harriman Campus
Albany, NY 12240

Ms. Roberta Reardon, Commissioner
New York State Department of Labor
Building 12
Albany, New York 12240

Mr. Richard Ball, Commissioner
New York State Department of Agriculture and Markets
10B Airline Drive
Albany, New York 12235

Dear Governor Cuomo, Chairwoman McDuffie, Commissioners Reardon & Ball:

As the Board is aware, in the recently enacted Farm Laborers Fair Labor Practices Act, the Farm Labor Wage Board was required to hold a series of public hearings in March and April, which, due to the COVID-19 pandemic, have been postponed. During the Farm Laborers Wage Board hearings, the Board was required to consider whether to lower the overtime threshold for farm workers from the current 60-hour work week and to what extent it should be lowered.

As a result of the COVID-19 pandemic, which has crippled our agricultural industry since March, we request that the provisions of the Farm Laborers Fair Labor Practices Act requiring Farm Laborers Wage Board hearings be delayed for a minimum of 18 months from today. The provision under Chapter 105 of the Laws of 2019 requiring the Farm Laborers Wage Board to report its recommendations, including overtime work for farm laborers, by December

31, 2020, should be suspended until December 31, 2022 to ensure the Farm Laborers Wage Board can evaluate data from the 2021 and 2022 growing seasons before its final report.

Prior to the pandemic taking hold in New York, we were concerned about the farming industry and wanted to highlight some of those concerns to the Board. Specifically, due to the variety of crops that are more labor intensive than others, some farmers have been preparing to adjust the type of crops they grow. In our opinion, it is too early to consider lowering the overtime threshold, as New York is only a few months into the implementation of the new law. Farms have not experienced even one full season of planting or harvest under the new overtime rate. In addition, the New York economy has not experienced the change from the types of crops some farmers may sell. This will result in the Farm Laborers Wage Board lacking sufficient data to measure the effects of the new farm labor laws on New York farmers. It may take several years to have a true understanding of the overtime repercussions on farmers, with many unknown variables including extreme weather events and large swings in commodity prices, which could impact labor costs and employee schedules on a year-to-year basis.

The current COVID-19 pandemic will further exacerbate those concerns and have an extraordinary impact on any data collected for the 2020 calendar year. Travel restrictions, quarantines, and immigration bans have resulted in a shortage of farm laborers and have disrupted the 2020 growing season. In addition, New York farmers have been experiencing distribution problems that have caused them to dump product. Additional overtime restrictions under these extreme circumstances could be detrimental to our food supply. The survival of programs like the Nourish New York Initiative is contingent upon our New York farmers' success.

We respectfully request that the Farm Laborers Wage Board wait for the results of the data to be compiled in the 2021 and 2022 seasons before making any recommendations to lower the overtime threshold below 60 hours a week. This will give the Board a more broad data sample based on a longer duration of time, which can be utilized to appropriately determine the impacts on the farm community.

Thank you for your consideration of this important issue and we look forward to your response.

Sincerely,



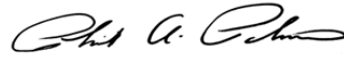
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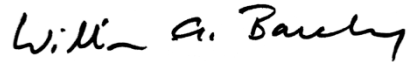
Chris Tague
102nd Assembly District



Anthony Palumbo
2nd Assembly District



Phil Palmesano
132nd Assembly District



Will Barclay
Assembly Minority Leader



Karl Brabenec
98th Assembly District



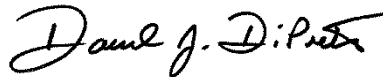
Marjorie Byrnes
133rd Assembly



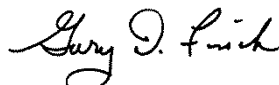
Clifford W. Crouch
122nd Assembly District



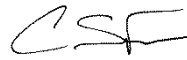
Joe DeStefano
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David DiPietro
147th Assembly District



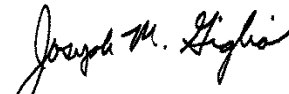
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Andy Goodell
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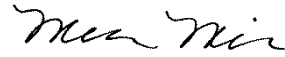
Brian Manktelow
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Brian Miller
101st Assembly District



Melissa "Missy" Miller
20th Assembly District



Michael Montesano
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Angelo Morinello
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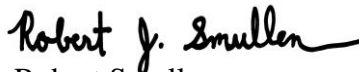
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121st Assembly District



Robert Smullen
118th Assembly District



Daniel Stec
114th Assembly District



Mark Walczyk
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