



WE ARE YOUR DOL



Department
of Labor

INFORMATION FOR FARMWORKERS IN NEW YORK STATE

NEW YORK STATE CAREER CENTER SERVICES:

- If you are not an H-2A worker, we can help you find your next job. The New York State Department of Labor (DOL) has a database of employers looking for workers. If you register with the New York State Department of Labor, we can do a search and let you know about job opportunities in New York, and other states.
- When you visit your local New York State Department of Labor Career Center, you will be helped in your native language. Please let the representative know you want services in your native language, and they will call an interpreter. If you are not helped in your native language, you can file a complaint.
- You can find computers, internet access, printers, and other tools to help with your job search at your local Career Center office. You can also attend workshops to learn about how to update your resume or improve interviewing skills. We can also help with career counseling and training opportunities.
- Have you ever wondered what types of jobs are in demand? At the New York State Department of Labor, you can learn about labor market information to help decide if making a job change is right for you.
- All the services described above are free of charge.
- The New York State Monitor Advocate makes sure Career Centers provide equitable services to migrant seasonal farmworkers. If New York State Department of Labor Career Center or field staff do not provide the employment services you seek, please file a complaint.

KNOW YOUR RIGHTS:

- **You have labor law rights in New York State regardless of immigration status.**
- The Farm Laborers Fair Labor Practices Act requires that Farmworkers requires that you are entitled to receive overtime pay (time and a half of your regular rate) if you work more than 56 hours in a week; you

are entitled to a 24-hour period of rest every week and if you voluntarily work on that day, you are entitled to overtime pay for the hours worked on that day, even if you do not work more than 56 in the week.

- When you begin employment, you and the employer must sign a document called a “pay notice and acknowledgement for farmworkers.” This document has important information including your rate of pay, the type of work you will do, descriptions of benefits provided and the employer’s contact information including the business name. It is important you keep this signed document in a safe place.
- Farmworkers are manual workers. As a manual worker, you can be paid weekly or every 14 days, if the employer pays all hours worked on that 14th day.
- Every time you receive wages, which can be in the form of a check, cash, or direct deposit to your bank account, you should also receive a paystub. The paystub should include the employer’s name, address and telephone number; the total number of hours worked, or units produced; and your rates of pay including hourly, piece rates and overtime, and all deductions. **Keep your paystubs in a safe place.**
- Every worker in New York, regardless of immigration status, should be paid for all hours worked. It helps to keep track of your hours daily and weekly on a personal calendar. Then, compare the information on your paystub with the hours on your calendar. Keep the calendar in a safe place.
- Employers in New York must provide sexual harassment prevention training when you are hired and then every year. It must include the employer’s prevention policy and it must be interactive.
- Agricultural employers are responsible for training workers and handlers about the safe use of pesticides under the Worker Protection Standard (WPS). The Worker Protection Standard is a federal regulation designed to protect employees from on-the-job exposure to agricultural pesticides.

- Employers must provide a private toilet, with toilet paper, and handwashing station, with soap and paper towels. When 5 or more farmworkers are in the same field or location, the facilities must be within a quarter mile from the workers. The employer can also provide transportation to a toilet and handwashing station.
- Employers are required to provide cool drinking water and disposable cups in the field.
- Wash your hands before and after eating meals to help prevent the ingestion of pesticides.

YOUR HEALTH AND SAFETY:

- As a farmworker, you are an essential worker in the State of New York. Protect yourself against COVID-19 by wearing an employer-provided mask when you are in public, including at work.
- Wash your hands often and keep your hands away from your face.
- Disinfect your home or labor camp often by wiping down frequently touched surfaces.
- The most common symptoms of COVID-19 are fever, cough, and shortness of breath. Other symptoms may include sore throat, fatigue, muscle aches and pains, and decreased appetite.
- Individuals with COVID-19 should not work.
- Please tell your employer immediately if you or your coworkers feel sick.

H-2A FOREIGN GUEST WORKERS:

- H-2A workers are essential workers as well. H-2A workers should review the ETA790 contract for the rate of pay, expected work hours, housing information and New York benefits offered. These benefits and pay are also provided to US workers doing the same work as H-2A workers.

- Farmworker housing provided through H-2A job orders are inspected by the New York State Department of Labor and New York State Department of Health. Inspected farmworker housing should be safe and sanitary.

UPDATES/OPPORTUNITIES YOU SHOULD KNOW ABOUT:

- All workers, including undocumented residents, H-2A, H-2B and other foreign guest workers, can apply for a standard driver's license through the **New York State Department of Motor Vehicles**. Applicants must provide documents proving their age, identity and residency, but are no longer required to provide a Social Security number, or proof of immigration status.
- Do you want to learn or improve your language skills in English? If so, "**Cell-Ed**" can help. The Cell-Ed program provides free mobile English-learning to farmworkers.
- If you are injured while on the job, please notify your employer immediately and seek medical attention. Please let your doctor know you were injured while working. You should file a claim with Workers' Compensation immediately to ensure your rights are protected.

For more information, please visit dol.ny.gov/services-agricultural-workers or call **877-466-9757**. Bilingual staff are ready to assist, but please leave a detailed message if we do not pick up.