

**Order of Commissioner Roberta Reardon  
Regarding Pursuant to Labor Law sections 674-a and 656**

February 19, 2021

The Farm Laborers Wage Board has issued its Report and Recommendation pursuant to Labor Law § 674-a for my action pursuant to Labor Law § 656.

Labor Law § 674-a provides for the Farm Laborers Wage Board to make recommendations for overtime work for farm laborers that shall not be in excess of sixty hours. In so doing, the Board was required to consider the extent to which overtime hours can be lowered below the sixty hours set in law. Section 674-a further provides for action to be taken on the report pursuant to Labor Law § 656.

Pursuant to Labor Law § 656, the Report and Recommendation was submitted on December 31, 2020, and notice of such filing was published in at least ten newspapers on January 5, 2021. No objections to that Report have been received within the statutory fifteen-day period and no oral argument on objections is appropriate.

The Report and Recommendation does not recommend that the current overtime threshold be reduced, but rather that such threshold remain at sixty hours for a period of at least one year, and that the Farm Laborers Wage Board be reconvened not sooner than November 1, 2021 and not later than December 15, 2021 for further evaluation and study.

I hereby accept the Report and Recommendation that the overtime threshold remain at sixty hours for at least one year and, as further recommended by the Board, I will reconvene the Farm Laborers Wage Board not later than December 15, 2021 for further evaluation and study. In contemplation of further proceedings of the Farm Laborers Wage Board, I hereby direct the Department of Labor, in consultation with the Department of Agriculture and Markets and such additional agencies or stakeholders as may be deemed necessary or appropriate, to gather, evaluate, and present to the Farm Laborers Wage Board statistical data and other key information related to the matter before the Board. Specifically, such data and information should include (1) agricultural employees' economic security and mental and physical health as documented by occupational safety and health clinics and other organizations within NYS that provide direct services to this population, (2) agricultural employers' gross and net income as published annually by the United States Department of Agriculture; (3) employee retention rates for the industry based on Department of Labor data; (4) the impact of the sixty-hour overtime threshold and other worker protections implemented under the Farm Laborers Fair Labor Practices Act on employers and employees within particular sectors of New York's agricultural industry; and (5) the impact of wage and other worker protections in other similarly situated industries in New York State. In each case, these data and information should be provided for periods both prior to and after the effective date of the sixty-hour threshold.

**CONCLUSION**

This Order is hereby filed with the Secretary of the Department, to be effective thirty days after publication of a notice of such filing in at least ten newspapers of general circulation in the state.

Date: February 19, 2021

New York, NY



---

Roberta Reardon