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Department
of Labor



FARM LABORERS WAGE BOARD

BOARD MEMBERS

BRENDA MCDUFFIE | BOARD CHAIR

Former President and CEO of the Buffalo Urban League

DAVID FISHER

New York Farm Bureau President

DENIS HUGHES

Former President of the New York State AFL-CIO

THE CONVENING AND PURPOSE OF THE BOARD

Under the Farm Laborers Fair Labor Practices Act of 2019, which was signed into law by former Governor Andrew Cuomo, farm laborers became entitled to overtime premium pay starting on January 1, 2020, for any work that they perform in excess of 60 hours per week, and for work performed on their designated day of rest.

As required by the act, New York State Labor Commissioner Roberta Reardon convened a wage board comprised of the members listed above in 2020.

Per the statute, the wage board was tasked with considering and making recommendations regarding the extent to which the overtime threshold for farm laborers can be lowered below 60 hours per week and whether any such reductions should be phased-in through a series of successively lower thresholds.

MEETINGS AND HEARINGS

The Farm Laborers Wage Board hosted its first public hearing on February 28, 2020, in Albany. It held four public hearings and four public meetings virtually in 2020 due to the pandemic.

In 2022, the board hosted an additional four public hearings virtually where testimony was heard from farm laborers, agricultural employers, academic experts, and elected officials, among others.

RECENT BACKGROUND AND NEXT STEPS

On January 28, 2022, the Farm Laborers Wage Board adopted three resolutions in regard to overtime for farm laborers in New York State. The panel approved:

- Reducing the overtime threshold for farm laborers from 60 hours to 40 hours a week;
- The reduction of the overtime threshold from sixty to forty hours will be phased in over a ten year period, with reductions of four hours on a biannual basis;
- The phase-in schedule would begin on January 1, 2024, with the threshold set at 56 hours; on January 1, 2026, with the threshold set at 52 hours; on January 1, 2028, with the threshold set at 48 hours; on January 1, 2030, with the threshold set at 44 hours; on January 1, 2032, with the threshold set at 40 hours.

The Farm Laborers Wage Board is expected to vote to approve and deliver its official report with its recommendations to the New York State Department of Labor on September 6, 2022.

Once the Board delivers its report, New York State Department of Labor Commissioner Roberta Reardon will have 45 days to review the report and recommendations and announce her decision.

Pursuant to Labor Law Section 656, within 5 days of receipt of the official report, DOL will publish notice in at least 10 newspapers of general circulation in the state.

Any objections to the report and recommendations can be sent to the Commissioner within 15 days after such publication.

Should the recommendations be adopted this will then allow the Department to undergo a rule making process, during which there will be a 60-day public comment period.

In this year's State of the State, Governor Hochul announced a new, permanent refundable tax credit on overtime hours for any size farm in New York State to offset increasing costs to farmers.

Governor Hochul remains committed to a fair and reasonable approach on this issue, which is why she launched a statewide listening tour to hear directly from farmers and farm workers about the challenges they face.