



NEW YORK STATE SENATOR

Thomas F. O'Mara

O'Mara, colleagues urge Governor Hochul to delay any 'Farm Wage Board' action: Warn that lowering overtime threshold would further threaten already hard hit family farms and rural economies

THOMAS F. O'MARA September 14, 2021

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**Elmira, N.Y., September 14**—State Senator Tom O'Mara (R,C,I-Big Flats) is continuing to voice his strong opposition to any move by the state's "Farm Laborers Wage Board" to roll back the

current 60-hour-per-week overtime threshold for farm workers.

O'Mara has joined other members of the Senate Republican Conference in a letter to Governor Kathy Hochul calling on the Wage Board to delay any further action until at least December 31, 2024. The Board is scheduled to meet again later this fall to reevaluate the 60-hour overtime threshold.

The threshold was put in place as part of a comprehensive "Farmworkers Fair Labor Practices Act" enacted by former Governor Andrew Cuomo and the Legislature in 2019. O'Mara voted against the act and at that time singled out the Wage Board provision for particular opposition. The three-member board was granted the power to change the law without the Legislature's approval.

In a September 13, 2021 letter to Hochul, O'Mara and his colleagues wrote, "The downstate interests that continue to push for lowering the threshold have argued that a 40-hour work week and overtime pay are standard in manufacturing and other industries. Their position suggests a misguided understanding of the nature of New York's agricultural community, which is not dominated by large, corporate-supported factory farms that are common in the Midwest and West. In New York, 96 percent of farms are small, family-owned businesses. These hardworking agricultural producers drive the economies of rural communities across the state and help ensure the availability of quality, in-state sourced farm products for New Yorkers."

O'Mara currently co-sponsors legislation (S2690) that would extend the date for the Board to submit its final report to December 31, 2024. The legislation would give the Board more time to collect and assess data that would provide a more definitive picture of the impact of the 60-hour threshold on the finances and operations of New York farms, as well as consider additional factors including the COVID-19 impact on the agricultural industry.

O'Mara "I was opposed to this Act, and especially the creation of this Wage Board, from the start. In fact, when this legislation was being debated **I voiced my fear on the floor of the Senate about giving such far-reaching authority to an unelected, unaccountable body.** It is critical for upstate legislators, for whom the farm economy is a foundation of communities we represent, to keep close watch on a Wage Board now holding the future of so many farmers and rural economies in its hands. This is the worst possible time to risk mandating and regulating more farms out of business, and that is exactly what's at stake here."

O'Mara and the Senate GOP conference, together with many farm industry advocates, stress that the board must take adequate time and have the appropriate data to assess the law's full impact – as well as the impact of COVID-19 -- before recommending changes.

It has been reported that farm labor costs in New York State increased 40 percent over the past decade and that the 2019 law could result in another crippling 44-percent increase in wage expenses.

Total farm labor costs are at least 63 percent of net cash farm income in New York, compared to 36 percent nationally.