



NEW YORK STATE SENATOR

George M. Borrello

Senator Borrello Joins Colleagues, Farmers and Workers to Warn of Potential Impacts to Lowering 60-Hour Overtime Threshold

GEORGE M. BORRELLO September 28, 2021

| ISSUE: **AGRICULTURE, LABOR, FARMWORKERS; WAGE BOARD; OVERTIME**



ELBA, NY – With the fields of Torrey Farms in the background, Senator George Borrello stood alongside fellow legislators, farmers and farmworkers to urge state leaders and the New York State Labor Wage Board to reject any changes to the Farm Labor Act’s 60-hour overtime threshold or risk putting hardworking farm families out of business. The event was organized by the [Grow NY Farms Coalition](#).

The group's comments came at the conclusion of a tour of Torrey Farms, a family farming operation in its 12th generation and one of the largest vegetable-crop farms in the state. Elected officials had the opportunity to see the real implications of a lowered threshold and speak with farmworkers and farmers who would be hurt by any reduction in the 60-hour level.

The controversial law, which took effect in January 2020, granted year-round and seasonal farm employees many of the benefits of workers in industries like manufacturing and construction, including overtime pay. The law also mandated the creation of a Farm Wage Board charged with making a recommendation to the Commissioner of Labor on lowering the overtime threshold to as low as 40 hours per week. The Board is scheduled to make a recommendation by the end of the year.

“New York’s agricultural sector is a dynamic, invaluable part of our economy and one that is already operating under some of the most burdensome costs and regulations in the nation,” said Senator Borrello, Ranking Member of the Agriculture Committee. “Total farm labor costs are at least 63 percent of farm income in New York, compared to 36 percent nationally. Even before farmers had to tackle the new challenges of the Farm Labor Act, they were under financial strain. That is why New York State has already lost many farms, including 20 percent of its dairy farms.”

“We heard once again today from the farmworkers themselves how this 60-hour work week limitation has reduced the paychecks they take home to their families. They told us that any further reduction to a 40-hour limit would force them to seek seasonal work in other states,” he added.

Senator Borrello also noted that the supply chain disruptions that affected the availability of many food products early in the pandemic were an indication that the state not only needs to preserve the availability of locally-sourced farm products, but expand it.

“One of the many lessons of the COVID crisis was the critical importance of sustaining and expanding our regional food supply chain,” said Senator Borrello. “With farmers in the state already financially stressed by the high cost of doing business here, any further lowering of the overtime threshold would force many out of farming or to transition to less labor intensive crops, both of which would affect New Yorkers’ ability to access local produce, meat and dairy products.

“There is simply no question about it: raising the threshold would be a losing scenario for everyone involved, which is why any further changes must be rejected,” Senator Borrello concluded.

###