



NEW YORK STATE SENATOR

Thomas F. O'Mara

## O'Mara, GOP colleagues urge no action by Farm Wage Board: Warn that lowering overtime threshold would further threaten already hard-hit family farms and rural economies

THOMAS F. O'MARA December 28, 2021

| ISSUE: **FAMILY FARMS**



Senator 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.

**Elmira, N.Y., December 28**—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 this week to the members of the Board urging them to reject any move to lower the current 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 December 28, 2021 letter to the board (see attached copy of the letter above), O’Mara and his Republican colleagues wrote, in part, “The long lasting effects of the FLFPA are not just seen and heard through anecdotal stories we hear when we visit farms in our districts, but are supported by a recent state-funded report issued by researchers at Cornell University. The study found that if the overtime threshold was lowered to 40 hours, two-thirds of dairy farmers would make significant changes to their operation, including leaving the industry or investing out of state, and half of fruit and vegetable farmers indicated they would decrease their operations or exit the industry.”

O’Mara said, “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.”

In January, the New York State Farm Labor Wage Board will revisit the threshold set in 2019 and make a determination on whether to lower the threshold to 40 hours. Ninety-six percent of farms in New York State, most of which are family-owned, are unable to cover the costs of paying time and a half; a threshold reduction would result in less hours for employees to work and smaller paychecks. With farms being local economic engines, this Albany mandate would have devastating effects on communities across New York State.

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 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.