



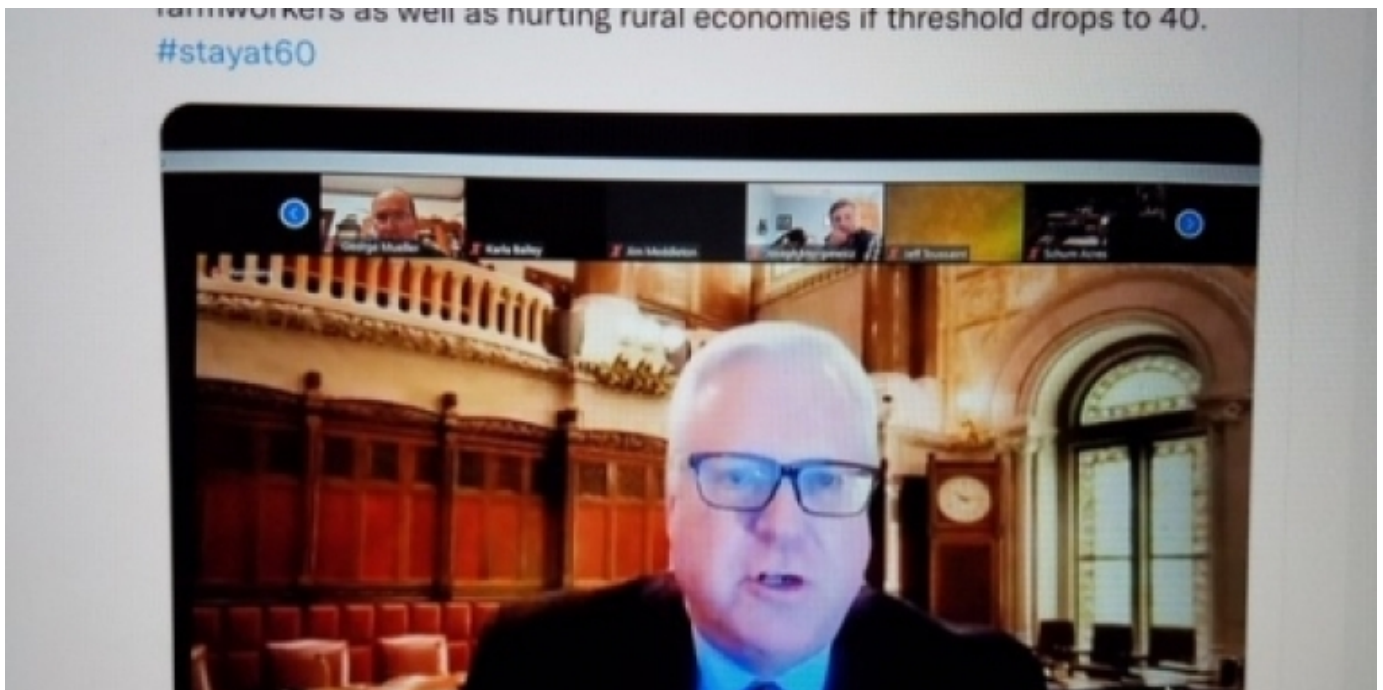
NEW YORK STATE SENATOR

Thomas F. O'Mara

O'Mara testifies before Farm Wage Board, urges board to keep overtime threshold at 60: Warns that lowering it to 40 would further threaten already hard hit family farms and rural economies

THOMAS F. O'MARA January 21, 2022

| ISSUE: **FARM WAGE BOARD**



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Elmira, N.Y., January 21—State Senator Tom O'Mara (R,C,I-Big Flats) testified before the state's Farm Laborers Wage Board last night and joined many farmers, farm workers, and

industry advocates and experts from across New York calling on the board to not roll back the current 60-hour-per-week overtime threshold for farm workers.

In his testimony (see attached copy above of Senator O'Mara's written testimony), O'Mara states, "You have heard from countless individual farmers and the leaders of local farm communities. You have heard from the industry's top advocates, including the New York Farm Bureau, the Northeast Dairy Producers Association, Grow NY Farms, and numerous others. You have heard from local, federal, and state representatives, like myself, who fear the undermining and ongoing collapse of an industry and, equally important, a way of life that has defined the regions we represent for generations. In short, the Board's decisions and actions, at this specific juncture, could not be more monumental and, in my view, demand your caution."

Including last night, the board has held three additional virtual public hearings this month to hear testimony. Video archives of each hearing will be available on the board's website at: <https://dol.ny.gov/farm-laborers-wage-board-hearings>

O'Mara strongly opposed the legislation, known as the "Farmworkers Fair Labor Practices Act," creating the Wage Board when it was enacted by then-Governor Andrew Cuomo and the Democrat-controlled State Legislature in 2019.

In his testimony, O'Mara warned of the consequences for the entire industry if the board lowers the overtime threshold to 40, "From all that I have seen and heard, it appears virtually unanimous within New York's leading agricultural industry that lowering the threshold would be a disaster for many individual farmers, for farm workers, for the industry as a whole, and for the local communities and economies that have long been and remain anchored by farming and agriculture. It would change the face of New York State agriculture as we have known it for generations. It would produce a nightmare of a ripple

effect across local communities and economies in every region of this state – but especially upstate in regions like I represent throughout the Southern Tier and Finger Lakes. It would profoundly diminish the future of high quality, local food production. It would spark the loss of family farms and the loss of the livelihoods these farms support across the industry and throughout hundreds of local economies.”

Farm leaders statewide have remained strongly opposed to lowering the farm worker overtime threshold to 40 hours. According to the New York Farm Bureau, Northeast Dairy Producers Association, Grow NY Farms, and others, such a move would put some farmers out of business, reduce employment opportunities in New York for farm workers, and significantly weaken the state’s leading agricultural industry.

O’Mara has also joined other members of the Senate Republican Conference urging Governor Kathy Hochul to delay any further action by the Wage Board until at least December 31, 2024.

In a December 27, 2021 letter to the board, 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.”

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.

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 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.