



NEW YORK STATE SENATOR

Robert G. Ortt

Senate Republican Leader Rob Ortt, Senator Borrello and Assemblyman Norris Repeat Call on Farm Labor Wage Board to Reject Reduction of OT Threshold

ROBERT G. ORTT September 2, 2022

| ISSUE: **FAMILY FARMS, OVERTIME THRESHOLD, FARMWORKERS; WAGE BOARD; OVERTIME**



NEWFANE, NY – Senate Republican Leader Rob Ortt and Senator George Borrello today stood with **Assemblyman Mike Norris** and **Niagara County Farm Bureau President Jeanette Miller** repeating calls on the Farm Labor Wage Board in Albany to reject a reduction of the overtime threshold from the current 60 hours to the proposed 40 hours.

“Our New York State farmers are already struggling with skyrocketing inflation, record fuel prices, and severe worker shortages within the agriculture industry. Albany must understand that our farming community is vastly different from the corporate world. It isn’t a 9-5 job. There are times when crops can be picked and cannot be picked. There are harvesting seasons in which migrant workers travel and send

money home to their families. The truth is our family farmers simply cannot afford this new mandate out of Albany, and neither can farm laborers. Workers will seek out opportunities beyond our state borders, farms will be left with no choice but to close up shop, and the price of consumer goods will go even higher. Albany must stay at 60 to save the future of agriculture in our state,” **said Senate Republican Leader Rob Ortt.**

“Farms across the state have been besieged by rising costs in fuel and energy prices, various taxes, and rising labor costs as well as the addition of costly mandates from the state leading many farms, particularly small, family-run farms to close, consolidate or downsize operations. Already a struggling industry, New York’s agriculture sector lost more than 2,000 farms in the last decade. This is wholly unacceptable. Inflation is still forcing families to make tough choices and they are struggling to put food on the table. This is not the time to limit hard work, entrepreneurial spirit and ingenuity by putting farmers and farm workers alike out of business,” **said Assemblyman Mike Norris.**

“The window of opportunity to save the future of family farming in New York is steadily closing, but it’s not too late. While the Wage Board’s preliminary recommendation ignored the nearly unanimous testimony of farmers and farm workers opposing a lower threshold, there is still time to do the right thing and recommend maintaining it at 60 hours. A lower threshold is projected to increase labor costs by a staggering 42 percent, which will be the final nail in the coffin for many family farmers who have been struggling to stay afloat. With just large factory farms left to dominate the industry, it will be the end of agriculture as we know it. No one wants that to happen, which is why we are urging the board, the labor commissioner and the governor to make a decision based on stakeholder input and data rather than political expediency,” **said Senator George Borrello, Ranking Member of the Senate Agriculture Committee.**

“Niagara County Farm Bureau joins with farmers and farmworkers across the state in asking for the overtime threshold to remain at 60 hours. Farms are already facing higher costs across the board, like all New Yorkers, and now is not the time to make it even more expensive to do business in this state. We have also heard time and again from the farm community that a lower threshold will only make our farms less competitive in the marketplace and will drive away skilled workers who are seeking more hours of work than what farms will be able to afford. We thank Senator Ortt and his colleagues for supporting this effort and are asking the governor and department of labor to reject the wage board’s recommendations,” **Jeanette Miller, Niagara County Farm Bureau President.**

On January 28, 2022, the Farm Labor Wage Board revisited the overtime threshold set in 2019 through the Farm Laborer Fair Labor Practices Act (FLFLPA), and voted to reduce the threshold from 60 hours to 40 over the next decade, decreasing the threshold by four hours every two years. On September 6, the Board will reconvene to advance their final report and recommendations on the overtime threshold for farm laborers.

During public hearings held by this Board, hundreds of farmers took time from their busy days to give emotional comments expressing their concerns that increased labor costs will threaten their small family farms, which make up 96 percent of New York’s farms. Several economic development and business organizations have come out in opposition to reducing the 60-hour overtime threshold, including the Grow NY Farms Coalition, the Business Council of New York State, the National Federation of Independent Businesses of New York (NFIB) and Upstate United.

In December 2021, the Republican legislators wrote a [letter](#) to the Farm Labor Wage Board, citing a Cornell University [study](#) that found that 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, if the overtime threshold was lowered to 40 hours.

Members of the Senate Republican Conference also signed onto a follow up letter written **August 16, 2022**.

Senator George Borrello carries a [bill](#) to abolish [the Farm Laborers Wage Board](#), who ignored 70% of testimony with their overtime threshold recommendation. The legislation is co-sponsored by fellow Senate Republicans, including **Leader Rob Ort**.

A copy of the letter is attached above.

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