



NEW YORK STATE SENATOR

Joseph A. Griffo

## Griffo and Buttenschon urge DOL to reject Farm Labor Board recommendation

JOSEPH A. GRIFFO September 8, 2022

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At a news conference at DiNitto Farms in Marcy, New York State Sen. Joseph Griffo, R-I-C-Rome, and state Assemblywoman Marianne Buttenschon, D-Marcy, today urged state Department of Labor Commissioner Roberta Reardon to reject the New York Farm Laborers Wage Board's recommendation to lower the overtime threshold for farms. Terri DiNitto of DiNitto Farms, local farmer Ben Simons, Marylynn Collins with the Cornell Cooperative Extension of Oneida County and John Wagner with the New York Farm Bureau also attended today's event.

The labor commissioner now has 45 days to either accept or reject the board's recommendation, which was approved by a 2-1 vote. If the commissioner accepts the recommendation, the threshold will be gradually lowered from the current 60 hours over the next 10 years. The breakdown is as follows:

- 56 hours on Jan. 1, 2024
- 52 hours on Jan. 1, 2026
- 48 hours on Jan. 1, 2028
- 44 hours on Jan. 1, 2030
- 40 hours on Jan. 1, 2032

The reduction in the overtime threshold is part of the Farmworkers Fair Labor Practices Act (S6578/A8419) that was signed into law in 2019. The law also created the New York Farm Laborers Wage Board, which was tasked with studying overtime pay for farmworkers and is comprised of representatives from the New York Farm Bureau and the AFL-CIO and a member who is selected by the state Department of Labor.

Farmers and groups such as the New York Farm Bureau, Unshackle Upstate, the New York State Vegetable Growers Association, the New York Apple Association, the Northeast Dairy Producers Association, the New York State Horticultural Society, the New York Thoroughbred Breeders Association, Inc. and Grow NY Farms, a coalition of more than 50 New York-based farms, local businesses and organizations, have previously expressed concerns with how the legislation would affect the state's agricultural industry and farmworkers.

"I am disappointed by the Farm Laborers Wage Board recommendation to reduce the overtime threshold from 60 hours to 40 hours and appreciate that New York Farm Bureau President David Fisher has come out in strong opposition to this action," **said Sen. Griffo, who has been critical of and did not support the legislation in 2019.** "I recognize and respect the important role that farmworkers play in the state's agriculture industry. However, this recommendation, if imposed, will have devastating consequences for many farms throughout the state and, sadly, will force even more to go out of business. Commissioner Reardon, to whom I have written urging her to do so, must reject what the board has recommended."

“Running a farm is not like running an office. When the crops are ready for harvest or the cows are in need of care, there is no cut schedule,” **said Assemblywoman Buttenschon, who did not support the bill in 2019.** “For example, we get five days of rain, and once the rain stops, the farmer needs to add additional hours to make up for the lost time. Farm workers understand there is a small window of work opportunity in upstate New York and sometimes that means a longer work week.”

"The final report is not a fair and accurate depiction of the data and testimony gathered during the wage board meetings," **said John Collins, Oneida County Farm Bureau President.** “The recommendation to lower the threshold is based more on opinion and will irreparably harm agriculture in New York State and the people our farms employ. It is imperative that the Commissioner of Labor set the record straight and reject the wage board report and recommendations. We thank Sen. Griffo and Assembly Member Buttenschon for their support of the farm community.”

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