



NEW YORK STATE SENATOR

Jessica Ramos

## Governor Hochul signs PERB modernization legislation into law

JESSICA RAMOS November 23, 2022

| ISSUE: **FARM WORKERS FAIR LABOR PRACTICES ACT , FARM WORKERS**

| COMMITTEE: **LABOR**

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**ALBANY, NY**— Governor Kathy Hochul has signed [S9403A/A10457](#) into law, directing the Public Employment Relations Board (PERB) to establish and promulgate rules authorizing an electronic filing program for employees and employers on its website. Prior to this legislation, workers and employers who fall under PERB’s jurisdiction would have to either [submit their election paperwork via overnight mail or deliver in-person to the board](#).

Following the [2019 Farm Laborers Fair Labor Practices Act](#), PERB’s jurisdiction was expanded to include farm workers.

“Farmworkers are a seasonal workforce who work notoriously long hours and require support with language access. It is not easy for them to hand deliver paperwork or meet the specific requirements of overnighting their election petitions. The FLFLPA granted them the ability to organize. Still, it became clear that PERB’s process had not kept pace with technological advancements,” said **Jessica Ramos, Chair of the Senate Committee on Labor**.

“Following the successful, landmark union election at Pindar Vineyards in 2021, we learned

that there were roadblocks to clear to ensure that farmworkers were able to easily access their newly won right to organize. Something as simple as the lack of an electronic filing system should not be a barrier to exercising your hard-won rights. I want to thank Governor Hochul for signing this legislation. It is a demonstration that her commitment to free and fair democratic processes extends to worker elections.”

This act immediately amends section 708 of labor law to include the newly mandated e-filing and indexing process. Within 120 days of becoming law, PERB must create the necessary written materials to inform employers and employees of their rights, translate those materials into the 12 most commonly spoken languages, and ensure access to those materials on the public website. One year after the effective date, PERB shall have completed the establishment of the e-filing process and the publicly accessible decision index.

“By signing this legislation, Governor Hochul is helping to ensure agricultural workers who choose to organize are able to do so without unnecessary delays. PERB, the state agency charged with overseeing farmworker collective bargaining in New York, has been working under an outdated law that limited its ability to do business electronically. It can now enter the modern era better equipped to ensure that the future of work includes collective bargaining rights for the many immigrant workers who make New York’s farms flourish. Thanks to Governor Hochul’s leadership and bill champions Senator Jessica Ramos and Assemblymember Amanda Septimo, we are one step closer to fulfilling the promise of the historic Farm Laborer Fair Labor Practices Act, which the RWDSU fought for decades to pass,” said **Stuart Appelbaum, President of the Retail, Wholesale and Department Store Union (RWDSU/UFCW)**

“We are grateful to Governor Hochul for signing into law, legislation that will ensure the Public Employment Relations Board (PERB) takes critical steps to modernize and become

more accessible to the public. PERB is a vitally important agency for public sector workers but has become even more impactful in recent years as they are responsible for upholding the rights of New York's agricultural workers seeking to form a union. This law will make a difference in streamlining processes and ensuring the agency is able to meet the needs of the thousands of new workers under their jurisdiction. As President of Local 338 RWDSU/UFCW and on behalf of the agricultural workers we represent, we applaud the leadership of State Senator Jessica Ramos and Assembly Member Amanda Septimo for championing this bill, and thereby championing the rights of New York's working people." – **John R. Durso, President of Local 338 RWDSU/UFCW**

"This is a big victory for New York farm workers and I thank Governor Hochul, Senator Ramos, and Assemblymember Septimo for their commitment in making sure agricultural workers, like any other worker, who want to enjoy the benefits of collective bargaining, have the necessary tools at their disposal to do so. By providing the additional funding to PERB, New York State is once again showing its commitment to agricultural workers' rights to organize if they desire to do so. Since the passage of the FLFLPA we have seen time and time again farm workers being discouraged and intimidated in their effort to organize because of the lengthy organizing process. This legislation will go a long way in eliminating some of these delays and allow for faster decisions on these representations cases," said **Max Bruny President of UFCW Local 888**

"This legislation is a giant step forward for farm workers across New York State that through their hard work feed our families," **Frank C. DeRiso, President of UFCW Local One** said. "We need to protect these workers' rights, and this legislation helps ensure that the Public Employment Relations Board is set up to educate agricultural workers about their right to

collectively bargain and make sure workers can exercise that right fairly.”

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#### RELATED LEGISLATION

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### **2021-S9403A**

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- Introduced
- - In Committee Assembly
  - In Committee Senate

- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate

- Delivered to Governor

- Signed By Governor

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Directs the New York state public employment relations board to establish and promulgate rules authorizing an electronic filing program to provide informative materials for employees and employers on its website

May 24, 2022

Signed by Governor

Sponsored by **Jessica Ramos**

Do you support this bill?