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September 13, 2021

The Honorable Kathy Hochul
Governor, State of New York
Executive Chamber
Albany, NY 12224

Dear Governor Hochul,

As we look towards fall and the priority agenda for the coming months, we write to urge you to save the future of farming in New York State by rejecting any reduction of the overtime threshold of 60 hours per week for farm workers, which was established in the Farm Laborer Fair Labor Practices Act (FLFLPA) of 2019.

As you know, on December 31, 2020, the three-member Farm Laborers Wage Board elected to keep the overtime threshold at 60 hours for another year, in recognition of the disruptions in agriculture caused by the pandemic. That was certainly the right decision, but it means this issue is once again front and center. There is great concern among farmers and all those in the agricultural sector that the board will bow to political pressure and decide to lower the 60-hour threshold before the end of 2021.

The practical effect of the FLFLPA is that it has hurt the very people it was intended to help – farm workers – by restricting the number of hours they can work, which has meant smaller paychecks. Most family farms cannot afford to pay time and a half, so they've had to curtail workers' hours to stay within the limit. That is why [farm workers](#) are opposed to any further reduction. A lower limit would force them to seek seasonal work opportunities in other states without such restrictions. For farmers, it would force many out of business or to transition to crops that can be managed with automation. It would also leave New York vulnerable in the event of another supply-chain disruption like the one we experienced early in the pandemic and forced to rely more heavily on food supplied by other states and countries.

Those were the dominant arguments made at last August's Wage Board hearings on the issue and at a roundtable held by the New York State Senate Republican Conference on August 31, 2020. Dale Hemminger, owner of Hemdale Farms and Greenhouses in Seneca Castle, said:

"It is frustrating that we have learned to deal with unpredictable weather and commodity markets and now this is what may put us out of business. If the overtime threshold is lowered below 60 hours, we will shut down our labor-intensive crops. We were already at a disadvantage compared with farmers in Ohio, Michigan and Canada, and this law has only made that worse."

The downstate interests that continue to push for lowering the threshold have argued that a 40-hour workweek and overtime pay are standard in manufacturing and other industries. Their position suggests a misguided understanding of the nature of New York's agricultural community, which is not dominated by the large, corporate-supported factory farms that are common in the Midwest and West. In New York, 96 percent of farms are small, family-owned businesses. These hardworking agricultural producers drive the economies of rural communities across the state and help ensure the availability of quality, in-state sourced farm products for New Yorkers.

In response to the concerns of farmers and workers, we've advanced legislation that would allow for more time to collect data on the 2019 law, to provide a truer picture of the impact on farms. [Senate Bill 2690](#) would extend to December 31, 2024, the deadline for the Wage Board to submit its recommendation to the Labor Commissioner on lowering the threshold. The measure would also require the board to consider common-sense factors in its decision-making, including the farm wage and overtime rates in neighboring states and the supply and demand for workers.

As a native of upstate and someone who has made it a priority to visit and engage with people in every corner of New York, your perspective on our agricultural industry is stronger than that of any Governor in the last 15 years. We urge you to consider the tremendous importance of farming to our economy, food supply and quality of life and then work with us to support and protect this vulnerable sector from further harm.

Sincerely,



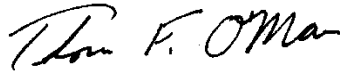
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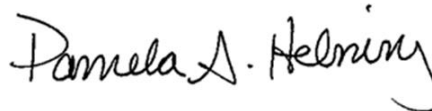
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