

1 **2022 NYSAC Legislative Conference**  
2 **Standing Committee on Agriculture & Rural Affairs**  
3 **Resolution #1**

4 **Resolution Supporting Maintaining the 60-Hour Work Week for Farm**  
5 **Workers**

6 **WHEREAS**, agriculture is New York State’s largest industry; and

7 **WHEREAS**, the Farm Laborers Wage Board has proposed to lower the farm labor  
8 overtime threshold from 60 to 40 hours; and

9 **WHEREAS**, farmers are critical components of our regional economy and are  
10 necessary to ensure supermarkets are stocked with food; and

11 **WHEREAS**, New York State is frequently number two in the nation for agricultural  
12 products in pounds donated to foodbanks, including the Nourish New York program;  
13 and

14 **WHEREAS**, donations of New York-grown products would be negatively impacted as a  
15 result of lowering the overtime threshold for farm workers; and

16 **WHEREAS**, from the outset of the COVID-19 pandemic, farmers have stepped up and  
17 ensured their operations continued and were responsible for donating thousands of  
18 pounds of food to local food banks at a time of significant need; and

19 **WHEREAS**, New York farmers face a tremendous number of challenges outside of  
20 their control, including changes in consumer demand leading to price changes,  
21 obtaining labor, climate change, land management policies, foreign market competition,  
22 and livestock and crop disease; and

23 **WHEREAS**, in addition to the practical issues related to growing and selling food  
24 products, New York farmers must contend with government regulations, including  
25 changes in wages and overtime threshold; and

26 **WHEREAS**, New York grown agricultural products would be at a competitive  
27 disadvantage in neighboring states as a result of increased labor costs associated with  
28 lowering the overtime threshold for farm workers; and

29 **WHEREAS**, since the adoption of the 2019 Farm Laborers Fair Practice Act, one of the  
30 more pressing issues for the farming community has been mandated overtime  
31 requirements which currently grant farmworkers a right to overtime after sixty (60)  
32 hours of work each week; and

1 **WHEREAS**, New York farmers are reliant on migratory work forces during New York’s  
2 short growing season, as workers are here for only a few months in the spring and  
3 summer and have limited hours each year to get the work done; and

4 **WHEREAS**, the Act does not prohibit the wage board from arbitrarily decreasing the  
5 overtime threshold again, further increasing costs on local farms and their use of  
6 seasonal workers; and

7 **WHEREAS**, the provisions of the Act would negatively impact the farming community  
8 by either increasing costs for farmers, who are operating under very tight margins, or  
9 will cut into work opportunities for migratory workers and the intended beneficiaries of  
10 overtime wages; and

11 **WHEREAS**, cutting budgeted support levels and drastically increasing costs through  
12 government interference should be avoided whenever possible; and

13 **WHEREAS**, together farmworkers and farmers oppose the overtime threshold limit,  
14 with 70 percent of all testimony opposing any change and most of the testimony  
15 provided in the hearing process requesting “NO CHANGE” to the overtime threshold.

16 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
17 Counties (NYSAC) hereby supports the farmers and migrant workers who do not want  
18 their hours reduced; and

19 **BE IT FURTHER RESOLVED** that NYSAC hereby supports maintaining the 60-hour  
20 work week for farmers and recommends stopping the implementation of a reduction in  
21 the farm labor overtime threshold; and

22 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
23 of New York State encouraging member counties to enact similar resolutions; and

24 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
25 Governor Kathy Hochul, the New York State Legislature, the Commissioner of  
26 Agriculture and Markets, and all others deemed necessary and proper.