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Congress of the United States
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November 22, 2021

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Ms. Roberta Reardon, Commissioner
New York State Department of Labor
W.A. Harriman Campus, Building 12
Albany, NY 12240

Ms. Brenda McDuffie, Chair
New York Farm Laborers Wage Board
W.A. Harriman Campus, Building 12
Albany, NY 12240

Mr. Richard Ball, Commissioner
New York State Department of Agriculture
and Markets
10B Airline Drive
Albany, NY 12235

Dear Governor Hochul, Chairwoman McDuffie, Commissioner Reardon & Commissioner Ball:

I write with serious concern that the New York State Farm Laborers Wage Board is considering lowering the overtime threshold from 60 hours per week. This action would have a devastating economic impact on the agricultural sector in New York, especially in the North Country.

On December 31, 2020, the Farm Laborers Wage Board voted to keep the state overtime pay threshold for farmworkers at 60 hours per week, due to the COVID-19 pandemic's effect on the agricultural industry, and reevaluate the overtime threshold no later than December 15, 2021.¹ I was supportive of this action to keep the overtime threshold the same.

However, our New York farms are in jeopardy once again as the Board reconvenes to consider lowering the overtime threshold. Pursuant to the Farm Laborers Fair Labor Practices Act, the wage board has the authority to determine that the threshold remain or that it be reduced.² In 2019, the overtime threshold was reduced to 60 hours per week, causing many North Country farms to suffer.³ Many seasonal workers left to seek employment in other states to maximize their earnings. As we emerge from the COVID-19 pandemic, it is more important than ever to our state's agricultural industry that the overtime threshold remains the same.

¹ Arianna Fishman, *New York Farm Laborer Wage Board Refuses to Set 40-Hour Overtime*, NYCLU (Dec. 31, 2020), <https://www.nyclu.org/en/press-releases/new-york-farm-laborer-wage-board-refuses-set-40-hour-overtime>

² Tom Cosgrove & Chris Laughton, *The Economic Impact of Overtime Pay for New York State Agriculture*, FARM CREDIT EAST (Oct. 2021), <https://www.farmcrediteast.com/knowledge-exchange/Reports/economic-impact-of-overtime-pay-for-nys-agriculture>

³ Nick Reisman, *Farm coalition launches eyeing overtime threshold*, SPECTRUM NEWS (Aug. 16, 2021), <https://spectrumlocalnews.com/nys/central-ny/ny-state-of-politics/2021/08/16/farm-coalition-launches-eyeing-overtime-threshold>

It is estimated that a reduction in the threshold would raise labor costs approximately \$264 million per year across the state, approximately a 42% increase.^{4 5} Sadly, many New York farms, including those who have been in business for multiple generations, would not be able to survive this change. This would also put thousands of farm laborers out of work, increasing the unemployment rate in New York and across the nation.

Additionally, rising labor costs would cause the price of local products to increase.⁶ We are already in one of the worst food supply chain crises in the history of our country. Fewer workers would result in even fewer locally produced New York products, including fruits, vegetables, and dairy products, among others. Not only would this hurt our New York producers, but it would cause local consumers to suffer as well.

Therefore, I strongly urge you to indefinitely postpone any overtime threshold reduction. Agriculture contributes nearly \$6 billion per year to the state's economy⁷, and we remain one of the top producing states for apples and dairy in the nation.⁸ If the overtime threshold is lowered below 60 hours per week, our state's economy and agricultural industry will undoubtedly suffer.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Elise M. Stefanik". The signature is written in a cursive, flowing style.

Elise M. Stefanik
Member of Congress

⁴ *Id.* at 2.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 3.

⁸ *Id.*