

New York's Farm Wage Board Begins Meetings on Overtime Threshold for Agricultural Laborers

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New York's Farm Laborers Fair Labor Practices Act went into effect on January 1, 2020, drastically altering the employment relationship between agricultural employees and their employers. Until now, workplace protections for farm laborers lagged far behind those in other industries.

Among other things, under this law, for the first time, farm workers will:

- Receive premium pay for overtime work;
- Receive guaranteed days off;
- Receive disability and unemployment benefits; and
- Have the right to organize into unions.

Unionization under the law would be by "card check," meaning, no secret ballot election. Not only may they unionize, but the law all but guarantees a collective bargaining agreement, the terms of which may be imposed by an arbitrator. These rights greatly exceed labor protections enjoyed by other employees under both state and federal law.

In January, a federal judge temporarily enjoined a small portion of the law, limited to those provisions excluding "immediate family members" and "supervisors" from coverage. The definitions of those terms are under court scrutiny. The court is slated to hear further arguments in the case on February 28, 2020. For more details, see [Federal Court Taps Brakes on New York's Sweeping New Farmworker Labor Law](#).

Despite the injunction, the newly constituted Farm Labor Wage Board will begin a series of public meetings around the state. As directed by the statute, the Board will assess whether to change the threshold for overtime (currently, set as 60 hours a week) and, if so, whether implementation of the threshold should be staggered. Farm labor advocates already are pushing for a lower threshold. The Wage Board is expected to make a recommendation to the governor before the end of the year.

In light of the new Act, farms in New York may experience a significant increase in operating costs and, once the definitional issues are resolved, likely will face union organizing and the prospect of a compulsory union contract — issues agricultural employers may not have thought they would need to deal with.

Jackson Lewis will continue to monitor developments regarding the new law. If you have any questions, please consult a Jackson Lewis attorney.

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