



100 State Street, Suite 440
Albany, NY 12207

518-434-1262
518-426-8799
NFIB.com

April 20, 2022

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

RE: Farm Labor Wage Board, 60-Hour Overtime Threshold

Dear Governor Hochul,

NFIB, New York's leading small business advocacy organization, representing nearly 11,000 small, independent businesses, including hundreds of businesses in the agriculture industry, respectfully requests that New York State maintain the 60-hour farmworker overtime threshold. In 2019, NFIB opposed the Farmworkers Fair Labor Practices Act, in part, because it would add new and uncertain cost burdens to our agriculture sector which is a critical component of our entire state's economy, particularly across Upstate and on Long Island.

Family farms like those NFIB represents are a critical part of our economy and our communities in New York State. According to the New York State Comptroller's office, there are more than 33,000 farms in New York that generate over \$5.7 billion in gross income. In New York State, 96 percent of farms are family-owned – truly small, independent businesses creating jobs and fueling our state's economy.

Agricultural businesses, like all businesses across New York State, are still reeling from the COVID-19 pandemic. Small businesses are still contending with a host of issues, including increased labor costs, labor shortages, inflation, unpredictable consumer demand, ever-changing business requirements, supply chain disruptions, high gas prices, and enormous UI taxes, all while trying to recover from the last 24-months of a tumultuous economy. According to a recent survey by NFIB, 54% of small businesses have not seen their sales volume return to pre-COVID levels and 67% anticipate that their local community will not

return to precrisis level of economic activity until the second half of 2022 or later.¹ Additionally, the New York State Comptroller released a report finding that four out of five small businesses continue to suffer from a negative overall impact from COVID-19.² These are sobering numbers for the state's economy, local communities, and our Main Streets which bring life and vibrancy to our neighborhoods.

New York State leaders should be exploring every way possible to avoid driving up labor costs for family farms and increasing the cost of staple food and produce items, especially now as businesses and all New Yorkers are feeling the effects of inflation every day. **Now is not the time for New York State to consider lowering the 60-hour overtime pay threshold.**

Even before the enactment of the Farmworkers Fair Labor Practices Act or the pandemic, our state's agriculture industry has been facing significant challenges. According to recent USDA Census Data, New York has lost approximately 2,100 farms since 2012, a six percent loss which is triple the national average. The New York State Comptroller's office also reported that farm acreage has decreased by four percent from 10 years earlier.

Farms in New York already confront a unique set of challenges due to seasonality, perishability, and low prices. They also compete in a global marketplace against agricultural operations in states and countries with lower labor costs and fewer regulatory burdens.

The Farm Labor Wage Board's recommendation to lower the overtime threshold from 60-hours completely ignores reality and dismisses the economic trials and high costs farms, small businesses, and consumers have been battling with for years in New York State. **NFIB strongly recommends that the administration makes no changes to the statute's 60-hour threshold for overtime pay. Lowering the overtime pay threshold would undoubtedly inject additional uncertainty and new costs onto a struggling economy, distressed small businesses, and overextended working families.**

On behalf of NFIB and its membership, we thank you in advance for your time and attention to these comments.

Sincerely,



Ashley Ranslow
New York State Director

CC: Kathryn Garcia, Kevin King, Richard Ball

¹ "Covid-19 Small Business Survey (22)." NFIB Research Center, 10-11 March 2022.
<https://assets.nfib.com/nfibcom/Covid-19-22-Questionnaire.pdf>.

² Office of the New York State Comptroller, New York's Economy and Finances in the COVID-19 Era March 18, 2021 Edition, <https://www.osc.state.ny.us/reports/impact-covid-19-march-18-2021>.