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Cornell Cooperative Extension

Southwest NY Dairy, Livestock and Field Crops Program

swnydlfc.cce.cornell.edu



A partnership between Cornell University and the CCE Associations in these five counties: Allegany, Cattaraugus, Chautauqua, Erie, and Steuben.

October 2020 Monthly Update

Online Dairy Feeder School in English and Spanish Planned for November 2020

Cornell Cooperative Extension and PRO-DAIRY share best management practices for dairy employees feeding cows

Cornell Cooperative Extension's Regional Dairy Specialists and Cornell PRO-DAIRY would like to invite dairy producers, employees, and agribusiness professionals across the state to join a free, upcoming webinar focused on management practices for feeding cows. This virtual learning opportunity will be offered as two-day event in English on Tuesday, November 3rd and Thursday, November 5th from 1pm – 2:30pm. The same information will be presented in Spanish on Tuesday, November 10th and Thursday, November 12th from 1pm – 2:30pm. Registration is required ahead of time by visiting: <https://tinyurl.com/y6bqfjyq>.

This virtual learning opportunity will be presented over ZOOM with interactive demonstrations, videos, presentations, and discussion. Each two-day school will cover the topics of monitoring dry matter content in forages, managing the feed in front of the cows, dealing with the forage bunk face, and troubleshooting issues that may arise with the mixer wagon when combining feed. Following best management practices around handling forages and feeding dairy cows can promote health, productivity, efficiency, and profitability of a herd.

Speakers will include Bill Stone, DVM, with Diamond V, along with CCE regional dairy specialists and members of Cornell PRO-DAIRY. Dr. Stone has helped a multitude of dairy farmers feed their herds and will offer his expertise in troubleshooting the mixer wagons and answer questions live during discussion.

The cost of registration has been covered thanks to the generous sponsorship of agribusinesses across New York. To become a sponsor and advertise your business with attendees, please visit <https://tinyurl.com/y5g325er>.

For more information about the online dairy feeder school, contact Alycia Drwencke, Dairy Management Specialist, at 517-416-0386 or amd453@cornell.edu or



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BQA Training

An in-person Beef Quality Assurance (BQA) training will be hosted by Chautauqua County and Butternut Brook Livestock on Saturday, October 24th from 10:00am – 3:00pm. This training will consist of a lecture followed by a chute-side demonstration. The cost to attend the training will be \$15 per adult or \$8 per youth. Lunch will be provided. Pre-registration is required by October 17th by contacting Lisa Kempisty, Extension Educator, Cornell Cooperative Extension of Chautauqua County, at ljk4@cornell.edu, or 716-664-9502 Ext 203. Space is limited. Make your reservation today!

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Prepared by Alycia Drwencke
Dairy Management Specialist



A partnership between Cornell University
and the CCE Associations in these five counties:

Dairy Market Watch
Newsletter

An educational newsletter to keep producers informed of changing market factors affecting the dairy industry.

Milk Component Prices			Milk Class Prices				Statistical Uniform Price & PPD				
Month	Butterfat	Protein	I (Boston)	II	III	IV	Jamestown, NY		Albany, NY		Albany \$/gal. to farmer
Aug 19	\$2.65	\$2.44	\$21.14	\$17.60	\$17.60	\$16.74	\$17.82	\$0.22	\$18.42	\$0.82	\$1.59
Sep 19	\$2.49	\$2.86	\$21.10	\$16.93	\$18.31	\$16.35	\$17.63	(\$0.68)	\$18.23	(\$0.08)	\$1.57
Oct 19	\$2.40	\$3.17	\$21.09	\$16.68	\$18.72	\$16.39	\$17.57	(\$1.15)	\$18.17	(\$0.55)	\$1.57
Nov 19	\$2.32	\$3.91	\$21.39	\$16.85	\$20.45	\$16.60	\$18.05	(\$2.40)	\$18.65	(\$1.80)	\$1.61
Dec 19	\$2.19	\$3.65	\$22.58	\$16.81	\$19.37	\$16.70	\$18.13	(\$1.24)	\$18.73	(\$0.64)	\$1.61
Jan 20	\$2.11	\$2.96	\$22.26	\$17.05	\$17.05	\$16.65	\$17.63	\$0.58	\$18.23	\$1.18	\$1.57
Feb 20	\$1.98	\$3.03	\$20.80	\$16.84	\$17.00	\$16.20	\$16.97	(\$0.03)	\$17.57	\$0.57	\$1.51
Mar 20	\$1.92	\$2.84	\$20.71	\$16.75	\$16.25	\$14.87	\$16.59	\$0.34	\$17.19	\$0.94	\$1.48
Apr 20	\$1.32	\$2.48	\$19.89	\$13.87	\$13.07	\$11.40	\$13.77	\$0.77	\$14.37	\$1.30	\$1.24
May 20	\$1.38	\$2.09	\$16.20	\$12.30	\$12.14	\$10.67	\$12.32	\$0.18	\$12.92	\$0.78	\$1.11
June 20	\$1.86	\$4.53	\$14.67	\$12.99	\$21.04	\$12.90	\$14.51	(\$6.53)	\$15.11	(\$5.93)	\$1.30
July 20	\$1.95	\$5.62	\$19.81	\$13.79	\$24.54	\$13.76	\$17.93	(\$6.61)	\$18.53	(\$6.01)	\$1.60
Aug 20	\$1.63	\$4.44	\$23.03	\$13.27	\$19.77	\$12.53	\$16.87	(\$2.90)	\$17.47	(\$2.30)	\$1.51

August Utilization (Northeast): Class I = 28.6%; Class II = 26.3%; Class III = 27.8%; Class IV = 17.3%.
Dairy Commodity Markets (USDA Dairy Market News – Volume 87, Report 39, September 25th, 2020)

Class I = fluid milk; Class II = soft products, cream, and yogurt; Class III = cheese (American, Italian), evaporated and condensed products; Class IV = butter and milk powder.

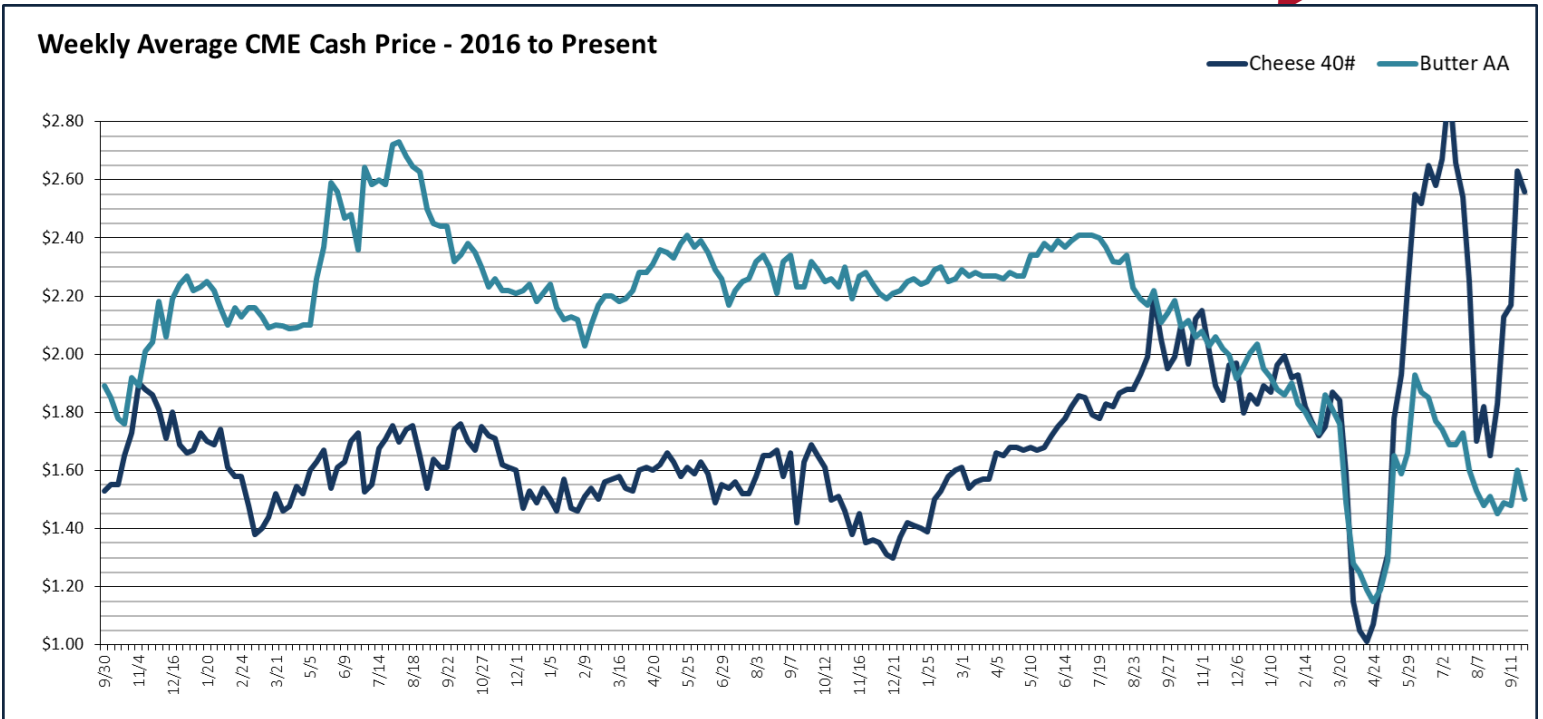
Cheese: The \$.90+ spread between blocks and barrels continues to perplex market bulls. Historical patterns indicate the two market prices will converge, so the elephant in the room is in what manner the convergence occurs, whether block prices retreat or barrel prices strengthen or a meeting in the middle. Cheese production remains mostly busy throughout the country, as milk supplies are generally plentiful. Spot prices in the Midwest remained \$2 under to \$1.50 over Class. Demand is mixed, but food service orders have ticked up week to week. Mozzarella and other pizza-style cheese producers are saying orders have been increasing, as pizza orders have remained strong despite COVID-19 related restrictions.

Dry Products: Low/medium heat nonfat dry milk (NDM) prices firmed in all regions this week, on lighter production schedules and more interest from Mexico. Buttermilk powder prices declined in all regions. Buttermilk powder availability is and has been variable among the regions. Dry whey prices are steady to higher. Some international buyers are willing to take on additional whey loads. The lactose price range expanded, while the mostly series held steady. Demand is mixed, as traders are working on Q4 contracts. Acid casein prices slightly decreased, while rennet casein prices remain unchanged. Some buyers are holding off purchases to see where prices lead.

Fluid Milk: Class I demand is steady in most parts of the country. Midwestern contacts suggest Class I pulls are lighter and compare bottling during the early school year to be more in line with off-season demand. Milk production rates are similar to last week. Florida milk production remains lighter, while contacts in other parts of the Southeast suggest slight upticks on milk yields. In some areas, condensed skim loads are readily available and are traveling to other regions for buyers' immediate needs. Contacts suggest both cream and milk are plentiful/balanced for both Class I and other uses

Butter: Across the country, butter production remains active as processors prepare to cover demands for the baking season and for the year-end festivities. Retail demand has increased week over week ahead of the busy fall season, and food service has continued its slog higher, but still lacks when compared to previous years.

Friday CME Cash Prices					
Dates	8/28	9/4	9/11	9/18	9/25
Butter	\$1.45	\$1.49	\$1.48	\$1.60	\$1.50
Cheese (40# Blocks)	\$1.83	\$2.13	\$2.17	\$2.63	\$2.56



Dairy Outlook: September 2020
PennState Extension

This is an excerpt from the originally published Outlook available here: <https://extension.psu.edu/dairy-outlook-september-2020>

Class III highs are receding, and prices in the short term are normalizing. Unknowns of fall consumer and restaurant demands continue to add volatility to futures markets.

The Mystery of Today's Milk Market Continues

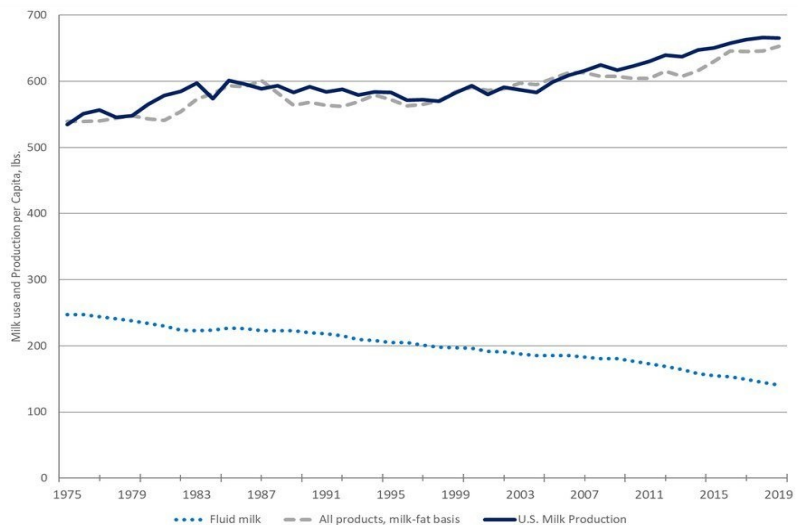
Given the turbulence of the milk markets, and the markets in general, it is hard to predict where things are going with any reasonable sense of assurance. Class III prices have receded from the summer spike which caused most Pennsylvania farms to be impacted by a larger than usual negative Producer Price Differential. Class I and IV milk have improved from the lows of the spring, but are still off the anticipated pace from the end of 2020. Numerous factors continue to influence these futures, but for the time being, it appears both Class III and Class IV are normalizing in the \$17/cwt. and \$14/cwt. range respectfully for the rest of 2020. The Pennsylvania All Milk Price should stabilize around \$19.25/cwt. for the same period if those prices come to fruition.

The Good and Bad of U.S. Dairy Consumption Trends

USDA recently released the 2019 dairy production consumption data per capita. Figure 1 outlines how fluid milk, total milk product (adjusted by milk fat equivalent), and annual U.S. milk production per capita have trended since 1975. No surprise, fluid milk has steadily decreased over the past 45 years, going from roughly 250 lbs. per person in 1975 to only 150 lbs. in 2019. Despite the drop in fluid milk, total dairy consumption has been steadily climbing for the same time. For the same period, average annual U.S. milk production had kept pace with that demand, until the early 2000s. Since then, U.S. production has outpaced per capita consumption. This isn't necessarily a concern, given this data does not reflect any export data for the same time period. When examining the recent trends in commercial disappearance versus milk production, the last two months have seen slightly better disappearance than that months production.

However, given the continued influences of changing consumer demands and government interventions, supply and demand will continue to be fragile for the foreseeable future. There are some positive trends from consumer markets that exist beyond the reduced fluid milk and stagnant yogurt trends. Figure 3 takes a closer look at butter and total cheese (American, other than American, and Cottage) for the past twenty years. In that time, per capita consumption has increased nearly 26% for total cheeses (from 32 total pounds to nearly 42.5 lbs) and butter has increased by 38% (going from 4.5 lbs. in 2000 to over 6 lbs. in 2019). Hopefully these trends will continue to improve under the pandemic related shifts in eating patterns by consumers.

Figure 1: U.S. Fluid Milk, Dairy Product, and Milk Production per Capita from 1975-2019 (USDA, 2020)



'Tis the Season for Deer Worm

Originally published in Country Folks Magazine.

Written by Dr. Tatiana Stanton, Cornell University Small Ruminant Extension Specialist

Fall is a beautiful season on Northeast goat and sheep farms. It's an opportunity for farmers to experience spectacular foliage and a sharp drop in many of the parasite populations that challenge their animals over the summer. Unfortunately, it's also a prime time for goats and sheep to become infected with deer worm. The purpose of this article is to familiarize goat and sheep farmers with 1) typical signs of deer worm infection and 2) potential treatments to discuss with your veterinarian.

What is deer worm? The Latin name for this parasitic worm of white-tail deer is *Parelaphostrongylus tenuis*. It is commonly referred to as the meningeal worm, *P. tenuis*, or simply as deer worm. It is very common in whitetail deer populations in much of the Northeast US. For example, samples taken from deer at processing plants in the Ithaca, NY area during hunting season indicate that approximately 90% of the white tail deer population is infected with deer worm.

Deer worm has an indirect life cycle. It reproduces in its definitive host, i.e. white-tail deer BUT the immature larvae shed in deer feces MUST be ingested by the intermediate host, i.e. a land snail or slug, before they can develop into more advanced larvae (the stage 3 larvae) capable of infecting deer or similar small ruminants. White-tail deer become infected with stage 3 larvae by eating either the snail or slug or contaminated vegetation. The larvae then migrate through the wall of the true stomach to the peritoneal cavity and enter the nerves of the lower back. They migrate forward through the meningeal layers to enter the all-important gray matter of the spinal cord. In white-tail deer the larvae cause no damage at this point and return to the surface of the spinal cord in 40 days to mature, reproduce and migrate to the cranium where they lay eggs into the bloodstream. These eggs hatch into stage 1 larvae in the lungs and are then coughed up, swallowed and passed into the deer's feces.

When snails and slugs crawl over deer feces in a contaminated field, they become infected. It takes about 2 to 3 months for the stage 1 larvae to develop into a stage 3 larvae within the snail or slug after which it can 1) either remain in the intermediate host or 2) get excreted into the host's slime trail. The stage 3 larvae can persist on vegetation for several days. Thus, sheep and goats can pick up the infectious larvae either from inadvertently eating a snail or slug when eating fresh forage and fallen tree leaves or by ingesting forage contaminated with an infected slime trail.

Deer worm is nonpathogenic in white-tail deer and invades the gray matter of the spinal cord without causing harmful effects. Unfortunately, aberrant hosts such as goats, sheep, fallow deer, alpacas, and llamas can also become infected with deer worm. The deer worm larvae are confused in these hosts becoming more active, remaining longer in the gray matter of the spinal cord, and potentially causing damage to the central nervous system.

There are two typical signs of deer worm infection. In some cases the damage is to skin nerve roots near the spinal cord causing the goat or sheep to experience a constant itch in one spot. The animal may scratch or bite the afflicted area raw. Often no other sign will occur and the animal will gradually lose this itching sensation. In other cases, the

neurological damage is more serious and may cause lameness, abnormal gait and even paralysis. In these cases the animal may initially drag a hind toe slightly or show weakness in the hind end particularly when turning. The animal may cross its hind legs or dog sit and eventually lose the use of its hindlegs. Very occasionally, the infection can affect forelimbs or brain resulting in signs such as head tilts, rapid eye movements, etc. The infection can be confused with other diseases making it difficult to come up with a definitive diagnosis. Typically the animal will have a healthy appetite and maintain a normal temperature. Because the symptoms can be similar to those of rabies, it is strongly recommended that farmers wear disposable gloves when treating animals exhibiting neurological damage.

There have been no controlled studies with sheep and goats comparing various treatments for deer worm. Treatments that have developed over time include the use of ivermectin to kill migrating larvae, fenbendazole to kill larvae that have passed into the spinal cord, and antiinflammatory drugs such as dexamethazone to reduce inflammation and nerve damage. However, veterinarians suspect that ivermectin is redundant because it cannot pass through the blood-brain barrier into the cerebrospinal fluid (CSF) and fenbendazole should be effective to control both the migrating larvae and larvae in the CSF.

The Cornell Sheep & Goat Program in cooperation with Cornell Ambulatory Veterinary Services has been conducting a 3 year study with 15 sheep and goat farms in a 30 mile radius of Ithaca, NY. The study is comparing two different treatment protocols for treating sheep and goats naturally infected with deer worm. One protocol includes ivermectin and the other does not. Please note that these protocols are designed for sheep and goats and are not advised for other animal species. The protocols involve the use of the following 3 substances administered daily for 5 days.

- 1) Safeguard (10% Fenbendazole) orally for 5 days at 25 mg per kg of live weight (1 ½ cc per 10 pounds of live weight)
- 2) Dexamethasone injectable 2 mg/mL IM at 0.2 mg/kg live weight for first 3 days and 0.1 mg/kg next 2 days (1/2 cc of Dexamethasone per 10 pounds live weight for the first 3 days, followed by ¼ cc Dexamethasone for next 2 days).
- 3) ¼ cc of either "Ivermectin" or "Ivermectin Placebo" SQ for 5 days for each 10 pounds of live weight determined by whether the animal has been assigned to "Treatment A" or "Treatment B". One of these products is an Ivermectin Placebo and the other is Ivermectin 1% injectable administered at 0.5 mg/kg live wt.



Slugs and snails serve as intermediate hosts for deer worm, and can be inadvertently consumed by grazing livestock.

Continued on page 5...

Thus far, both protocols have shown themselves to be fairly effective in goats. Of 13 goats naturally infected during the first two years of the study, 11 improved at the end of the treatment period and continued to improve, 1 was unchanged at the end of the 5 day treatment period but gradually greatly improved, and 1 was worse but gradually greatly improved and has remained productive in the breeding herd. All treated goats ended up remaining in the breeding herds or being sold as normal market animals once the drug withdrawal period had lapsed. Of 14 sheep, 9 improved at the end of the 5 day treatment period but one had to be euthanized because of complications with pregnancy toxemia and uterine torsion. The remaining 8 either remained in the breeding flock or were sold as normal market animals. One ewe showed no improvement but lambed with triplets 3 days later and then greatly improved and remained in the breeding flock.

However, 3 sheep showed no improvement or worsened and had to be euthanized.

It is too early for us to state whether there is any benefit to including the ivermectin. A huge draw back of the ivermectin is that it increases the drug withdrawal period before the animals can be slaughtered for meat to at least 96 days for both sheep and goats.

Please note, we are not advising you to use these treatments for handing deer worm in naturally infected sheep and goats. Instead we are suggesting that you use them as a starting point in discussing deer worm treatment with your veterinarian. Your veterinarian's input is necessary for the off label usage of these drugs and also to determine drug withdrawal periods for milk and meat use.

SARE

Do you have an idea for a unique innovation or production practice for your farm? Northeast SARE is now accepting applications for its Farmer Grant Program. The Farmer Grant Program funds farmers to explore new concepts in sustainable agriculture on production, marketing, labor, farm succession, social capital and other areas through experiments, surveys, prototypes, on-farm demonstrations or other research and education techniques. Grants may not be used to help start or expand farm businesses. Up to \$15,000 is available per project. The online system opens on Oct. 1 and applications are due by 5 p.m. on Nov. 17, 2020.

More details can be found here:

<https://swnydlfc.cce.cornell.edu/submission.php?id=1165&crumb=livestock>

If you are interested in applying for a SARE Farmer Grant, Please contact Amy Barkley, Livestock and Beginning Farm Specialist 716-640-0844 or amb544@cornell.edu



SOUTHWEST NEW YORK FIELD CROP CHRONICLE

Compiled by Josh Putman - Field Crops Specialist, SWNY Dairy, Livestock, Field Crops Program

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Preventing the Spread of Troublesome Weeds at Harvest in Southwest New York

-Article information adapted from PennState Extension written by Dr. John Wallace and Heidi Reed-

Resistant weeds cause significant yield loss, increased production costs, and are becoming a bigger problem every year in New York. Farmers rarely proactively manage weeds to prevent or delay selection for herbicide resistance. They usually increase the adoption of integrated weed management practices only after herbicide resistance has occurred. Our most problematic herbicide-resistant weeds, like horseweed (marestail), waterhemp, and Palmer amaranth, can easily spread from one field, or one farm, to the next, as seeds get trapped in/on tillage, planting, and harvest equipment and ride field-to-field this time of year.

It is important to be proactive to prevent the spread of seed. You should have a plan going into the harvest season, including the appropriate order to harvest fields and equipment-cleaning protocols. **GROW** (Get Rid Of Weeds), a publicly-led network that provides resources and tools for implementing integrated weed management, suggests a few ways to prevent the spread of weeds with equipment:

- Scout fields before harvest, and identify which fields have problematic weed species;

- Harvest and/or till herbicide-resistant weed-infested fields, or portions of fields, last;
- If the combine or tillage equipment entering a field has recently been in a field with herbicide-resistant weeds, clean the equipment prior to entering the field, or use different equipment if it is available;
- Carefully and completely clean used equipment upon purchase;
 - ◆ Start cleaning the combine from the top and moving from the header backward
- Use an air compressor to remove as many weed seeds from the combine as possible, including the rock trap, grain auger, and tailings processor;
- Deep clean the combine following the Straw Bale Methodology when moving from fields infested with herbicide-resistant weeds, **and** at the end of the year.

Once harvested, fields **should not** be abandoned until next spring. Marestail, a winter annual weed, will thrive in the fall after corn or soybean harvest; fall burndown in marestail-infested fields is essential. Although waterhemp and Palmer are summer annuals, they can still potentially set seed with favorable weather late in the fall. It is important to continue to scout fields and clean equipment to prevent serious management challenges in the future.

Monitoring for Soybean Cyst Nematode in Southwest New York

We need your help! Take the test. Beat the pest.

Soybean Cyst Nematode (SCN) is the most destructive pest of soybean in the United States. Yield losses in soybean due to SCN have been estimated at more than **\$1 billion annually in the U.S.** Because the nematode can be present in fields without causing obvious aboveground symptoms, yield losses caused by SCN are often underestimated.

After three years of intensely surveying field soils in 17 counties from Western through Northern NY counties (2014-2016), the nematode was identified for the first time in Cayuga County in 2016. A Cooperative Agricultural Pest Survey (CAPS) in 2019, funded by NYS Dept. of Ag. and Markets, identified seven more positive fields in six additional counties. The map below outlines survey efforts and results conducted by CALS faculty, staff, and students. Formal statewide funded SCN testing will continue in 2020 and beyond, supported by the CAPS program and the NY Corn and Soybean Growers Association.

Field Crops Specialist Josh Putman, is now monitoring soybean fields in SWNY that display uneven drydown patterns or random yellow patches. The best way to confirm SCN is to scout soybean fields with symptoms, dig plants, look for cysts on the roots, and submit a soil sample for testing and confirmation. **We are looking to sample 2-3 fields per county within the SWNY region and test for SCN.** If you see uneven patterns in your soybean field or suspect an issue, contact Josh Putman to visit your fields. Additional resources about SCN can be accessed at: <https://www.thescncoalition.com/resources/tools-to-download>.

Apply Now for a Second Round of Payments Through USDA's Coronavirus Food Assistance Program

Agriculture Secretary Sonny Perdue on Friday announced information on the second round of Coronavirus Food Assistance Program (CFAP) payments, which will provide additional aid to dairy farmers due to losses generated by the COVID-19 pandemic. If you are a producer whose operation has been impacted, you are likely eligible for this second round of direct support. **USDA's Farm Service Agency (FSA) is accepting CFAP 2 applications now through Dec. 11, 2020.** See below and visit farmers.gov/cfap for more information.

AVAILABLE SUPPORT

The dairy payment will amount to \$1.20/cwt. on a farm's production during the last nine months of 2020. Dairy payments will be based on actual milk production from April 1 to Aug. 31, 2020. Milk production for Sept. 1, 2020, to Dec. 31, 2020, will be estimated by FSA, using daily average production from the April-August base period of known production.

For dairy beef, producers are eligible for cattle inventory payment on bull calves and dairy steers, but not for breeding stock. The beef payment is \$55 per head on eligible cattle in inventory on a date selected by the producer between April and the end of August. Click [here](#) for a full list of eligible commodities and payment rates.

100 percent of the payment will be made once a farm's eligibility is determined.

ELIGIBILITY

Dairy operations applying for CFAP 2 must be producing and commercially marketing milk at the time of application. Dairy operations that dissolve or have dissolved on or after Sept. 1, 2020 are eligible for a prorated payment for the number of days the dairy operation commercially markets milk from Sept. 1, 2020, through Dec. 31, 2020. Dairy operations that dissolve before Sept. 1, 2020, are ineligible for CFAP 2 payments.

Producers will also have to certify they meet the Adjusted Gross Income limitation of \$900,000 unless at least 75 percent of their income is derived from farming, ranching or forestry-related activities. Producers must also be complying with Highly Erodible Land and Wetland Conservation provisions.

PAYMENT LIMITATIONS

The payment limitation per person or entity, for all commodities combined, is \$250,000. Entities structured as corporations, limited

liability companies, or limited partnerships may qualify for additional payment limits when members actively provide at least 400 hours of personal labor or personal management for the farming operation.

Due to NMPF's persistent lobbying of Congress and USDA about payment restrictions affecting farms held in family trusts, this version's payment limitation provision is expanded to include trusts and estates for both CFAP 1 and 2, meaning those who were disadvantaged by restrictive trust-related payment interpretations in the first round will have their situation resolved for that round, as well as Round 2. The application of direct attribution has also been modified both for CFAP 1 and 2, so that payment limits will not be reduced based on ownership shares. Previously, each owner's share of the operation was applied to the payment limitation, not to the overall CFAP payment to which the operation is entitled, but Friday's announcement solves that problem for both rounds of the program.

HOW TO APPLY

Producers can apply for assistance beginning Sept. 21, 2020. Applications will be accepted through Dec. 11, 2020.

Additional information and application forms may be found at farmers.gov/cfap. Documentation to support the producer's application and certification may be requested. All other eligibility forms, such as those related to adjusted gross income and payment information, may be downloaded from farmers.gov/cfap/apply. For existing FSA customers, including those who participated in CFAP 1, many documents are likely already on file. Producers should check with their FSA county offices to see if any forms need to be updated.

Customers seeking one-on-one support with the CFAP 2 application process can call 877-508-8364 to speak directly with a USDA employee ready to offer assistance. This is a recommended first step before a producer engages with the team at the FSA county office.

Visit www.nmpf.org/coronavirus for a full listing of coronavirus resources for dairy farmers and co-ops. Please email info@nmpf.org with questions or comments about CFAP 2 and how it is being administered in your local office.

New York Sick Leave Requirement: What We Know, Still Don't Know, and Action Items

By Richard Stup, Cornell University

What We Know

The Law

New York State, in the 2020 budget act, mandated annual sick leave on a permanent basis. There is no exemption for farm employers from the sick leave requirement and we expect most farms with hired employees to be affected. The amount and type of sick leave required varies by employer size and income, as follows:

- For employers with 4 or fewer employees and **less than \$1 Million** in net income: 40 hours of **unpaid** sick leave per employee
- For employers with 4 or fewer employees and **greater than \$1 Million** in net income: 40 hours of **paid** sick leave per employee
- For employers with between 5 and 99 employees: 40 hours of **paid** sick leave per employee

For employers with greater than 100 employees: 56 hours of **paid** sick leave per employee

Note that this is a new requirement for all employers, if you already provide sick leave that meets or exceeds these levels then your policy already meets the requirement. Employers are not required to provide the sick leave until **January 1, 2021** but they are required to begin accruing hours of sick leave for employees on **September 30, 2020**.

Reasons to Use Sick Leave

The new law has detailed requirements about reasons for sick leave that your policy must also meet, including some that you might not expect. According to the law, employers must provide leave:

(i) for a mental or physical illness, injury, or health condition of such employee or such employee's family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave;

(ii) for the diagnosis, care, or treatment of a mental or physical illness, injury or health condition of, or need for medical diagnosis of, or preventive care for, such employee or such employee's family member; or

(iii) for an absence from work due to any of the following reasons when the employee or employee's family member has been the victim of domestic violence (...), a family offense, sexual offense, stalking, or human trafficking: (a) to obtain services from a domestic violence shelter, rape crisis center, or other services program; (b) to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members; (c) to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding; (d) to file a complaint or domestic incident report with law enforcement; (e) to meet with a district attorney's office; (f) to enroll children in a new school; or (g) to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

Accrual and Carryover

Employees can accrue sick time at a rate of no less than 1 hour of sick time per 30 hours worked, or the employer can choose to award all of the sick time upfront at the beginning of the calendar year. If the upfront approach is used the employer is not permitted

to reduce or revoke the awarded sick time if the employee ends up working fewer hours during the year than expected. Unused sick time must carry over to the next year but employers with less than 100 employees can limit use of sick leave per calendar year to 40 hours, and employers with greater than 100 employees can limit it to 56 hours.

What We Still Don't Know

In spite of repeated requests by employers, business organizations, accountants, attorneys and this author, the NYS Department of Labor has not yet provided details about many important questions relevant to farm employers.

- How will net income be calculated? What formula will NYS Department of Labor use?
- What about seasonal farm employees, are they included in the sick leave requirement? How many hours or days must they work each year to be included in the employer's number of employees?
- Can employers provide a pro-rated amount of sick days upfront to seasonal employees, such as 20 hours for employees who work 5-6 months, or must the hourly accrual of 30:1 be used?
- What about family members who work on the farm as defined in the Farm Laborer Fair Labor Practices Act, is sick leave required for them?
- What about youth workers, employees under age 18, are they included in the sick leave requirement?

What about different business entities with varying levels of share ownership? Which of those entities will be combined in order to calculate the number of employees?

We will continue to press for answers to these and other relevant questions and will share this information through written releases and employer training when available.

Actions Items for Employers

Track hours worked for **all employees** beginning September 30, 2020, if not already doing so. Employers can always go back and credit employees with sick time earned if the number of hours worked is known.

Consider adopting modern software and tracking systems to create employee schedules, record hours worked, integrate with payroll, and keep track of sick leave and vacation accrual and usage for all employees.

Review your current sick leave policy and update as needed.

Train managers and employees about your sick leave policy and any changes that will occur.

Stay tuned to the Ag Workforce Journal and other industry newsletters for more information about New York's sick leave requirements.



Cornell Cooperative Extension
**AGRICULTURAL
WORKFORCE
DEVELOPMENT**

Cornell Cooperative Extension

Southwest NY Dairy, Livestock and Field Crops Program

swnyteam@cornell.edu

swnydlfc.cce.cornell.edu



A partnership between Cornell University and the CCE Associations in these five counties: Allegany, Cattaraugus, Chautauqua, Erie, and Steuben.

Newsletter Advertising 2020

Trying to reach growers and agribusinesses in our area?

We are pleased to offer the ability for businesses that serve our region to advertise with the Southwest New York Dairy, Livestock, and Field Crops Program!

Our publications feature research-based and timely information from our four specialists, listed to the right, along with local event notifications and Cornell University outreach. This information is provided to participants who range from dairy, livestock, and field crops producers to agricultural suppliers and consultants.

Weekly Electronic Update: Shared with over 250 households who have signed up with our program.

Monthly Paper Mailer: To reach our stakeholders and farmers who lack internet access, we send out a monthly mailer where your advertisement would be featured with a mailing list of 200 additional households.

Advertisement Rates:

One Weekly Update Sponsorship	\$50
One Weekly Update Sponsorship + One Monthly Paper Mailing	\$75
Two Weekly Update Sponsorships + One Monthly Paper Mailing	\$100

There is a 10% discount for pre-payment of more than 2 weekly sponsorships. Give us a call for a quote.

Examples of our past weekly updates can be found by visiting:

<https://swnydlfc.cce.cornell.edu/newsletter.php>

General Inquiries | Design | Ad Placement | Billing

Kelly Bourne
CCE-Allegany
5435A County Road 48
Belmont, NY 14813
585-268-7644 ext. 10

Material Close Dates:

The 1st of the month of your scheduled/preferred run date.

We are able to list your business and contact information at the beginning of our weekly update email, along with a small logo and hyperlinks to your website/promotional information. Artwork and additional details must be emailed via full color pdf to Kelly Bourne, Administrative Assistant, klb288@cornell.edu. Pre-payment preferred and we will work to run your advertisement on the week of your choice when possible.



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