

THE DAIRY CULTURE COACH

Helping You Manage Your Multicultural Team for Success



The Farm Laborer Fair Labor Practices Act

From [Cornell Agricultural Workforce Development](#):

Beginning January 1, 2020, farm employers in New York will be required to pay overtime to certain employees for all hours worked over 60 in a week. We've developed some tools to help farm employers consider management strategies to respond to this change.

The Extension Bulletin: "[Adapting Your Labor Strategies to New York's Revised Farm Employment Laws](#)" will help you consider and evaluate possible strategies for your farm.

Download the [Overtime Cost Calculator](#) to model your current workforce and to project the effects that the new laws will have on your business. The tool will not be fully functional unless macros are enabled. When you open the file, be sure to click "enable content" on the yellow message bar that appears at the top of the spreadsheet. If you have an older version of MS Office or different settings for your macros, you may need to consult the official instructions to enable macros in MS Office, [available here](#). If for whatever reason you cannot enable macros, the tool will still work for individual employee analysis (employee tab). Examples of overtime cost impacts are also available in the appendix of "[Adapting Your Labor Strategies to New York's Revised Farm Employment Laws](#)"

Please send comments, questions, or ideas to Dr. Jennifer Ifft at jiff@cornell.edu.

Read on for an overview of changes besides overtime that are coming as a result of the FLFLPA (in English and Spanish). Make sure to communicate clearly with your employees about changes that will take place at your business regarding pay and scheduling. Clear communication helps to create trust in the work environment, which will be very important as farmers and their employees navigate these changes.

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FLFLPA Vocabulary

Overtime - Horas Extras

Day Off - Día de Descanso

Union - Sindicato

Collective Bargaining -
Negociación del
Convenio

Strike - Huelga

Communication –
Comunicación

Trust - Confianza



NYS Minimum Wage	LOCATION	12/31/19	12/31/20	2021*
	New York City	\$15.00	\$15.00	\$15.00
	Long Island and Westchester	\$13.00	\$14.00	\$15.00
	Remainder of New York State	\$11.80	\$12.50	*

*Annual increases for the rest of the state will continue until the rate reaches \$15 minimum wage (and \$10 tipped wage). Starting 2021, the annual increases will be published by the Commissioner of Labor on or before October 1. They will be based on the percentage increases determined by the Director of the Division of Budget, based on economic indices, including the Consumer Price Index.

EFFECTIVE JANUARY 1, 2020:

WAGES AND OVERTIME

All farmworkers, including Foreign Visa workers, must now be paid one and a half times the regular rate of pay for hours worked over 60 in a calendar week. For more information, please contact the NYS Department of Labor at **833-NY-FARMS (833-693-2767)** or www.labor.ny.gov/FarmLabor.

DAY OF REST

Employers must provide at least one day (24 consecutive hours) of rest in every calendar week. The employer must designate, and notify the worker in advance of, their day of rest and, whenever possible, ensure that the day off coincides with a traditional day for religious worship. Farmworkers are permitted to voluntarily work on the day of rest, provided the employer pays them at the overtime rate. Employers must keep a weekly record of hours and days worked. For more information, please contact the NYS Department of Labor at **833-NY-FARMS (833-693-2767)** or www.labor.ny.gov/FarmLabor.

UNEMPLOYMENT INSURANCE

Farm employers, and farm crew leaders under certain conditions, are required to provide unemployment insurance coverage for their employees. H-2A Foreign Guest Workers are excluded from unemployment insurance coverage. For more information, please contact the NYS Department of Labor at Unemployment Insurance Employer Hotline **888-899-8810**.

WORKERS' COMPENSATION

Farm employers, owners and operators are required to provide workers' compensation coverage for their employees, regardless of their annual payroll, and all employers are required to post the mandatory workers' compensation notice of compliance poster in both English and Spanish. Additionally, farm labor contractors, forepersons and supervisors who receive notice of an injury must notify the employer, owner or operator of the farm where the injury occurred, and employers are prohibited from discriminating against farm laborers who request workers' compensation claim forms. For more information, please contact the Workers' Compensation Board at **877-632-4996** or www.wcb.ny.gov.*

DISABILITY INSURANCE AND PAID FAMILY LEAVE

Farm employers, owners and operators are required to provide New York's disability benefits (DB) and Paid Family Leave (PFL) insurance coverage to eligible farm laborers. See PaidFamilyLeave.ny.gov for information on PFL employee eligibility and opt-out waivers that employers must give to those who qualify. All employers are prohibited from discriminating against employees who request DB or PFL claim forms. For more information, please call **844-337-6303**.*

*For more information and employer resources related to workers' compensation, disability benefits and paid family leave, please see the Workers' Compensation Board's Toolkit for Farm Employers at www.wcb.ny.gov/farmtoolkit.

RIGHT TO ORGANIZE

Farmworkers possess the right to organize, which includes forming, joining, or assisting labor organizations, and the right to bargain collectively through representatives of their own choosing. This includes the right to engage in concerted activities (any activity, discussion, or meeting directed at improving terms and conditions of employment, or the group interests of employees), for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion of employers. However, farmworkers do **not** have the right to strike. Farmworkers are protected from retaliation, including termination, if they are speaking to each other about labor conditions and organizing. For more information, please contact the Public Employment Relations Board at **518-457-6410** or see perb.ny.gov.

EFFECTIVE JANUARY 1, 2021:

MIGRANT FARMWORKER HOUSING PERMIT

Employers are required to contact the NYS Department of Health (or local County Health Department) and apply for a permit to operate a farm or processing labor camp which will be occupied by one or more migrant workers. For information on the permitting process, please contact the NYS Department of Health at **518-402-7600**. Find your county health department at: www.health.ny.gov/contact/contact_information/



Salario mínimo en el estado de Nueva York	LUGAR	12/31/19	12/31/20	2021*
	Ciudad de New York	\$15.00	\$15.00	\$15.00
	Long Island y Westchester	\$13.00	\$14.00	\$15.00
	Resto del Estado de Nueva York	\$11.80	\$12.50	*

*Los aumentos anuales para el resto del estado continuarán hasta que la tasa alcance un salario mínimo de \$15 (y \$10 de propina). Comenzando en 2021, los aumentos anuales serán publicados por el Comisionado del Departamento de Trabajo el o antes del 1 de octubre. Se basarán en los aumentos del porcentaje determinado por el Director de la División de Presupuesto, en base a índices económicos, incluido el Índice de Precios al Consumo

A PARTIR DEL 1 DE ENERO DE 2020: SUELDOS Y HORAS EXTRAS

A todos los trabajadores agrícolas, incluidos los trabajadores extranjeros con Visa, ahora se les deberá pagar una vez y media la tarifa regular de pago por más de 60 horas trabajadas durante una semana. Para obtener más información, comuníquese con el Departamento de Trabajo del Estado de Nueva York al **833-NY-FARMS (833-693-2767)** o www.labor.ny.gov/FarmLabor.

DÍA DE DESCANSO

Los empleadores deben otorgar al menos un día (24 horas consecutivas) de descanso en cada semana calendario. El empleador debe designar, y notificarle al empleado de antemano, su día de descanso y, siempre que sea posible, asegurarse de que el día de descanso coincida con un día tradicional de culto religioso. Los trabajadores agrícolas tienen permitido trabajar de manera voluntaria durante el día de descanso, si el empleador les paga la tarifa de horas extras. Los empleadores deben llevar un registro de horas y días trabajados. Para obtener más información, comuníquese con el Departamento de Trabajo del Estado de Nueva York al **833-NY-FARMS (833-693-2767)** o www.labor.ny.gov/FarmLabor.

SEGURO DE DESEMPLEO

Se les exige a los empleadores agrícolas, y dirigentes campesinos bajo ciertas condiciones, que otorguen cobertura de seguro de desempleo a sus empleados. Los trabajadores extranjeros invitados del programa H-2A están excluidos de la cobertura del seguro de desempleo. Para obtener más información, comuníquese con el Departamento de Trabajo del Estado de Nueva York al **888-899-8810**.

INDEMNIZACIÓN LABORAL

Se les exige a los empleadores agrícolas, propietarios y operarios que proporcionen indemnización por incapacidad laboral del trabajador, independientemente de su nómina salarial anual y todos los empleadores deben publicar el aviso de indemnización del trabajador tanto en inglés como en español. Además, los contratistas rurales, encargados y supervisores que reciben aviso de una lesión deben notificar al empleador, propietario u operario del campo dónde ocurrió la lesión y los empleadores tienen prohibido discriminar a los trabajadores agrícolas quienes solicitan los formularios de reclamo de la indemnización. Para obtener más información, comuníquese con la Junta de Indemnización de Trabajadores al **877-632-4996** o www.wcb.ny.gov.

SEGURO POR DISCAPACIDAD Y BAJA FAMILIAR REMUNERADA

Se les exige a los empleadores agrícolas, propietarios y operarios que otorguen los beneficios de discapacidad de Nueva York (DB, por sus siglas en inglés) y el seguro de ausencia familiar pagada (PFL, por sus siglas en inglés) para los trabajadores agrícolas elegibles. Vea PaidFamilyLeave.ny.gov para obtener información sobre la elegibilidad del empleado por PFL y exenciones de exclusión que los empleadores deben darle a quienes califican. Se les prohíbe a todos los empleadores discriminar a los empleados que solicitan los formularios de reclamo de DB o PFL. Para obtener más información, llame al **844-337-6303**. Para obtener más información y recursos del empleador relacionados con la indemnización de los trabajadores, los beneficios por discapacidad y ausencia familiar pagada, lea el material de la Junta de Indemnización de los Trabajadores para los empleadores agrícolas en www.wcb.ny.gov/farmtoolkit.

DERECHO A ORGANIZAR

Los trabajadores agrícolas poseen el derecho a organizarse, lo que incluye afiliarse o ayudar a las organizaciones sindicales y el derecho a negociar colectivamente mediante representantes de su elección. Esto incluye el derecho a comprometerse en actividades concertadas (cualquier actividad, discusión o reunión dirigida a mejorar términos y condiciones de empleo, o los intereses del grupo de empleados), con el motivo de negociación colectiva u otra ayuda o protección mutua, libre de interferencia, restricción o coerción de empleadores. Sin embargo, los trabajadores agrícolas **no** tienen el derecho de hacer huelga. Los trabajadores agrícolas están protegidos de represalias, incluido el despido, si hablan entre sí sobre las condiciones de trabajo y organización. Para obtener más información, comuníquese con la Junta de Relaciones de Empleado público al **518-457-6410** o visite perb.ny.gov.

A PARTIR DEL 1 DE ENERO DE 2021:

PERMISO DE ALOJAMIENTO PARA TRABAJADORES AGRÍCOLAS MIGRANTES

Se les exige a los empleadores que contacten al Departamento de Salud del Estado de Nueva York (o Departamento de Salud del Condado local) y soliciten un permiso para manejar un campo o campamento de trabajadores agrícolas que será ocupado por uno o más trabajadores migrantes. Para obtener más información, comuníquese con el Departamento de Salud del Estado de Nueva York al **518-402-7600**. Encuentre a su departamento de salud del condado en: www.health.ny.gov/contact/contact_information/

Additional Resources for the FLFLPA

To learn more about the Act, view these resources:

[“Overview of New York Labor Regulations”](#)– Recording of a webinar hosted by Farm Credit East on 12/12/19, given by Richard Stup.

[Cornell Agricultural Workforce Development](#)– Find legal text of the bill, links to insurance websites and more. Subscribe in the bottom right hand corner of the website to get emails anytime updates are posted.

[NYS Department of Labor](#)– This link takes you to important resources including:

- The fact sheets included in this publication.
- FLFPA Frequently Asked Questions (English and Spanish)
- NEW minimum wage poster for 2020 (English and Spanish) (Post in the workplace)
- Pay Notice & Work Agreement - LS309 (English and Spanish) (Updated to reflect changes to Overtime and Day of Rest, fill out for all your employees)

Cornell Cooperative Extension

Northwest NY Dairy, Livestock and Field Crops Program

Serving Genesee, Livingston, Monroe,
Niagara, Orleans, Ontario, Seneca, Wayne,
Wyoming and Yates Counties.

Check out our website!

[https://
nwnyteam.cce.cornell.edu](https://nwnyteam.cce.cornell.edu)



Stay tuned for the next issue of *The Dairy Culture*
Coach in March To sign up, email Libby.

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Through educational programs and other teaching opportunities, the **NWNY Team** seeks to build producers' capacities to:

- Enhance the sustainability of their businesses
- Enhance profitability and other aspects of economic performance of their businesses
- Practice environmental stewardship
- Enhance employee well-being and satisfaction
- Provide safe, healthy agricultural products in ways that are safe to farm owners and employees and their families and neighbors
- Provide leadership for enhancing relationships between the agricultural sector and the general public

We look forward to working with you in your farming and ag-related ventures in NWNY. Together we can keep the agricultural economy competitive, maintain a comfortable standard of living and be conscientious stewards of our natural environment.