

**WHEREAS**, Agriculture in New York State represents \$4.2 billion of our economy and is an integral part of our rural heritage and culture, directly and indirectly providing valuable jobs, supporting local business and are a critical component of our State's economy, and

**WHEREAS**, Farming is the number one industry in a number of rural counties, and

**WHEREAS**, Farms must compete for workers in a tight labor market, so they value and respect their employees and pay over minimum wage to retain their skilled workforce, and H2A employees have a choice to work in less restrictive states, increasing stress on a shrinking labor pool, and

**WHEREAS**, According to the USDA, 98 % of New York farms are family owned, and

**WHEREAS**, Senator Jessica Ramos and Assemblywoman Catherine Nolan introduced S2837 and A2750 which would, among other things, provide collective bargaining rights of farm workers and require overtime pay, and

**WHEREAS**, Farm work can require more than 40 hours a week, and

**WHEREAS**, There is competition for foreign labor with surrounding states, and

**WHEREAS**, There is a farm labor shortage and most foreign workers are looking to maximize hours worked, and

**WHEREAS**, Overtime laws were historically implemented to reach full employment, and

**WHEREAS**, Farming is already a highly regulated industry in NYS, creating a further marketplace competitive disadvantage from surrounding states and Canada on growing food for New Yorkers, and

**WHEREAS**, Livestock agriculture requires a workforce available to care for livestock 24-hours per day, 7 days per week, 365 days per year and crop, vegetable and fruit farming requires seasonal, climate sensitive and time sensitive planting and harvesting where the effects of a labor strike on a farm could destroy an entire year's worth of crops, render perishable food inedible and adversely affect the health and care of animals, and

**WHEREAS**, NYS minimum wage ranks among the top five in the country, minimum wage in upstate NY is currently \$3.85 higher than federal minimum wage and on average farm wages are well above minimum wage currently, and

**WHEREAS**, prices paid to farmers for milk and most crops produced in New York are set by market conditions out of farmers' control so they have no way to recoup added costs of production by increasing the prices of their products and proposed overtime will likely result in fewer hours for workers rather than increased pay since current prices received for agricultural products at the farm level cannot justify overtime pay rates, and,

**WHEREAS**, We agree that farm laborers deserve protections, but despite the good intentions of this legislation we are concerned that farm laborers will be at higher risk and may have less time off, as they may have to travel between multiple farms to reach their goal of working as many hours as possible, and

**WHEREAS**, New York farmers must compete in regional, national and global marketplaces and this legislation would place them at an even greater competitive disadvantage, according to an analysis by Farm Credit East, overtime combined with the rising minimum wage would raise labor costs on NY farms by nearly \$300 million and reduce net farm income 23.4%, *and*

**WHEREAS**, family farming is already on the decline -- the dairy industry is in crisis -- and the economic impact of these labor mandates will further reduce profitability and push further disincentive to continue family farming operations in New York State and the net effect of increasing agricultural cost solely on NY farms will simply be to drive farm families out of business or out of state, and

**WHEREAS**, Agriculture provides and protects New York State's open spaces and beautiful landscapes, which are in jeopardy of falling to development and non-agriculture use if added costs force farms out of business, and

**WHEREAS**, We support collective bargaining right for all workers, but believe that farming, like many other vitally important industries, should have a no strike provision, and

**WHEREAS**, We support overtime pay for all workers but believe that it must take into account the realities of farming with unpredictable weather and harvest requirements and therefore should be set at a threshold of 60 hours a week, assessed quarterly, and

**WHEREAS**, Governor Cuomo has invested millions in the infrastructure for dairy processing in NYS, supporting the growth and capacity of the entire dairy economy, which this proposed labor bill will directly undermine substantial economic development investment by NYS, Now, therefore, Be It

**RESOLVED**, That the Officers and Board of Directors of the Democratic Rural Conference of New York State oppose S2837 / A2750 in its current form based on its potential counterproductive effects on farmers, laborers, and the economy of rural New York, and be it further

**RESOLVED**, that a copy of this resolution be forwarded to Senator Jen Metzger, Assemblywoman Donna Lupardo, Governor Andrew M. Cuomo, and the New York State Democratic Party.