

Basics in Farm Employment Law: New York

Minimum Wage: New York farm and ranch businesses are obligated to pay at least the minimum wage to workers. The minimum wage in New York depends on where an employer is located. As of 2022, the minimum wage for New York City, Long Island, and Worcester is \$15.00/hr. The minimum wage for all other locations in New York is \$13.20/hr.

Overtime: New York farm and ranch businesses are not obligated to pay overtime wages to workers so long as the worker works 60 or fewer hours per week and performs exclusively agricultural labor. If the worker performs non-agricultural labor, non-agricultural rules apply and the employee is owed overtime pay for all hours worked over 40 in that week. Employees with salary-based pay may qualify for an exemption if they make at least \$684 per week (regardless of time spent working) AND have managerial authority.

In January of 2022 the New York Farm Laborers Wage Board voted to decrease the overtime threshold for agricultural workers from 60 to 40 hours. This change will be phased-in over a ten-year period, reducing by four hours on a biannual basis, starting Jan. 1, 2024 at 56 hours. Jan. 1, 2026 the threshold will be 52 hours; Jan. 1, 2028, 48 hours; Jan. 1, 2030, 44 hours; Jan. 1, 2032, 40 hours.

Meal and Rest Breaks: New York farm and ranch businesses must provide a 30-minute noontime lunch period for employees who work shifts of more than 6 hours that extend over the noon day meal period (i.e., from 11am to 2pm). Workers starting before 11 a.m. and continuing after 7 p.m. are entitled to an additional 20-minute break between 5 p.m. and 7 p.m. If the shift is more than 6 hours but starts between 1 pm and 6 am, then the employee is entitled to a 45 minute break somewhere in the middle of the shift. The New York State Commission of Labor allows certain employers to shorten the meal period to not less than 20 minutes if they have obtained a special permit.

In addition, farms must provide workers at least one day (consecutive 24 hrs) of rest in every calendar week. The farm 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.

Workers' compensation: New York farm and ranch businesses are obligated to secure workers' compensation for agricultural workers just as for other workers.

Unemployment Insurance: Farms and ranches in New York must begin paying unemployment insurance tax for agricultural workers through the Federal Unemployment Tax Act (FUTA) and state unemployment program when either of the following occurs: 1) during any calendar quarter of the current or preceding calendar year the farm paid wages of \$20,000 or more, OR 2) the farm employed 10 or more individuals in agricultural labor during at least some part of a day (whether or not at the same time) during any 20 or more different weeks of the current or previous year.

Disclaimer: This is a highly-abbreviated selection of specific agricultural employment laws and is not an encompassing list of obligations or detailed description of rules. It is intended for educational use only and is not to be construed as legal advice. Other obligations and rules may apply, particularly when a worker performs non-agricultural labor or is a sole proprietor, owner, manager, or family member of the farm business. For information, specific to an individual situation, a person must consult a qualified attorney licensed to practice in their state.