



New York Farm Bureau
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MEMORANDUM OF SUPPORT

Senate Bill 7908-A (Senator Funke) / Assembly Bill 10423 (Assemblymember Schimminger)

AN ACT DIRECTING THE EMPIRE STATE DEVELOPMENT CORPORATION TO STUDY A PROPOSED RULE OF THE DEPARTMENT OF LABOR PRIOR TO ITS ADOPTION

Date: 5/29/2018

New York Farm Bureau, the state's largest agricultural advocacy organization, respectfully requests your support for this legislation. If enacted, this bill would require a study to be done on the potential impact of the proposed employee call-in regulations before the Department of Labor can implement the rules.

The proposed regulation would be extremely burdensome to farm employers because of the unpredictability of the weather and its effect on farming. While the regulation does not pertain to farmworkers who perform certain duties such as raising or harvesting any agricultural or horticultural commodity, the rule would still impact individuals who are employed on farms and engaged in farm-related labor such as retail, administrative, or seasonal tourism duties. If implemented, employers would have to pay workers an additional two hours of call-in pay when they report to work for a shift not scheduled at least 14 days in advance. Also, it would require employers to pay employees an additional four hours of call-in pay when their shift is cancelled less than 72 hours prior to the start of that shift. The hours worked on a farm depend on the weather which makes it difficult to schedule employee shifts.

Some farm tasks can only be done during certain weather conditions. If there is good weather, the employer might have to ask more employees to work at a winery tasting room or request pesticide applicators on short notice. It is critical that a study be conducted in order to understand the impact of this rule on the agricultural community. Farming requires flexibility with employee scheduling and many agricultural-related jobs would be affected by this rule if it is adopted without completely understanding the implications.

For these reasons, New York Farm Bureau requests your support of this legislation.