

UPDATES TO FARMWORKER RIGHTS AND EMPLOYER RESPONSIBILITIES

RIGHT TO ORGANIZE

Farmworkers now 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 questions, please contact Public Employment Relations Board at 518-457-6410 or PERB.NY.GOV.

NYS Minimum Wage	LOCATION	12/31/19	12/31/20	2021*	*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.
	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	*	

EFFECTIVE JANUARY 1, 2020:

WAGES AND OVERTIME

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 questions, please contact NYS Department of Labor at 833-NY-FARMS (833-693-2767) or www.labor.ny.gov/FarmLabor.

DAY OF REST

Employers must now 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 off and whenever possible, ensure that the day off coincides with a traditional day for religious worship. Farmworkers are permitted to voluntarily work during this day of rest, provided the employer pays them at the overtime rate. Employers must keep a weekly record of hours and days worked. For questions, please contact 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 now excluded from unemployment insurance coverage. For questions, please contact NYS Department of Labor at 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 questions, please contact Workers Compensation at 877-632-4996 or <http://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 questions, please call 844-337-6303.

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: https://www.health.ny.gov/contact/contact_information/