Interview Talking Points

Important: The **"mic is always hot"** meaning everything said is fair game.

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Key Message: Farmers, our families, and our employees are asking Governor Hochul to keep the overtime threshold at 60 hours.

Please share as much as possible about your employees

Advocates have always made this about farmworkers and we need to as well. What do our employees want? What benefits do they receive? How long have they been working at your farm? How important are they to the success of the business?

- If any farmworkers have left your farm due to a cap on their hours, or if they've told you they'd consider leaving if their hours were capped, please share.
- What benefits do employees receive in addition to wages (health insurance, retirement, housing, utilities, bonuses, holiday meals, etc.)
- New York state is a national leader in workforce protections and training. There are strict regulations in place - underscore partnerships with Cornell and state agencies (like DEC, DOL, Ag & Markets) that support farmworker and farmer safety. Please give examples.

Important messages to share:

- On Dec. 31, 2020, DOL Commissioner Roberta Reardon cited the pandemic and supply chain disruption as reasons for pausing any decision on potential changes to the overtime threshold. A year and a half later, the industry and our economy are in worse shape and facing even more uncertainty.
- We're doing everything we can to continue providing nutritious milk and food to our neighbors and food pantries, but inflation is at a 40-year high, and fuel, feed, and fertilizer have doubled or tripled in recent months. Please give examples.
- Unlike every other industry, we are unable to pass increased costs on.

Additional Talking Points:

If there was an overtime threshold at the federal level, it would make for an even playing field.

Our greatest challenge is competing with neighboring states where costs of business are much lower. A 40-hour threshold will put New York's family farms at a serious competitive disadvantage.

When labor costs increase, payroll taxes, unemployment taxes, and other related costs increase as well.

Labor is the second-highest cost on the farm, behind feed.

Dairy farmers are price takers. We cannot increase the price of our milk to compensate for higher input costs. Prices are set at the federal level.

With so many costs at historic levels and out of our control, now is not the time to increase the cost even further on family farms. (We must stay at 60 hours)

OT Tax Credit:

While we appreciate the state's effort in addressing industry challenges, the economics of farming make this very difficult.

In Conclusion:

- We learned earlier this year through a state-funded Cornell study, which used a translator to interview dozens of migrant farmworkers, that 70% will seek work out of state if hours are capped.
- The numbers just don't add up. We must remain competitive in the marketplace. We must retain our skilled workers. Gov. Hochul must keep the overtime threshold at 60 hours.

When asked if there's anything else you would like to add:

The Governor announced recently that she's doing farm tours this summer. I encourage her to speak with farmworkers and hear for herself how they feel about a 40-hour overtime threshold.