



The New York Lady Bug

Updates from the Agriculture Labor Program

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Serving New York State's Dairies by Parker Filer

One of the most significant engines of New York's agricultural economy is the dairy industry, which accounts for roughly half of the \$4.42 billion generated annually by the state's farm economy.¹ New York's dairy industry is following the national trend toward consolidation. Over the last 20 years, there has been a 50 percent drop in the number of dairy farms in New York. There are about 5,200 dairy farms in the state today and that number is expected to halve again in the next 15-20 years. Still, there is an array of small to large dairies around the state today. Along the Southern Tier and the Finger Lakes I have visited family-owned and operated dairies with just 25 cows;

as well as operations with herds of 5,000 cattle. The disparity in scale between these two examples is instructive and can help us to better serve each farm we visit and the workers and managers we meet there. As the Agriculture Labor Program attempts to meet the needs of operations of all sizes, sensing the unique needs of each operation is a critical step to offering relevant services.



For starters, smaller dairies may not have employees, though the entire family supports one or more aspects of production, management, administration or marketing. The small, family dairy may be more interested in receiving information on reporting new hires and determining which employee notices they are required to display. The small dairy may also be more interested in workshops sponsored by the Cornell Cooperative Extension's "[Pro-Dairy Program](#)". If the owners are interested in expanding or streamlining their operation, we might tell them about the Dairy Acceleration Program ([DAP](#)) - a \$450,000 initiative that provides grants and coordinates funding and on-farm technical assistance programs.

As the size of the herd increases, the workforce required to feed, water, clean, birth, milk, monitor, diagnose, treat and care for the animals and maintain farm structures and equipment also increases. Feeding the herd is an operation unto itself and larger operations often employ feed managers who oversee the cultivation, harvest and storage of hay and silage. These operations may be more interested in compliance

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Serving New York's Dairies, continued

assistance and receiving guidance on specific concerns related to pay notices, work agreements and hours, as well as recruiting and retaining qualified workers through job postings. They may also be interested in participating in government initiatives, such as the recently expanded Anaerobic Digester Biogas to Electricity (ADG) program. This program provides up to \$2 million in subsidies to offset the cost of installing the electricity production systems that convert organic waste into electricity. They also dramatically reduce the signature odor one associates with dairies.

Workers in dairies of all sizes tend to work long shifts and will benefit from knowing about Workers' Compensation, meal periods and days of rest as well as the significance of reviewing and retaining a copy of their work agreement. Housing is often provided by the employer but the terms and conditions vary. Again, consider a family dairy renting a small trailer on the property to a neighbor who milks the cows occasionally versus a large dairy that may rent several houses across the community to provide housing for the workers and their families. In any case, workers should be apprised of their rights and responsibilities under the law in order that they understand what legal deductions from wages are and what type of deductions are prohibited.

I'll end with an anecdote about the significance of scale from a manager's perspective. In February I met with the manager of a 5,000 cow dairy (although half of those animals



are calves, heifers or "drying off" at any time). The grower listened courteously as I explained the role of the AgLP and the services available through the DOL. As I leafed through the grower packet and arrived at the Fact Sheet regarding the Wage Theft Prevention Act, the manager's mood shifted- perceptibly- as he interrupted me to express frustration with the legislation. It became clear that his frustration stemmed from bad information he received from an advisor. The manager oversees a payroll of more than 50 employees and gives employees pay raises at each 6 month period of continued employment. The practice encourages retention and promotes advancement from within. He had been under the impression that each time one of his employees achieved a scheduled pay raise, he was required to update a pay notice and work agreement and have the employee review and sign it.

Looking at his extensive roster of employees- with their varying start dates and pay rates- it was immediately clear that the office staff were placing themselves under a significant burden to keep track of the weekly changes in individual workers' anniversary dates and pay rates. I informed him that he was, in fact, not required to update the pay notice and work agreement every time wages were adjusted *up*; and that the worker's pay stub suffices as a notice of the increased rate. I told him that an updated pay notice/work agreement *must* be reviewed and signed by the employee whenever wages are adjusted *down*. It was a small misunderstanding but one that was clearly having a negative impact on the efficient operation of the farm and the farmer's perception of NYS Labor Law and the Department of Labor.

AgLP Welcomes New Team Members

Melissa Buckley

Melissa Buckley is pleased to join DIPA as an Agriculture Labor Specialist, covering Erie, Niagara, Cattaraugus, and Chautauqua counties. Prior to joining DIPA, Melissa's professional experiences include providing translation and interpretation services for the federal government, teaching high school Spanish, and working as the Director of Development for non-profit agencies. Melissa earned a Bachelor of Arts degree in Spanish, with minors in Political Science and Philosophy from Virginia Wesleyan College. She is currently pursuing a Master of Science degree in Creativity from the International Center for Studies in Creativity, housed at Buffalo State College. A native of Buffalo who has lived in Costa Rica and Mexico, Melissa speaks Spanish and English. Melissa currently resides in Buffalo with her husband.

Glen Holt

Glen Holt, a lifetime resident of New York State, is the Agriculture Labor Specialist serving the Lower Hudson Valley. Glen joins the Agriculture Labor Program after extensive experience with the NYS Department of Labor. He was a staff member of the original rural program for twenty-two years and spent a brief stint as a Supervising Labor Services Representative before joining the Agriculture Labor Program this spring. Glen earned his Bachelor's of Arts from Gettysburg College and a Masters in Professional Studies from Alfred University. He is also a graduate of the LEAD NY Agriculture Leadership Program from Cornell University. Glen is married with two children and spends his free time serving as a soccer coach and referee, as well as a volunteer firefighter.



Katya Pineda

Katya joined the Agriculture Labor Program in early 2013 and serves the Lower Hudson Valley. Prior to joining the Agriculture Labor Program, Katya worked with the YWCA of Ulster County providing case management services, counseling, education, and advocacy to a population largely made up of immigrants and teen parents. She has also worked as Legal Adviser to the ambassador of the permanent mission of El Salvador to the U.N., working on foreign policy issues which involved Human Rights protection, women, youth, children and migrants' rights. She was appointed Youth Delegate of El Salvador to the U.N. in 2004 and contributed to the development of the World Bank's initiative for a Youth Agenda. Katya also served as President of the YWCA of El Salvador, and as member of the World YWCA Executive Committee. Katya, obtained a Bachelor of Science in Legal Sciences from Universidad Centroamericana José Simeon Cañas in El Salvador and a Master degree in International Law and Justice from Fordham University in New York.

Agriculture Labor Program

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**New York State
Department of Labor**

Andrew M. Cuomo,
Governor

Peter M. Rivera,
Commissioner



A Note from Our Director

In April, the Agriculture Labor Program celebrated its one year anniversary. It has been a year of lessons learned as we provide meaningful services to farmers and workers alike. The AgLP is unique in its commitment to support both businesses in agriculture and farm workers, fostering compliance through informal resolutions whenever possible.

Our Post-Harvest meetings and the surveys we received afterwards were excellent opportunities to get your feedback. We are excited to continue working with you this upcoming season.

I extend my thanks to Commissioner Rivera and Governor Cuomo, without whose support, this program would not be possible. I hope you enjoy this newsletter.

Sincerely,

A handwritten signature in black ink on a light gray background, reading "Vilda Vera Mayuga".

Vilda Vera Mayuga
Director

