

**RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE
MINUTES**

**WEDNESDAY, MARCH 20, 2019
3:30 P.M.**

PRESENT: Thomas J. Faggione, Chairman
Katie Bonelli, Michael Amo, Barry J. Cheney, Kevin W. Hines, James M. Kulisek,
John S. Vero

ALSO

PRESENT: L. Stephen Brescia, Chairman
Paul Ruskiewicz, Legislator
Antoinette Reed, Legislative Counsel
Harold J. Porr, Deputy County Executive
Dan Bloomer, Director, Operations and Cost Control
David Church, ACIP, Commissioner of Planning
Kerry Gallagher, Deputy Commissioner of Finance
Alicia D'Amico, Deputy Commissioner of Procurement and Compliance,
Department of General Services
Samantha Sweikata, Director of Compliance, Department of General Services
Deanna Crawford, Budget Analyst

Mr. Faggione opened the meeting at 3:32 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present with exception of Legislator Paduch who was absent.

Mr. Kulisek moved resolution amending
and reaffirming the County of Orange
Procurement Policy, seconded by Mr. Hines.

Ms. D'Amico addressed the committee stating that they are required to reaffirm the County of Orange Procurement Policy annually. No changes were made to the policy or threshold, but it was made user-friendly with grammatical changes.

Motion carried. All in favor.

Mr. Cheney moved resolution opposing
New York Senate Bill 2837/Assembly Bill
2750 of 2019, (The Farmworkers Fair
Labor Practices Act), seconded by Ms. Bonelli.

Mr. Ruskiewicz explained that the bills would require farmers to pay farmworkers overtime, provide collective bargaining rights and a mandatory day of rest. These requirements would have a devastating impact on Orange County farms especially the dairy industry. The largest issue with the bills is the overtime requirement as farmers cannot afford to pay the overtime especially the vegetable industry because in peak season, they are working 60, 70 or 75 hours a week to get crops in. In addition, collective bargaining is a huge concern because if workers were to go on strike in the middle of a harvest, they could lose their entire crop for the year. With respect to

the day of rest workers would have the option to opt out because on a rainy day they would get a day of rest and on some farms, they do get Sundays off. This bill has been around for years and has passed through the assembly but blocked by the senate but with the changes in Albany there is a real possibility that it could pass.

Mr. Faggione asked Mr. Ruskiewicz as a farmer, if the bills were to become laws in the State of New York would there be farms in Orange County that are lost due to this bill. Mr. Ruskiewicz replied possibly, while the bills are being proposed to help farmworkers it could actually hurt them because if the overtime goes into effect the farmer will have to hire additional farmworkers which would cut their hours back to 40 hours per week. These individuals leave their families to come here and work and to get as many hours as possible and earn ten times the amount they would at home. If they cannot give them hours, they will go to another state that does not have these regulations.

Mr. Cheney commented that on the surface it seems to be good for a working class; however, this is a different labor class and he has to wonder if they would appreciate this help.

Mr. Kulisek asked if overtime was not driven because of the lack of manpower but the time frame in which to harvest crops. Mr. Ruskiewicz replied yes.

Mr. Kulisek asked if additional workers were hired would that solve the overtime problem. Mr. Ruskiewicz replied yes, they would not have the overtime, but they would have additional costs with the hiring of additional workers. In addition, farmworkers also receive free housing, utilities and transportation as a perk.

Mr. Kulisek asked if those perks were part of their wage. Mr. Ruskiewicz replied yes.

Mr. Kulisek asked if they would have a problem bringing in additional workers. Mr. Ruskiewicz replied that they have a deficit in that labor source.

Mr. Kulisek commented that with current federal regulations he could not say that they would be able to get additional workers in.

Mr. Cheney asked if the H2-A program was burdensome. Mr. Ruskiewicz replied yes, burdensome, complicated and expensive.

Mr. Amo asked what made this class of workers exempt from overtime. Mr. Ruskiewicz replied that it is seasonal worker. The farmworkers Bureau and New York Vegetable Growers have been working on a compromise as the New York State Department of Agriculture and Markets has a labor advisory board that is talking with some of these groups so they may see compromises with the overtime possibly with increasing the threshold to 60 or 65 hours or season cap. The collective bargaining would not be paid if there was a no strike clause.

Mr. Hines noted that the handout indicates that no other state in close proximity allows for overtime and if they were to do it would make them less competitive and a serious issue.

Mr. Ruskiewicz agreed, and just with minimum wage they are at a disadvantage.

Mr. Hines concurred as the wages in New York are higher than those listed in the handout.

Mr. Hines asked if any farmers charge for housing or is free housing standard in the industry. Mr. Ruskiewicz replied that they can charge a certain amount per week; however, most farmers include housing.

Mr. Hines asked if taxes are taken out of their wages. Mr. Ruskiewicz replied yes.

Mr. Hines asked if the workers are from another country or state. Mr. Ruskiewicz replied country.

Mr. Vero pointed out the overhead costs will increase for the farmer and farmworkers could see a decrease in hours resulting in less money being earned. While intent of the bill is okay, the actual results will not do what they intend.

Mr. Ruskiewicz added that a recent trip to Albany there were two farmworkers lobbying against the bills.

Mr. Kulisek commented that Senator Jen Metzger is now the chairperson of the Committee on Agriculture and have they spoken to her. Mr. Ruskiewicz replied yes, she has spoken to the New York State Farm Bureau and Vegetable Growers. She was able to get them a series of public hearings across the state and in his opinion, she seems to understand the situation well and they hope she will step up for them.

Mr. Amo asked about the status of the bills. Mr. Ruskiewicz replied that it has been proposed and will be voted on.

Mr. Kulisek asked if there were any other proposals from the farmowners' standpoint. As a tradesman with collective bargaining rights they have a chance to sit across the table and negotiate but that does not seem to be the case here in New York or in several other states and who is voice for the worker. Mr. Ruskiewicz replied that they are regulated by the New York State Department of Labor.

Mr. Kulisek asked if there were farms with yearlong employees. Mr. Ruskiewicz replied yes, especially the dairy farms.

Motion carried. All in favor.

Ms. Bonelli moved request to apply for and accept a Federal Transit Administration (FTA) Job Access Reverse Commute (JARC) grant in the amount of \$600,000.00 to fund the JARC program in 2019, 2020, 2021 (\$200,000.00 each year), seconded by Mr. Hines.
Motion carried. All in favor.

Mr. Church explained that the Planning Department is the eligible recipient with Orange County Employment and Training administering the program to eligible individuals for a limited time with transportation to a new job. It consists of two pools of vans and drivers located in the Middletown area serving as far west as Port Jervis and as close as Chester and another pool in Newburgh to serve that area with approximately 33,000 trips annually.

Mr. Faggione asked if the jobs were throughout Orange County. Mr. Church replied yes, the business clusters in the Newburgh area and warehouse distribution area in the Town of Montgomery.

Mr. Kulisek asked of the 33,000 trips how many individuals were served. Mr. Church replied that he would have to get the numbers from Employment and Training.

Mr. Amo moved resolution recognizing
May 1, 2019 as Holocaust Memorial Day
"Yom Hashoah," seconded by Ms. Bonelli.

Motion carried. All in favor.

The meeting adjourned at 3:55 p.m.