

Labor Information for
**AGRICULTURAL
EMPLOYERS**
2020

WE ARE YOUR DOL



Division of Immigrant Policies and Affairs

This page has been left blank intentionally.

UPDATES TO FARMWORKER RIGHTS AND EMPLOYER RESPONSIBILITIES

WE ARE YOUR DOL



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

**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.*

EFFECTIVE JANUARY 1, 2020: WAGES AND OVERTIME

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

DAY OF REST

Employers must 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 of rest and, whenever possible, ensure that the day off coincides with a traditional day for religious worship. Farmworkers are permitted to voluntarily work on the day of rest, provided the employer pays them at the overtime rate. Employers must keep a weekly record of hours and days worked. For more information, please contact the 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 excluded from unemployment insurance coverage. For more information, please contact the NYS Department of Labor at Unemployment Insurance Employer Hotline **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 more information, please contact the Workers' Compensation Board at **877-632-4996** or 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 more information, please call **844-337-6303**.*

*For more information and employer resources related to workers' compensation, disability benefits and paid family leave, please see the Workers' Compensation Board's Toolkit for Farm Employers at www.wcb.ny.gov/farmtoolkit.

RIGHT TO ORGANIZE

Farmworkers 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 more information, please contact the Public Employment Relations Board at **518-457-6410** or see perb.ny.gov.

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

This page has been left blank intentionally.



Learner Permit

Driver License

Non-Driver ID Card

REAL ID

- Accepted for boarding a domestic flight or entering a federal building
No additional fee
Qualifications: proof of social security, proof of citizenship or lawful status, 2 proofs of residency, and 6 points of proof of name.



ENHANCED

- Accepted for boarding a domestic flight or entering a federal building
Accepted at U.S. Land/Sea Border Crossings
Available to U.S. Citizens only
Additional \$30 fee
Qualifications: proof of social security, proof of citizenship, 2 proofs of residency, and 6 points of proof of name.



STANDARD

- Not accepted for boarding a domestic flight or entering a federal building
Not federally recognized form of identification
No additional fee
Qualifications: proof of date of birth, 1 proof of residency, and 6 points of proof of name.



For more information about REAL ID or Enhanced, you may visit dmV.ny.gov/realid

NOTE: You must provide original documents or documents that are certified by the issuing agency. Unless specifically noted, DMV does not accept expired documents.

A) You must provide one (1) item regarding Social Security from below. Mark the Proof of Name points for the proof selected.

Table with 2 columns: Document type and Proof of Name Point Value. Rows include U.S. Social Security Card (2), Social Security Ineligibility Letter (0), Affidavit of never having been issued a social security number (0), and Social Security Number without the card (0).

B) You must provide one (1) proof of Date of Birth, U.S. Citizenship, or Lawful Status from below. Mark the Proof of Name points for the proof selected.

Table with 2 columns: Document type and Proof of Name Point Value. Rows include U.S. Passport or Passport Card (4), Certificate of Naturalization or Citizenship (3), U.S. Birth Certificate (0), Foreign Birth Certificate (0), Original or certified copy of U.S. Consular Report of Birth Abroad (0), Foreign Passport (4), Unexpired Permanent Resident Card (3), Expired Permanent Resident Card (2), Employment Authorization Card (3), St. Regis Mohawk Tribal Photo ID Card (2), Tribal Birth Certificate (0), Consular ID document (4), Foreign Driver License with Photo (4), Border Crossing Card (3), and Photo Driver License/Learner Permit/Non-Driver ID card (4).

* Not usable for an Enhanced Document

** Not usable for an Enhanced or REAL ID Document

Add the Proof of Name points you marked in Sections A & B together

- If you have at least 6 points, use Section C to meet the residency requirements for the document you are applying for.
If your total is less than 6 points, you must provide additional proofs from Section C to bring your total to 6 points or more, which must include the residency proofs required for the documents you are applying for.

C) Proof of New York State Residence and Additional Proofs of Name

You must provide either 2 proofs of residency for an Enhanced or REAL ID document, or 1 proof of residency for a Standard License or Permit.

<p>↓ Current address must appear pre-printed on the document to be used as a Residence Proof (P.O. Box is not acceptable). Electronic statements and e-bills must be printed. Only one of each proof can be accepted. Mark the box to track the documents you plan to bring to the DMV office.</p>	<p>New York State Residence Proof</p>	<p>Proof of Name Point Value</p>
New York State Driver License/Permit/Non-Driver ID Card. Must be current or not expired for more than 2 years.	YES	6
DMV Statement of Identity and/or Residence by Parent/Guardian (MV-45) IF UNDER AGE 21	YES	4
DMV Statement of Identity and/or Residence (MV-45A) - For Applicants Represented by Government or Government Approved Facilities	YES	4
DMV Statement of Identity (MV-45B) - For applicants who can be considered a disenfranchised, homeless youth**	YES	4
New York State Certificate of Title	YES	2
New York State Professional License	YES	2
New York State/NYC Pistol Permit	YES	2
U.S. High School Photo ID Card with Report Card or Official Transcript	YES (if issued within 1 year)	2
U.S. College Photo ID Card and Official Transcript	YES (if issued within 1 year)	2
Bank Statement	YES (if issued within 1 year)	1
Cancelled Check	YES (if issued within 1 year)	1
U.S. Computer Printed Pay Stub	YES (if issued within 1 year)	1
U.S. Municipal ID Card with photo	YES	1
Life Insurance Policy or Current Statement (in effect at least 2 years)	YES (if issued within 1 year)	1
Utility Bill	YES (if issued within 1 year)	1
Federal or New York State Income Tax W-2	YES (if issued within 1 year)	1
IRS Tax Transcript or Individual Taxpayer Identification Number Issuance Letter **	YES (if issued within 1 year)	1
Annual Social Security Statement (SSA-1099)	YES (Current year)	1
Federal or New York State Income Tax or Earning Statement (SSA-1099, SSA-1098)	YES (Current year)	0
DMV Certificate of Residence (MV-44NYR)***	YES	0
Assisted Living or Nursing Home Statement	YES (if issued within 1 year)	0
Credit Card Statement	YES (if issued within 1 year)	0
Current proof of Homeowners/Renters Insurance (Policy, Proof of Claim)	YES (if issued within 1 year)	0
Jury Duty Notice	YES (if issued within 1 year)	0
Medical Examiner's Certificate with New York State address and signature (for CDL medical exam requirement)	YES (if issued within 1 year)	0
Military Orders that are still in effect	YES	0
Postmarked mail	YES (if postmarked within 1 year)	0
Proof of Current Mortgage	YES (if issued within 1 year)	0
Property Deed	YES	0
Property or School Tax Bills or Receipts for current year (must reflect current address on mailing portion and portion stating what property is being taxed)	YES	0
Residential Lease	YES (if issued within 1 year)	0
Retirement Statement	YES (if issued within 1 year)	0
Selective Service Card	YES	0
Supplemental Security Income Award Statement	YES (if issued within 1 year)	0
Unemployment Benefit Statement	YES (if issued within 1 year)	0
Voter Registration Notification Card	YES (if issued within 1 year)	0
Welfare Benefit Statement	YES (if issued within 1 year)	0
Parent/Spouse ID (in the same last name or with proof of relationship)	YES (if issued within 1 year)	0
U.S. Military Photo ID Card (issued to active, reserve, and retired military personnel only)	NO	3
Reentry Permit (I-327)	NO	3
Refugee Travel Document (I-571)	NO	3
New York State Benefit/Medicaid Card with photo	NO	3
New York State Interim License/Permit/Non-Driver ID, without photo	NO	2
New York State Registration Document (Vehicle or Boat only)	NO	2
Photo Driver License/Learner Permit/Non-Driver ID card issued by another U.S. state, jurisdiction or possession, or Canadian province or territory. Must be current or expired no longer than two years.	NO	4

C) Proof of New York State Residence and Additional Proofs of Name (continued)

You must provide either 2 proofs of residency for an Enhanced or REAL ID document, or 1 proof of residency for a Standard License or Permit.

↓ Current address must appear pre-printed on the document to be used as a Residence Proof (P.O. Box is not acceptable). Electronic statements and e-bills must be printed. Only one of each proof can be accepted. Mark the box to track the documents you plan to bring to the DMV office.	New York State Residence Proof	Proof of Name Point Value
U.S. Marriage or Divorce Record issued by a state or local government OR Court issued Name Change Decree	NO	2
Foreign Marriage or Divorce Record (issued by government entity) OR Court Issued Name Change Decree **	NO	2
U.S. Military Dependent ID	NO	2
New York State Benefit/Medicaid Card WITHOUT Photo	NO	2
Cash Card (ATM) (must have signature and pre-printed name)	NO	1
Valid Major Credit Card	NO	1
U.S. Employee ID Card	NO	1
U.S. High School Diploma OR GED	NO	1
U.S. Supermarket Check Cashing Card (must have signature and pre-printed name)	NO	1
U.S. Union Card	NO	1
Veterans Universal Access Photo ID Card	NO	1
Health Insurance Card/Prescription Card to show current proof of health insurance coverage	NO	1
U.S. Court Document with the applicant named as a party **	NO	1
Foreign school report card/record with photo **	NO	2
Foreign school report card/record without photo**	NO	1

* Not usable for an Enhanced Document ** Not usable for an Enhanced or REAL ID Document *** Not usable for a Standard Document

Add the Proof of Name points you marked in Sections A, B & C together (must total at least 6 points) →

- ALL APPLICANTS MUST:**
1. Complete Application for Permit, Driver License or Non-Driver ID Card (form MV-44).
 2. Present required proofs of identification. You may visit the New York State DMV's online document guide at dmv.ny.gov/DocumentGuide OR refer to the tables on pages 2 & 3 for acceptable proofs.
 3. License and Learner Permit applicants must pass a Vision Test.
 4. Pay fees. You can pay with credit card, cash, or check or money order payable to "Commissioner of Motor Vehicles".

- GENERAL REQUIREMENTS:**
- Social Security Ineligibility (Standard and REAL ID only):
 - ♦ If you are not eligible to have a Social Security Number, you must provide a letter from the Social Security Administration (SSA) dated within 30 days of your office visit stating you are not eligible for a Social Security Number. You must also show the Department of Homeland Security documentation that was issued by the SSA to determine you are not eligible.
 - ♦ For information on how to obtain a duplicate card or for your local SSA office address, go to www.ssa.gov
 - Foreign Language Documents:
 - ♦ Documents in a foreign language must be accompanied by a certified English translation in order to be accepted.
 - Mutilated Documents:
 - ♦ DMV will not accept any damaged or mutilated documents, or documents with any alterations or erasures. DMV will confiscate any document that appears to be fraudulent. If you submit a fraudulent document, you could be subject to criminal prosecution.
 - One Proof Per Source or Type:
 - ♦ DMV will not accept more than one document of the same type of proof or from the same source. For example, DMV will accept only one major credit card statement or one utility bill, or DMV will not accept a bank statement and a credit card statement from the same financial institution.

- REQUIREMENTS FOR ENHANCED & REAL ID:**
- Full Legal Name:
 - ♦ The combination of your full legal name - first, middle (if applicable), last and suffix (if applicable). This full name will appear on your card.
 - ♦ If your name has changed due to marriage, divorce, or legal name change, you must bring original or certified copies documenting the change (marriage certificate, divorce decree, court issued documents). If your name has changed multiple times, you must bring multiple documents that link all names.
 - Foreign Passport:
 - ♦ If you are submitting a foreign passport as proof of lawful status, you must have either:
 - a valid Visa and an I-94 issued by Immigration & Naturalization Service/Department of Homeland Security or Stamp Issued by Customs & Border Patrol
 - a valid I-551 stamp - Type of Lawful Status determined by Department of Homeland Security verification
 - a valid I-551 statement on the Visa - Type of Lawful Status determined by Department of Homeland Security verification
 - ♦ A foreign passport without accompanying documentation can be used as Proof of Date of Birth. It will NOT be accepted as proof of lawful status and cannot be used for an Enhanced or REAL ID document.
 - Current New York State Address:
 - ♦ Each document must show your current address in New York State.
 - ♦ An address with a P.O. box is not acceptable.
 - ♦ Your current address will appear on your REAL ID or Enhanced document.
 - Temporary Lawful Status:
 - ♦ If you have temporary lawful status, be prepared to show current documentation.
 - Additional Social Security Card Options:
 - ♦ If you have a valid New York State Photo Document, you may submit one of the following documents instead of your Social Security Card. The document must display your full Social Security Number. The documents below are acceptable for this purpose, regardless of issuance date.
 - Federal or New York State Income Tax W-2
 - Annual Social Security Statement (SSA-1099)
 - Federal or New York State Income Tax or Earning Statement (SSA-1099)

TO APPLY FOR A:**Learner Permit - Class D (Operator) or M (Motorcycle):**

- You must pass a written test and a vision test. The driver manual and practice exams are available on our website at dmv.ny.gov
- You must be at least age 16 to apply for a learner permit or driver license. Parental consent is required if you are age 16 or 17, unless you are age 17 and have a Driver Education Certificate of Completion (form MV-285).
- New drivers receive a permit that can be valid for more than one year. If you have temporary lawful status and are applying for a REAL ID, you will receive a document that expires no later than the expiration date on the temporary lawful status document.

Non-Driver ID Card:

- You must provide proof of citizenship or lawful status.
- For a Standard document, proof of residency is not required.
- There is no age restriction to obtain a non-driver ID card, however if you are under age 16, parental consent is required.
- If you are a Supplemental Security Income (SSI) recipient, please bring documentation with you to the office.

New York State license by transferring an out-of-state license:

- The written and road test may be waived if you hold a Driver License issued by another U.S. State, U.S. jurisdiction, Canadian Province, or Canadian Territory that has been in effect for 6 Months and is not expired more than 2 Years.
- If the issue date on your license is within the past 6 months, you must obtain a certified copy of your driving record to show you have had a license for more than 6 months.
- New York State will retain your out-of-state license.
- Parental Consent is required if you are under 18 years old.

TO RENEW A:**Learner Permit - Class D (Operator) or M (Motorcycle):**

- You must have passed a written test within the last 2 years.

Driver License:

- You must pass a vision test. If you have passed a vision test at an authorized Vision Registry provider, you may be able to renew your license online at dmv.ny.gov

Non-Driver ID Card:

- You may be able to renew your Non-Driver ID online at dmv.ny.gov

TO UPGRADE A:**DJ or MJ license to a D or M license:**

- If you are age 17, bring your Driver Education Certificate of Completion (form MV-285). If you are age 18, you do not need to visit an office, a document will automatically be mailed to you.

Higher class license or add a license class:

- To upgrade to a Class E license you must pay an additional license fee.
- To obtain a Class A, B, or C license you must pass the General Knowledge CDL written test and you may be required to pass a CDL Endorsement written test. Class A and B licenses also require a learner permit and a skills test. You will have to prove lawful status and proof of New York state residence.
- You may submit an Employment Authorization Card (I-688B or I-766) as proof of lawful status when applying for a Standard Commercial Driver License.
- If you apply for a Farm Endorsement (F or G) or a Tow Truck Endorsement (W) you will be issued a Class C license.
- You may submit a New York State Photo Document Renewal Invitation (MV-2) as proof of residence when applying for a Standard Commercial Driver License.

TO AMEND A:**Name on your existing New York State photo document:**

- You must present an original U.S. marriage or U.S. divorce record or certified copy of court issued name change decree in your new name.

Other item on your existing New York State photo document:

- For additional amendment options you may visit <https://dmv.ny.gov/amend>

TO REPLACE A:**Lost, mutilated, or stolen New York State photo document:**

- DMV recommends reporting stolen documents to local law enforcement before applying for a replacement document. If you report stolen documents to the police prior to visiting the office, be sure to bring a copy of your police report.

TRANSACTION TYPE	Total will not be more than
All fees are approximate. An exact fee cannot be determined until your document is issued.	
Learner Permit (Class DJ/D or MJ/M)	\$ 136.00
License (Class D or M)	\$ 98.50
License (CDL or Class E)	\$ 180.50
Non-Driver ID Card	\$ 13.00
Non-Driver ID Card [Supplemental Security Income (SSI) Recipient]	\$ 6.50
Upgrade to a Higher License (CDL or Class E)	\$ 153.00*
Replacement License/Permit	\$ 17.50
Replacement Non-Driver ID Card	\$ 8.00
Replacement Non-Driver ID Card [Supplemental Security Income (SSI) Recipient]	\$ 6.50
Amend License/Permit	\$ 12.50
Amend Non-Driver ID Card	\$ 5.00
NOTE: Add \$30 for Enhanced document transactions except Replacement documents.	
* Additional Written and Road Test fees may apply.	

The 2020 Census and Confidentiality

Your responses to the 2020 Census are safe, secure, and protected by federal law. Your answers can only be used to produce statistics—they cannot be used against you in any way. By law, all responses to U.S. Census Bureau household and business surveys are kept completely confidential.

Respond to the 2020 Census to shape the future.

Responding to the census helps communities get the funding they need and helps businesses make data-driven decisions that grow the economy. Census data impact our daily lives, informing important decisions about funding for services and infrastructure in your community, including health care, senior centers, jobs, political representation, roads, schools, and businesses. More than \$675 billion in federal funding flows back to states and local communities each year based on census data.



Your census responses are safe and secure.

The Census Bureau is required by law to protect any personal information we collect and keep it strictly confidential. The Census Bureau can only use your answers to produce statistics. In fact, every Census Bureau employee takes an oath to protect your personal information for life. Your answers cannot be used for law enforcement purposes or to determine your personal eligibility for government benefits.

By law, your responses cannot be used against you.

By law, your census responses cannot be used against you by any government agency or court in any way—not by the Federal Bureau of Investigation (FBI), not by the Central Intelligence Agency (CIA), not by the Department of Homeland Security (DHS), and not by U.S. Immigration and Customs Enforcement (ICE). The law requires the Census Bureau to keep your information confidential and use your responses only to produce statistics.



The law is clear—no personal information can be shared.

Under Title 13 of the U.S. Code, the Census Bureau cannot release any identifiable information about individuals, households, or businesses, even to law enforcement agencies.

The law states that the information collected may only be used for statistical purposes and no other purpose.

To support historical research, Title 44 of the U.S. Code allows the National Archives and Records Administration to release census records only after 72 years.

All Census Bureau staff take a lifetime oath to protect your personal information, and any violation comes with a penalty of up to \$250,000 and/or up to 5 years in prison.

[2020CENSUS.GOV](https://2020census.gov)

D-1254

Shape
your future
START HERE >

United States®
Census
2020

There are no exceptions.

The law requires the Census Bureau to keep everyone's information confidential. By law, your responses cannot be used against you by any government agency or court in any way. The Census Bureau will not share an individual's responses with immigration enforcement agencies, law enforcement agencies, or allow that information to be used to determine eligibility for government benefits. Title 13 makes it very clear that the data we collect can only be used for statistical purposes—we cannot allow it to be used for anything else, including law enforcement.

It's your choice: you can respond securely online, by mail, or by phone.

You will have the option of responding online, by mail, or by phone. Households that don't respond in one of these ways will be visited by a census taker to collect the information in person. Regardless of how you respond, your personal information is protected by law.

Your online responses are safe from hacking and other cyberthreats.

The Census Bureau takes strong precautions to keep online responses secure. All data submitted online are encrypted to protect personal privacy, and our cybersecurity program meets the highest and most recent standards for protecting personal information. Once the data are received, they are no longer online. From the moment the Census Bureau collects responses, our focus and legal obligation is to keep them safe.

We are committed to confidentiality.

At the U.S. Census Bureau, we are absolutely committed to keeping your responses confidential. This commitment means it is safe to provide your answers and know that they will only be used to paint a statistical portrait of our nation and communities.

Learn more about the Census Bureau's data protection and privacy program at www.census.gov/privacy.



Laws protecting personal census information have withstood challenges.

In 1982, the U.S. Supreme Court confirmed that even addresses are confidential and cannot be disclosed through legal discovery or the Freedom of Information Act (FOIA). In 2010, the U.S. Justice Department determined that the Patriot Act does not override the law that protects the confidentiality of individual census responses. No court of law can subpoena census responses.

2020CENSUS.GOV

Shape
your future
START HERE >

United States[®]
Census
2020

WE ARE YOUR DOL



Department
of Labor

AGRICULTURE LABOR PROGRAM

BUSINESSES

Our Agriculture Labor Specialists can help you:

- Recruit local workers in time for your harvest
- Screen workers for the right skills and experience
- Find the answers to questions about recruiting and registering workers
- Understand your responsibilities (labor laws and compliance issues)
- Interpret labor market data and employment trends

Under federal labor laws, states must assure that Migrant and Seasonal Farm Workers are served equally as are other job seekers. In New York State, our Agriculture Labor Program assists both agricultural employers and workers.

Our Agriculture Labor Specialists are located throughout the state. They can assist you, one on one, with many Department of Labor services designed for agribusiness.

JOB SEEKERS

Our Agriculture Labor Specialists can help you:

- Find a job that fits your skills and experience
- Branch out into related fields
- Explore openings in other locations
- Learn about training options
- Resolve a work-related complaint

Our New York State Career Center system serves everyone. Each location has people who can help you with your job search, as well as computers that can be used by people of most abilities. We also have interpreters. If you need help, ask us.

1-877-466-9757

dipa@labor.ny.gov

www.labor.ny.gov

This page has been left blank intentionally.

WE ARE YOUR DOL



Department
of Labor

AGRICULTURAL RECRUITMENT SYSTEM

The Agricultural Recruitment System (ARS) provides agricultural employers a mechanism to recruit qualified US workers for temporary or seasonal agricultural work (less than a year-round basis). ARS is a process for handling of local, intrastate and interstate agricultural job orders through the New York State Career Center. An employer can request to use the ARS system at any time, however, the employer should be cognizant of the time frame workers will be needed for the season. Employers should request workers no later than 10-12 weeks prior to the date of need to provide enough time to go through the entire process (Local, Intrastate, and Interstate recruitment).

LOCAL

Employer submits a local job order with the local Career Center/AgLS staff. If housing is provided, it must be inspected and approved by the appropriate agency. Approval of the job order is the responsibility of the Career Center or AgLS staff. The local job order is then entered into the One Stop Operating System (OSOS) for local recruitment.

INTRASTATE

If labor needs not met through local efforts, the employer has the option to clear the job order to extend recruitment area by filing an Intrastate Clearance Order (ICO). This allows employers to recruit outside of the local workforce area but recruit only within the state of NY. Employer along with the Career Center or AgLS staff assistance, fills out the ETA 790 Form requesting permission to recruit outside the local workforce area.

Employer must agree to some assurances to participate in the ARS process. The following language is included in the job order and the employer must agree to:

1. Pay highest rate of pay among state, federal or prevailing practice wage.
2. Register with state as a Farm Labor Contractor.

3. Provide Outreach workers reasonable access to workers.
4. Provide housing for workers unable to return home the same day.
5. Provide or pay transportation cost.
6. The Intrastate job order is then forwarded to and approved by the NY State Monitor Advocate (SMA).

INTERSTATE

If Intrastate recruitment is unsuccessful, the employer can request to expand the search for workers to supply states, this is known as the Interstate Clearance Order (ICO). Employer requests the job order be submitted to the next level. The ETA 790 form includes everything mentioned above under Intrastate Clearance Order. The SMA submits the signed ETA 790 to Regional Monitor Advocate (RMA) for review and approval. RMA has 10 days to approve or deny the job order.

FREQUENTLY ASKED QUESTIONS

HOW IS THE H-2A PROCESS DIFFERENT FROM ARS?

The ARS, a free program, is intended to recruit only US domestic workers. The H-2A foreign guest worker program allows employers to expand recruitment to workers internationally. Under the H-2A foreign guest worker program, employers pay an application fee and pay costs associated with recruiting workers from other countries.

HOW DO I SUBMIT A LOCAL JOB ORDER?

Employers can submit a job order at a Career Center nearest them. The Agricultural Job Order Form may be used at the Career Center to post a job order. Employers can also worker with their local AgLS who will fill out the AL515 ARS Job Order Form and place the job order on NYS Job Bank.

CAN I USE THE ARS PROCESS AND SUBMIT AN H-2A JOB ORDER AT THE SAME TIME?

Although the H-2A process and the ARS look similar, they cannot be used at the same time. The moment an employer decides to supplement labor with the H-2A guest worker program, additional steps and paper work must be completed. The ETA 790 Form is submitted to NYSDOL's Foreign Labor Certification Unit for processing and sent to USDOL's Office of Foreign Labor Certification for approval. However, the ARS can be used prior to applying under the H-2A program to test for domestic worker availability in the area of intended employment or surrounding supply states.

IS THERE A COST TO USING THE ARS?

Although, there no required fees or costs that must be paid by the employer to use ARS, there are required assurances that may have a financial impact on worker recruitment. For example, the employer may have to pay to repair worker housing prior to inspection or pay for worker transportation.

DOES THE SWA SCREEN APPLICANTS FOR WORK AUTHORIZATION?

Career Center and AgLS staff do not verify work authorization. Staff match available job seekers currently registered in OSOS and refer qualified candidates to your job order. It is the responsibility of the employer to complete the required Federal and State paperwork to successfully onboard workers.

AM I REQUIRED TO HIRE REFERRALS FROM THE NYSDOL?

No, an employer is not required to hire a referral from the NYSDOL. However, if a screened applicant is not hired, we may follow-up with the employer to determine the reason for not hiring a referral.

WHO SHOULD I CONTACT IF I HAVE QUESTIONS?

Contact the State Monitor Advocate (SMA) with any questions regarding the ARS process. The SMA can be reached at labor.sm.State.Monitor.Advocate@labor.ny.gov.



WE ARE YOUR DOL

NEW YORK
STATE OF
OPPORTUNITY
Department
of Labor

SERVICES FOR BUSINESSES

Supporting Business Needs in New York

In good economic times or bad, the New York State Department of Labor has no-cost programs and services that can save your business time and money. Be it recruiting and training new employees or providing guidance on a variety of labor issues, we can help.

JOB POSTINGS

Post your jobs with the New York State Job Bank (jobs.ny.gov) for free! You can use the Indexing feature to copy openings from your own web site, self-post jobs or have Business Services staff assist you. You give us the job description, skills and abilities desired, and we'll find you the best match possible. You also get access to our Talent Bank, which will allow you to search for qualified individuals who meet your hiring needs. Using this service can save an estimated \$8,000 in job posting costs.

CAREER FAIRS / CUSTOM RECRUITING

These no-cost events enable you to meet several qualified candidates face-to-face. We can target events to specific industries or to an individual business. We can hold events at Department of Labor facilities or at your place of business. Participation can save an estimated \$13,000 in recruitment costs.

SKILLS MATCHING SERVICES – NY TALENT AND SMART

NY Talent is a new tool that helps businesses find the most qualified candidates for their job openings. It offers a job order tool and the ability to search resumes. SMART (Skills Matching and Referral Technology) is the sister tool that jobseekers use to build resumes and match to job orders. Both tools use artificial intelligence technology to analyze job orders and resumes using skills matching, rather than keyword matching.

CONSULTATIONS WITH LABOR DEPARTMENT STAFF

If you have questions about your responsibilities as a business in New York State, Labor Department staff are available to meet and review various rules and regulations so you can remain compliant.

HUMAN RESOURCES ASSISTANCE

- Write/review your job descriptions and employee handbooks
- Develop performance evaluations and personnel policies
- Create orientation sessions for new workers
- Hone job interview techniques for efficiency and compliance
- Analyze employee turnover
- Explain labor laws to help you comply with wage/hour and safety/health regulations

SAFETY AND HEALTH ASSISTANCE

Keeping New York's workforce safe is our number one priority. If you have questions about occupational safety and health assistance or are interested in receiving a free consultation, email us at onsite@labor.ny.gov to schedule an appointment.

More information about our Safety and Health programs can be found on our website: www.labor.ny.gov/workerprotection/safetyhealth/DOSH_INDEX.shtm

TAX CREDITS

There are a number of federal and state tax credits available to businesses who hire qualified individuals, which can offer substantial savings to your business:

WORK OPPORTUNITY TAX CREDIT (WOTC)

A federal tax credit to promote hiring individuals from target groups, like veterans and youth.

WORKERS WITH DISABILITIES TAX CREDIT (WETC)

A New York State tax credit that offers savings for hiring individuals with disabilities.

EXCELSIOR JOBS PROGRAM

Provides tax credits for job creation in targeted industries, such as biotechnology, pharmaceutical, high-tech, clean-technology, green technology, financial services, agriculture and manufacturing.

TRAINING

If you need to upgrade the skills of your workers, we can refer you to certified training providers or help you set up an in-house training program. In some cases, there is funding available to help you train your workers. Programs include:

ON-THE-JOB TRAINING (OJT)

Specialized training that you develop and conduct to bridge skill gaps.

APPRENTICESHIP TRAINING

A combination of hands-on work experience and classroom instruction to produce a skilled worker.

LABOR MARKET INFORMATION (LMI)

Looking to locate or expand your existing operations? We have the most current and accurate labor market information available, including data on labor supply, wages, occupational projections, commuting patterns and the latest job figures.

SHARED WORK

During temporary downturns, the Shared Work program is an ideal alternative to layoffs. You can reduce the hours your employees work and they can collect partial Unemployment Insurance benefits to offset the loss in income. It helps you retain your skilled workforce and ramp up faster once the economy rebounds.

TO LEARN MORE ABOUT ANY OF THESE PROGRAMS AND SERVICES, CONTACT A BUSINESS SERVICES REPRESENTATIVE

CAPITAL REGION

Patrick Brown
W.A. Harriman State Office Campus
Building 12, Room 412
Albany, NY 12240
518-457-2483
patrick.brown@labor.ny.gov

CENTRAL NEW YORK

Roy Jewell
450 South Salina Street, Room 302
Syracuse, NY 13202
315-479-3362
roy.jewell@labor.ny.gov

FINGER LAKES

Jason Kirchhoff
276 Waring Road
Rochester, NY 14609
585-258-8843
jason.kirchhoff@labor.ny.gov

HUDSON VALLEY

Sheila Davis
3 Washington Center, 4th Floor
Newburgh, NY 12550
845-568-5371
sheila.davis@labor.ny.gov

LONG ISLAND

Pamela Bedford
303 West Old Country Road
Hicksville, NY 11801
516-934-8521
pamela.bedford@labor.ny.gov

MOHAWK VALLEY

John Tully
207 Genesee St
Utica, NY 13501
315-793-2271
john.tully@labor.ny.gov

NEW YORK CITY

Ingrid Gonzalez
9 Bond Street
Brooklyn, NY 11201
718-613-3657
ingrid.gonzalez@labor.ny.gov

NORTH COUNTRY

Melissa Baretzky
194 US Oval
Plattsburgh, NY 12901
518-561-0430
melissa.baretzky@labor.ny.gov

SOUTHERN TIER

David Croston
2001 Perimeter Road, Suite 3
Endicott, NY 13760
607-741-4518
david.croston@labor.ny.gov

WESTERN NEW YORK

Deb Arbutina
284 Main Street, Floor Mezzanine
Buffalo, NY 14202
716-851-2653
deborah.arbutina@labor.ny.gov



Pay Notice and Work Agreement for Farm Workers

This notice, when properly completed, satisfies the:

- Pay notice provisions of Section 195 of the NYS Labor Law
- Written work agreement provisions of Part 190, the Farm Minimum Wage Order

1. Employer Information:

Name: _____ Phone: _____

Doing Business As (DBA) Name(s): _____

Physical address: _____

Mailing address: _____

Federal Employer Identification Number (FEIN) (optional): _____

2. Notice given: At hiring Before a change in pay rates, allowances claimed, or payday

3. Specific location where worker will work: _____

4. Types of work to be performed:

5. Hours for standard work day: _____ **Hours for standard work week:** _____

(Per Section 161.1 of the NYS Labor Law hours may not exceed 60 per work week except by prior mutual agreement.)

6. Describe employer provided housing arrangements, if any, including number of rooms and cooking facilities:

7. Employee's regular hourly rate(s) of pay and overtime rate of pay:* _____

Indicate basis; per hour, shift, day, week, salary, or per unit. (Give capacity of unit.)

Rate: _____ per: _____ Overtime rate: _____

Rate: _____ per: _____ Overtime rate: _____

(This must be at least time and one-half the regular pay rate. If the pay rate is not hourly based, the regular rate must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions)

8. Payday: _____ **For week ending:** _____

9. Frequency of pay: Weekly: _____ Other: _____

10. Allowances, if any, to be credited towards minimum wage:

Number of meals per day: _____ Amount per meal \$ _____

Lodging: \$ _____

Payments in kind (specify): _____ \$ _____

11. All planned payroll deductions (e.g., health insurance, retirement contributions, other):

12. Employer provided benefits (e.g. paid sick time, vacation, personal days, holidays, other):

13. Approximate period of employment: Start date: _____ End date: _____

14. Non-economic terms and conditions of employment (e.g., transportation availability, medical service, child care, schooling, etc.):

15. Designated day-of-rest†: _____ .

Employers may not compel farm laborers to work on the designated day-of-rest. Farm Laborers must be paid time and one-half their regular rate of pay for volunteering to work on their designated day-of-rest.

16 Employee Acknowledgment and Affirmation:

On this day, I have been notified of my pay rate, overtime rate, designated day-of-rest, allowances, and designated payday. I affirm that I told my employer what my primary language is. Check one:

- I have been given this pay notice in English because it is my primary language, or
- I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language, which is: _____

Employee's name (print): _____

Signature: _____ Date: _____

17. Preparer's name (print): _____ Title: _____

Signature: _____

The employee must receive a signed copy of this form. The employer must keep a copy for 6 years.

Instructions and additional information:

Section 195 NYS Labor Law requires that the information on this notice be provided in writing to all employees at the time of hiring. Employers must notify employees in writing of any changes to the information in this notice at least seven calendar days prior to the time of such changes, unless such changes are reflected on the employee's wage statement. However, even if the change will be reflected on the employee's wage statement, employers may not lower an employee's rate(s) of pay without notifying the employee before the work is performed.

Section 195 also requires that employers notify their employees in writing or by publicly posting their policy on sick leave, vacation, personal leave, holidays and hours.

Section 195 also requires that employers preserve their payroll records for 6 years.

The Minimum Wage Order for Farm Workers requires that employers post, in a conspicuous place on the farm, a copy of any generally applicable work agreement and a posting issued by the NYS Department of Labor summarizing the Farm Minimum Wage provisions.

* Section 163-a NYS Labor Law: Beginning on January 1, 2020 agricultural employers must pay at least time and one-half of the employees' regular rate of pay for all hours worked in excess of 60 during a calendar week, and employees must agree to work more than 60 hours in the calendar week in question.

† Section 161.1 NYS Labor Law: Beginning on January 1, 2020 every farm laborer shall be allowed at least 24 consecutive hours of rest in each calendar week. Nothing in this provision prevents a farm laborer from voluntarily working on his/her day-of-rest provided that his/her employer compensates the employee at a rate of at least time and one-half of the employees' regular rate of pay for all hours worked on the day-of-rest. 24 consecutive hours off for weather events, or crop conditions may count as a day of rest in a calendar week.

It is unlawful for an employee to be paid less than an employee of the opposite sex or because the employee is in a protected class. Employers may not prohibit employees from discussing their wages with co-workers. Employers may not enquire about an employee's salary history

Aviso de pago y contrato de trabajo para trabajadores agrícolas

Este aviso, cuando se llena correctamente, satisface:

- Las disposiciones sobre aviso de pago de la Sección 195 de la Ley del Trabajo del Estado de NY
- Las disposiciones sobre contrato de trabajo por escrito de la Parte 190 de la Orden de Salario Mínimo Agrícola

1. Información del empleador:

Nombre: _____ Teléfono: _____

Operando bajo el nombre: _____

Dirección física: _____

Dirección postal: _____

Número de Identificación Federal del Empleador (FEIN) (opcional): _____

2. Aviso dado: Al ser contratado Antes de un cambio en el sueldo, las prestaciones o el día de pago

3. Lugar específico en donde trabajarán los trabajadores: _____

4. Tipos de trabajo que harán:

5. Horas por día laboral estándar: _____ **Horas por semana laboral estándar:** _____

(De acuerdo con la Sección 161.1 de la Ley de Trabajo del Estado de New York las horas no pueden ser más de 60 por semana laboral, salvo por mutuo acuerdo).

6. Describa los arreglos de vivienda, de haberlos, incluyendo la cantidad de habitaciones y las instalaciones para cocinar:

7. Sueldo regular del empleado y sueldo por tiempo extra:* _____

Indique la base: por hora, turno, día, semana, salario, o por unidad. (Incluya la capacidad de la unidad).

Sueldo: _____ por: _____ Sueldo por tiempo extra _____

Sueldo: _____ por: _____ Sueldo por tiempo extra _____

(Debe ser al menos una y media veces el sueldo por hora regular. Si el sueldo no es por hora, explique la base de cálculo del sueldo por tiempo extra a una y media veces el importe del sueldo normal).

8. Día de pago: _____ **Para la semana que terminó el:** _____

9. Frecuencia de pago: Semanal: _____ Otra: _____

10. Prestaciones, si las hay, para acreditar para el salario mínimo:

Número de comidas al día: _____ Importe por comida \$ _____

Alojamiento: \$ _____

Pagos en especie (especifique): _____ \$ _____

11. Todas las demás deducciones de nómina previstas (como seguro social, impuestos, otras):

12. Beneficios provistos por el empleador (por ejemplo, permiso pagado por enfermedad, vacaciones, días por motivos personales, feriados, otros.):

13. Período aproximado de empleo: Fecha de inicio: _____ Fecha de terminación: _____

14. Términos y condiciones no económicos de empleo (por ejemplo, disponibilidad de transporte, servicio médico, guardería, escuelas, etc.):

15. Día de descanso designado†: _____.

Los empleadores no pueden obligar a los empleados a trabajar en su día de descanso designado. Los empleados deben recibir pago a razón de una y media veces su sueldo regular por trabajar voluntariamente en el día de descanso designado.

16. Aceptación del empleado:

En este día se me han notificado mi sueldo, mi sueldo por tiempo extra, mi día de descanso designado, mis prestaciones y mi día de pago designado. Le he dicho a mi empleador cuál es mi idioma principal. Marcar uno:

Me han entregado este aviso de pago en español porque es mi idioma principal, o

Me han entregado este aviso de pago solamente en inglés, porque el Departamento de Trabajo aún no ofrece un formulario de aviso de pago en mi idioma principal, que es: _____.

Nombre del empleado (en letra de molde): _____

Firma: _____ Fecha: _____

17. Nombre de quien contestó (en letra de molde): _____ Puesto: _____

Firma: _____

El empleado debe recibir una copia firmada de este formulario. El empleador debe conservar una copia durante 6 años.

Instrucciones e información adicional:

La Sección 195 de la Ley de Trabajo del Estado de NY exige que la información de este aviso se entregue por escrito a todos los empleados al momento de su contratación. Los empleadores deben notificar por escrito a los empleados sobre cualquier cambio en la información en este aviso al menos siete días calendario antes del momento del cambio, salvo cuando dichos cambios se reflejen en el recibo de pago del empleado. Sin embargo, incluso si el cambio se reflejará en el recibo de pago del empleado, los empleadores no pueden reducir el sueldo de un empleado sin notificarlo al empleado antes de que desempeñe el trabajo.

La Sección 195 también exige que los empleadores avisen a sus empleados sobre sus políticas de permiso por enfermedad, vacaciones, permisos personales, días feriados y horas trabajadas, ya sea por escrito o publicándolas en un lugar prominente.

La Sección 195 también exige que los empleadores conserven sus registros de nóminas durante 6 años.

La Orden de Salario Mínimo para Trabajadores Agrícolas ordena que los empleadores publiquen en un lugar prominente de la granja una copia de cualquier contrato de trabajo de aplicación general, así como una publicación expedida por el Departamento de Trabajo del Estado de New York que resume las disposiciones referentes al salario mínimo agrícola.

*Sección 163-a de la Ley de Trabajo del Estado de NY: A partir del 1 de enero de 2020, los empleadores agrícolas deben pagar al menos una y media veces el salario regular de los empleados por todas las horas trabajadas en exceso de 60 durante una semana calendario, y los empleados deben estar de acuerdo en trabajar más de 60 horas en la semana calendario en cuestión.

† Sección 161.1 de la Ley de Trabajo del Estado de NY: A partir del 1 de enero de 2020, todos los trabajadores agrícolas deben recibir al menos 24 horas consecutivas de descanso en cada semana calendario. Nada de lo expresado en esta disposición impide que un trabajador agrícola trabaje voluntariamente en su día de descanso, siempre y cuando su empleador remunere al empleado con un sueldo que sea al menos una y media veces el sueldo regular del empleado por todas las horas trabajadas en el día de descanso. Un período de 24 horas consecutivas sin trabajar debido a eventos meteorológicos o las condiciones del cultivo puede contar como un día de descanso en una semana calendario.

Es ilegal que un empleado reciba un pago menor que el de un empleado del sexo opuesto o debido a que el empleado forma parte de una clase protegida. Los empleadores no pueden prohibir a los empleados que hablen sobre sus sueldos con sus compañeros de trabajo. Los empleadores no pueden hacer preguntas sobre la historia salarial de un empleado.

WE ARE YOUR DOL



Department
of Labor

TAX INCENTIVES FOR BUSINESSES

LOWER YOUR LABOR COSTS

Employers that do business in New York State can trim their labor costs through several workforce and economic development programs. Employment-based tax credits may save your business money by cutting federal or state tax liability.

WORK OPPORTUNITY TAX CREDIT

The Work Opportunity Tax Credit (WOTC) offers employers up to \$2,400 in federal tax savings for hiring individuals with barriers to employment. Qualified individuals must complete at least 120 hours of work to qualify for the partial WOTC credit of \$1,500, and over 400 hours for the full \$2,400 credit. To qualify businesses for the credit, individuals must be verified as members of a targeted group.

The groups include:

- People who receive Temporary Assistance for Needy Families (TANF)
- Veterans who:
 - Receive Supplemental Nutrition Assistance Program (SNAP) benefits
 - Have a service-related disability
 - Have been unemployed for at least four weeks in the previous calendar year
- Ex-felons
- People (age 18-39) who live in a federal empowerment zone or rural county
- Disabled persons receiving rehabilitation services
- Youth (age 16-17) who live in a federal empowerment zone (summer employment only)
- People (age 18-39) who receive Supplemental Nutrition Assistance Program (SNAP) benefits
- People who receive Supplemental Security Income (SSI)
- People who receive Long-Term Family Assistance
- Long Term Unemployment Recipients (LTUR)

WORKERS EMPLOYMENT TAX CREDIT (WETC)

Businesses that employ people with disabilities who currently receive vocational rehabilitation services (or people who received them up to two years prior to hire) may earn \$2,100 more in state tax credits. You get the credit during the second year of employment and can combine it with the WOTC credit.

WORKERS WITH DISABILITIES TAX CREDIT (WDTC)

For-profit businesses and organizations that hire individuals with developmental disabilities may earn up to \$5,000 for full-time employment (30 hours or more per week), and up to \$2,500 for part-time employment (between 8 hours and 30 hours per week). The period of employment must be no less than six months. If the amount of the credit exceeds the entity's tax liability, then the tax credit may be carried over for the following three years. Note: Businesses cannot claim this tax credit for an individual they hire if they are already claiming another tax credit for that individual.

NEW YORK YOUTH JOBS PROGRAM

The New York Youth Jobs Program helps young people entering the world of work have a successful start. The program encourages the hire of unemployed, disadvantaged youth. Businesses may earn tax credits of up to \$7,500 per youth for full-time employment, and up to \$3,750 per youth for part-time employment. To qualify, both businesses and youth must be certified by the New York State Department of Labor. Businesses may be eligible for certification if they are in good legal standing, and have a physical location in New York State. Youth may be eligible who are unemployed, between ages 16-24, live New York State and meet one of the designated risk factors.

HIRE-A-VET CREDIT

The Hire-a-Vet Credit encourages the hire of qualified veterans. Businesses must employ a qualified veteran for no less than 35 hours per week for one full year. A qualified veteran is someone who served on active duty in the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, Reserves, National Guard, New York Guard or New York Naval Militia, and was released from active duty by general or honorable discharge after September 11, 2001. Qualified veterans must attest that they were not employed for 35 or more hours in the previous 180 days. Businesses may earn up to \$5,000 for hiring a qualified veteran and up to \$15,000 for hiring one who is disabled.

WORK FOR SUCCESS

The Work for Success Program helps businesses earn up to \$2,400 in federal tax credits (WOTC) for each formerly incarcerated person they hire. This helps to reduce recidivism, promote economic development and improve public safety throughout New York State. Work for Success sends businesses only the most qualified and appropriately trained applicants for open jobs.

HOW TO APPLY FOR CREDITS

Call the New York State Labor Department at **888-469-7365** or go to our website at **www.labor.ny.gov**.

The remaining pages are for businesses that participate in the H-2A program.

This page has been left blank intentionally.

CONTACT THE DEPARTMENT OF HEALTH

Bureau of Community Environmental Health and Food Protection

Contact your local county Health Department
or

Bureau of Community Environmental Health and Food Protection

Empire State Plaza
Corning Tower
Room 1395
Albany, NY 12237
518-402-7600

Helpful links:

www.health.ny.gov/environmentalcontacts

[www.health.ny.gov/regulations/nycrr/title_10/
part_15/](http://www.health.ny.gov/regulations/nycrr/title_10/part_15/)

[www.health.ny.gov/environmental/water/
drinking/doh_pub_contacts_map.htm](http://www.health.ny.gov/environmental/water/drinking/doh_pub_contacts_map.htm)

CONTACT THE DEPARTMENT OF LABOR

Division of Immigrant Policies and Affairs Statewide locations

Contact your local Agriculture Labor
Specialist by calling:
877-466-9757 or 212-775-3358

Foreign Labor Certification Unit (H-2A)

290 Main Street Suite 213
Buffalo, NY 14202
716-851-2621
H2A@labor.ny.gov

Helpful links:

[www.labor.ny.gov/immigrants/agriculture-labor-
program/services-for-agriculture-employers.
shtm](http://www.labor.ny.gov/immigrants/agriculture-labor-program/services-for-agriculture-employers.shtm)

[www.labor.ny.gov/immigrants/foreign-labor-
certification-unit.shtm](http://www.labor.ny.gov/immigrants/foreign-labor-certification-unit.shtm)



MIGRANT SEASONAL FARMWORKER HOUSING

Inspection and Permitting Requirements in New York State

WE ARE YOUR DOL



The New York State Department of Labor is an Equal Opportunity Employer/Program.
Auxiliary aids and services are available upon request to individuals with disabilities.

WE ARE YOUR DOL



STATE AND FEDERAL REGULATORY AGENCIES AND REQUIREMENTS

Farmers and other employers providing housing to migrant seasonal farmworkers may be required to comply with the requirements of State and/or Federal agencies. These agencies are responsible for ensuring regulatory compliance regarding the safety of farmworker housing. Farm owners providing housing may be required to submit information about their employment activities, obtain permits and allow for inspection of their housing facilities.

This brochure lists the responsibilities of the Department of Labor and the Department of Health regarding the inspection of housing for migrant seasonal farmworkers in New York State and outlines requirements of each agency.

NEW YORK STATE DEPARTMENT OF HEALTH REQUIREMENTS

The Department of Health is responsible for permitting and inspecting farmworker housing facilities occupied by five or more persons – one or more of whom are employed to perform farm activities. An annual operating permit must be obtained for both on-site and off-site housing provided by the employer. A pre-operational inspection must be conducted by State/County Department of Health staff prior to any occupancy of the facility by workers as described above. The Department of Health also routinely inspects this housing during the operating season to ensure it meets the requirements contained in Part 15, “Migrant Farmworker Housing,” of the New York State Sanitary Code.



REGISTERING A NEW LABOR CAMP?

The Department of Health process for obtaining a labor camp permit for a new facility can range from six months to a year or longer. The permitting process requires the review of a detailed permit application and an evaluation of the following items:

- Structural integrity and maintenance
- Fire safety
- Water supply
- Sewage treatment system
- Laundry facilities
- Food service
- General sanitation and trash disposal

HOW CAN AN EMPLOYER HELP THE PROCESS?

To expedite the permitting process, the employer should provide the following information regarding the facility (if known):

- Type, on-site location and any treatment of the private water supply serving the facility (drilled well vs. dug well)
- Components and location of sewage disposal system
- Engineered plans detailing the water supply and sewage treatment system, and a Copy of the Certificate of Occupancy or Certificate of Compliance issued by local Code Enforcement may be required
- Employers are required for scheduling the mandatory pre-operational inspection when the permit application and engineered plans (when required) have been approved, construction is complete, and the facility meets all requirements of Part 15

NEW YORK STATE DEPARTMENT OF LABOR REQUIREMENTS

The Agricultural Recruitment System requires that all housing offered to workers on all local, intrastate and interstate job orders be inspected and approved. Housing offered as a benefit with local job orders for recruitment and intrastate job orders for statewide recruitment must be inspected by the appropriate agency. Additionally, the Department of Labor assists New York employers by processing job orders for the H-2A temporary labor program. The H-2A job order process is part of Interstate recruitment. All employers must demonstrate that they will provide suitable housing for their H-2A and domestic farmworkers. The Department of Labor coordinates the required inspections that must take place before an H-2A job order is certified by the U.S. Department of Labor’s Chicago National Processing Center.

The Department of Labor works with Department of Health to coordinate inspections of housing for five or more workers, utilizing Part 15 regulations. The Department of Labor conducts inspections for housing for four or less workers. These inspections must comply with federal housing regulations: Employment and Training Administration (ETA) – all housing constructed before April 3, 1980, or Occupational Safety and Health Administration (OSHA) – all housing constructed or significantly renovated after April 1980. Housing regulations also require that water available to workers for drinking, cooking and bathing be potable. Therefore, employers must provide compliant well-water testing results as part of the housing inspection process.

Employers seeking to process applications for foreign labor under the H-2A program must submit their initial paperwork to the New York State Department of Labor 60-75 days prior to the start of work. They must have an approved housing inspection no less than 32 days prior to the start of work.



This page has been left blank intentionally.

WE ARE YOUR DOL

