

# THE NEW YORK LADYBUG



## INSIDE THIS ISSUE:

|  |     |
|--|-----|
| <i>Nine spotted ladybug</i>                              | 1   |
| <i>Getting to know New York</i>                          | 2   |
| <i>Showcasing Agriculture—County Fairs</i>               | 3   |
| <i>Getting to know Cesar Chavez</i>                      | 3   |
| <i>Resources for businesses and families in New York</i> | 3   |
| <i>Staff biographies</i>                                 | 4-7 |
| <i>Labor shortage?</i>                                   | 7   |
| <i>Farm Labor Resources</i>                              | 7   |
| <i>Director's Notes</i>                                  | 8   |
| <i>Success story</i>                                     | 8   |

## Points of interest

- Twelve field staff are spread across the state.
- Who are we? Get to know the people of the Agriculture Labor Program.

## AGRICULTURE LABOR PROGRAM KICKS OFF

In June 2011, the Bureau of Immigrant Worker Rights' mission was expanded and it was renamed the Division of Immigrant Policies and Affairs. On April 16, 2012, the Agriculture Labor Program (AgLP) and the Foreign Labor Certification Unit were transitioned to the newly expanded division.

Fourteen individuals from diverse backgrounds were selected from a large pool of applicants in the first quarter of 2012. On April 16, 2012, the new Agriculture Labor Specialists (AgLS) reported for orientation and training. For this program, the state is divided into twelve regions, each of which is home to one AgLS. The two other AgLS are support staff.

Supervisors Carmen Calderon, Estelle Davis, and Geovanny Triviño hosted the new trainees in New York City, Batavia, and Albany, respectively with additional support from State Monitor Advocate Jeanette Lazelle.



Migrant Farm workers harvesting crops in the field  
(Source: [Geneseo.edu](http://Geneseo.edu))

These 18 people were connected together by video conference for the next two weeks before reporting to their official work station on April 30th.

Field work is underway as the AgLS get to know their region and begin their outreach efforts.

The AgLP's newsletter is named after the nine-spotted ladybug, which is native to

New York and is the state's official insect. It is long-known to be beneficial for farmers but may be endangered.

## NATIVE NINE-SPOTTED LADYBUG RETURNS?

FROM VARIOUS SOURCES

The nine-spotted ladybug, native to New York, and the state's official insect since 1979 had barely been seen in the state since 1982 until a group found one on Long Island in 2011.

An article by James Gorman was published in the [New York Times](http://NewYorkTimes) on November 24, 2011. Here are some other news accounts of the discovery: [The Urban Nature Files](http://TheUrbanNatureFiles), [Story on the PBS NEWS-HOUR](http://StoryonthePBSNEWS-HOUR), [Detroit Free Press](http://DetroitFreePress). And a related article from the

[Los Angeles Times](http://LosAngelesTimes).

Below are some more stories about the nine-spotted ladybug and efforts to save it.

(Continued on page 3)

# GETTING TO KNOW NEW YORK

BY ERIC DENK

In 2005, I discovered a document called [Local Government Handbook](#), a publication of the state Secretary of State. There is a link to the handbook [here](#) and at the end of this article. It is



A map from the [Environmental History Collection, NYS Archives](#).

a very valuable resource to anyone wanting to learn more about state and local government in New York. In case you don't have time to read the whole book, below is a summary of what I believe are key topics about New York written in my own words along with some web links, which I believe you will find useful.

## County government

There are 62 counties in the State of New York. Five counties are part of the [City of New York](#). So, there are 57 counties outside New York City. Very often the state Legislature will adopt laws that affect the 57 counties outside of New York City differently than the counties that comprise the City and vice versa. So, you may hear people say 57 counties or 62 counties.

[More resources about counties in New York.](#)

The New York State [Government Information Locator Service](#) (NYS GILS) provides a single point of access to information and

services provided by New York State Government agencies, the State Legislature and the Judiciary.

Here is a [map](#) of counties in New York and the year each was created.

And, here is an internet resource with [descriptive and historical information](#) and the [history of the names](#) of New York Counties.

Try "[Guess the county](#)" here.

## Local government in New York

In New York State, towns were formed as early as the 1700s and even 1600s, modeled substantially after local governmental units in England.

Within counties outside of the City of New York there are towns and there may be a city or more than one city. Everyone in the state lives in a Town or in a City, never both. There may also be villages. Most villages in the state are situated entirely within a town. Occasionally, a village may be situated partly in two different towns and even two different counties. Each municipal corporation in the state – Cities, Towns, Villages, Counties, School Districts, Fire Districts, etc. – has been created by an act of



Picking out potatoes at a Farmers Market in New York State. (Source: [Agriculture.ny.gov](#))

the State Legislature. There are also unincorporated areas (or hamlets) within towns. You may see a small green sign on a state highway that says a name of one of these unincorporated areas. Also, sometimes exits on interstates are named for an unincorporated area.

Here is where you can find more information about [local governments in New York](#).

Here is a link to [local government web sites](#).

## Home rule

The state reserves for itself the regulation of certain industries and activities. Other regulation is specifically left to Towns and Cities, zoning (or land use) for example. And other governmental administration is performed by counties. For a local government to adopt a local regulation of an industry or activity that is regulated by the state, the local government must seek and receive "home rule" authority to enact such a regulation.

The home rule concept is well addressed in the Local Government Handbook.

If you want to learn more about state and local government in New York, this [handbook](#), mentioned above, is an excellent resource.

*In New York State, towns were formed as early as the 1700s and even 1600s, modeled substantially after local governmental units in England.*

## SHOWCASING AGRICULTURE— COUNTY FAIRS AROUND THE STATE

### County fairs

Treat yourself by attending one of the [county fairs](#) in New York in 2012. The earliest ones took place in June and July. The rest continue in August and September.

And the Great New York State Fair opens on August 23rd this year.



The Great New York State Fair



### New York works!

Here are some helpful links for New York businesses and families.

### New York is Open for Business

[Resources for businesses in New York](#)

[Resources for families in New York](#)

[Tourism in New York](#)



[Parks in New York](#)



## CESAR CHAVEZ, LABOR LEADER

BY ERIC DENK

American Labor Leader [Cesar Chavez](#) would have turned 85 this year. He was the founder of the agricultural workers movement in the U.S. more than 40 years ago. Here is a short bio about him which is from the [Fresno School District](#). Here is a longer piece from the school system in [Minnesota](#). (Just hit cancel if

it asks you to log in). And here is a link to [another source](#). You can read more about him and other famous Americans at the Library of Congress' [America's Story](#) web site. I also found an article about [Immigrant Life in New York](#), there.



Cesar Chavez Foundation

*Each municipal corporation in the state – Cities, Towns, Villages, Counties, School Districts, Fire Districts, etc. – has been created by an act of the State Legislature.*

## NINE-SPOTTED LADYBUG (CONTINUED FROM PAGE 1)

Here is an article from the [Cornell Chronicle](#). And, you'll enjoy this [Ladybug Guide](#).

Here is a pleasant [story](#) that talks about the decline of the state's official insect.

The newsletter of the State University of New York [College of Agriculture and Life Sciences](#) at Cornell University.

Here's a story about a nine-spotted ladybug that was [found in Virginia in 2007](#).



The second half of this [presentation](#) contains information about the nine-spotted ladybug and the formation of the [Lost Ladybug Project](#).

This is an on-line learning resource for [educators](#).

This is a [4-H study kit](#) for kids.



## Who are we?

### Agriculture Labor Program staff

#### Region 1—Long Island and New York City

**José Vega**, *Agriculture Labor Specialist*

José Vega, a native of Adjuntas, Puerto Rico, started his career with the New York State Department of Labor in 1994, as a Rural Employment Aide. José is currently the Agriculture Labor Specialist for Long Island and New York City. Jose has addressed the needs and interests of farm workers and immigrant workers for more than 18 years. As the main liaison between farm workers and NYS Department of Labor, José works with farm workers, community organizations and advocacy groups to identify and address the concerns and needs of the community and its employers. José started as a farm worker himself, and because of his bilingual skills (English/Spanish), his bosses quickly realized he would be able to translate for other farm workers. His reputation as one who could help growers and workers communicate and his expertise as a farm worker, led him to acquire the position of Farm Worker Special Generalist for Rural Opportunities, Inc. Through intensive outreach programs, José worked with immigrant and seasonal farm workers, and instructed them about services available to protect and educate the migrant community. José holds a Bachelor of Science degree in Health and Wellness and has taught English and Health classes.

#### Region 2—Mid-Hudson

**Justin Ferber**, *Agriculture Labor Specialist*

Justin Ferber joined the Division of Immigrant Policies and Affairs (DIPA) as an Agriculture Labor Specialist for the Mid-Hudson region in April 2012, covering Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester counties. Justin reaches out to workers, and collaborates with faith-based groups, community organizations, and government representatives on behalf of agricultural employers as well as immigrants and limited English proficient workers. He speaks English and Spanish. Before joining DIPA, Justin served as an intern at the U.S. Department of State where he assisted in producing the Human Rights, Trafficking in Persons, and Religious Freedom reports. Justin also worked at California Rural Legal Assistance, where he assisted attorneys in providing legal services to farm workers in the areas of housing, education, and public benefits. Justin has a Bachelor of Arts in Political Science from the University of California at Santa Cruz, CA and a Master of Arts in International Relations from the City College of New York, NY, where he received the Master Program in International Relations' award for "Best Graduate Student" for 2011-2012.

#### Region 3—Upper Hudson

**Danny L. Mills**, *Agriculture Labor Specialist*

Danny Mills is the Agriculture Labor Specialist covering Columbia, Rensselaer, Warren, and Washington counties. His primary duties are to help both agricultural employers and farm workers understand their rights as well as responsibilities under State and Federal laws and regulations and to help them access services provided by the New York State Department of Labor. Prior to joining DIPA, Danny worked for twelve years as an Outreach Paralegal for the Native American and Farm Worker units of Pine Tree Legal Assistance in Maine. He coordinated civil legal outreach to migrant and seasonal farm workers for all the New England States and helped to provide outreach to the five federally recognized tribes in Maine. For his work in the Native American and Farm Worker communities, in 2006 he was awarded the John W. Ballou Distinguished Service Award from the Maine State Bar Association. Additionally, for six years he helped provide outreach for the Farm Worker Law Project of the Legal Aid Society of Mid-New York in and around the Capital region. Danny was born at the Naval Base in Corona, CA. However, growing up as a military dependent he has lived in every major region of the United States. He is a recent 2011 graduate of the University of Maine earning his Bachelor of Arts degree with a Spanish Major.

#### Region 4—Capital District

**Christina Marzello**, *Agriculture Labor Specialist*

Christina Marzello is an Agriculture Labor Specialist for the Capital Region and surrounding areas, covering Albany, Fulton, Greene, Montgomery, Saratoga, and Schoharie counties. In this position, she provides outreach to farmers and farm workers to ensure that the services provided by various state agencies are accessible to the agricultural communities. Previously, Christina served as a Spanish-speaking Investigator with the NYS Department of Labor's Division of Labor Standards, where she conducted investigations in various industries, including farms, to ensure compliance with the New York State Labor Law. She advised employers on minimum wage regulations, child labor restrictions and other labor laws. Additionally, Christina conducted audits, which recovered unpaid wages and minimum wage underpayments on behalf of employees. Christina graduated summa cum laude with a Bachelor of Arts from the University at Albany in Spanish Linguistics. She also completed her Master's Degree with a specialization in Latin American Literature, while at the same time, teaching undergraduate Spanish language courses under a teaching and research fellowship from UAlbany. Christina speaks both English and Spanish.

## Who are we? (continued)

### Agriculture Labor Program staff

#### Region 5—North Country

**Ami Kadar**, *Agriculture Labor Specialist*

Ami Kadar is the Agriculture Labor Specialist for Clinton, Essex, Franklin, and Saint Lawrence counties. Before coming to DIPA, Ami Kadar worked as the director of Centro Independiente de Trabajadores Agrícolas (CITA), a non-profit advocacy organization for farmworkers in western New York. At CITA, she worked to improve the working and living conditions of New York's farmworkers by providing education and training on workers' rights. She also helped resolve problems in the workplace, such as wage and housing issues, as well as many other issues that confront the immigrant farmworker population in New York. Ami worked for several years in West Africa, Central America, and Mexico with villager farmers (in Africa with women farmers) on soil conservation and soil improvement projects. Ami graduated from Cornell University with a master's degree in International Agriculture. She received her undergraduate degree in Anthropology from University of Rhode Island. She speaks Spanish and English.

#### Region 6—Mohawk Valley

**Laura Tramontana**, *Agriculture Labor Specialist*

Laura Tramontana is the Agriculture Labor Specialist for Hamilton, Herkimer, Madison, and Oneida counties. Before joining DIPA, Laura worked for a Pennsylvania law practice where she protected the interests of business owners and entrepreneurs by providing strategic business planning. Concurrently, she handled cases that involved employee rights and safety. Laura has been certified as a Public Interest Advocate by The Miller Center for Public Interest Advocacy. She began her career working with a non-profit organization called WATCH in Minnesota, which monitors court hearings that involve domestic violence and violence against women and children. WATCH's mission statement is, in part: "to create a more informed and involved public." Since Laura first decided to pursue public interest work, this too has been her mission. As an Agriculture Labor Specialist, Laura achieves this goal by bringing DOL information directly to employers so that they may be more informed and involved in their business activities and their businesses may grow. She educates farm workers about available rights, safety, and resources who might not have been reached without DIPA's proactive approach of meeting workers in the field. She joined DIPA because she is encouraged by DIPA's role in making government resources more available to the people of New York and to migrant and seasonal farm workers. Laura earned a Bachelor of Arts in English with a minor in Spanish from The Pennsylvania State University and a Juris Doctor from The Pennsylvania State University, Dickinson School of Law. She speaks English and Spanish.

#### Region 7—Central New York

**Juan Rodriguez**, *Agriculture Labor Specialist*

Juan J. Rodriguez is the Agriculture Labor Specialist for Oswego, Onondaga, Jefferson and Lewis counties. He received his Juris Doctor from Villanova University School of Law and also holds a Bachelor of Science in Business Administration from Boston University School of Management. Prior to joining the Department of Labor, Juan worked as an immigration attorney in New York following an internship at the Villanova Farmworker's Legal Aid Clinic. He is licensed to practice law in New York and New Jersey. Juan is fluent in Spanish and French.

#### Region 8—Southern Tier East

**Erin Kelly**, *Agriculture Labor Specialist*

As an Agriculture Labor Specialist, Erin serves as a liaison between the Department of Labor, agricultural employers, farm workers, and community-based organizations. Her territory includes Broome, Chenango, Cortland, Delaware, Otsego, and Tioga counties. Before joining DIPA, Erin was the Southeast Education Coordinator for an Alaska non-profit focused on environmental stewardship and service learning. Prior to that, Erin served with the U.S. Peace Corps as an Agro-forestry / Environmental Education Volunteer in El Salvador. She currently serves on the Board of Directors of Project Salvador, a non-profit organization that creates awareness in the United States of the plight of the marginalized in Central America, and supports grassroots community development through funding of projects in El Salvador. She is also an AmeriCorps and Student Conservation Association Alumni. Erin graduated from the University of Alaska Fairbanks Peace Corps Master's International Program with an M.S. in Natural Resources Management. She is also a graduate of Saint Anselm College where she obtained a BA in Environmental Science and a Certificate in Spanish. She was born and raised in Eastern Massachusetts and speaks English and Spanish.

## Who are we? (continued)

### Agriculture Labor Program staff

#### Region 9—Southern Tier West and Finger Lakes

**Parker Filer, *Agriculture Labor Specialist***

Parker Filer is the Agriculture Labor Specialist for Chemung, Ontario, Schuyler, Seneca, Steuben, Tompkins, and Yates counties. Parker is a graduate of Cornell University with a Master's in International Agriculture and Rural Development. Prior to joining DIPA, Parker served the United States Peace Corp in Honduras from 2009-2011 where he gained significant cross-cultural and community development experience through a variety of environmental education and sustainable agriculture workshops, as well as community-based agro-forestry, home gardening and rural infrastructure projects. Born and raised in Western Pennsylvania, Parker is delighted to be back in the Northeastern U.S. and genuinely excited about working with DIPA to support New York agriculture; protecting workers' rights and connecting farmers and farm workers to valuable resources and services.

#### Region 10—Greater Rochester

**Jennifer Karr, *Agriculture Labor Specialist***

Jennifer Karr is the Agriculture Labor Specialist for Region 10, which includes Cayuga, Monroe and Wayne counties. Prior to joining DIPA, she worked at a local non-profit agency in Rochester, where she supported a program to advise rural growers and senior citizens regarding consumer, medical, estate and business affairs. For three years, she lived in the North Country and worked at Legal Aid, doing disability, consumer, Unemployment Insurance and housing cases. She was an active member of the Limited English Proficiency Committee there. Jennifer grew up in a "rural suburb" south of Buffalo and her family had a small farm while she was growing up. She graduated from The George Washington University with a Bachelor of Arts in History and obtained her Juris Doctor from the University of the District of Columbia David A. Clarke School of Law, an HBCU and Land-grant University. She worked with the immigrant community in Washington, D.C. through her school, focusing mostly on tax and housing issues. Jennifer speaks English and Spanish, and is happy to be back in Western New York, close to family and old friends.

#### Region 11—GLOW

**Caylin Gwise, *Agriculture Labor Specialist***

Caylin Gwise is excited to join the DIPA team as an Agriculture Labor Specialist in Allegany, Genesee, Livingston, Orleans, and Wyoming counties. Before joining the NYS Department of Labor, Caylin worked in Rochester, NY at a large, non-profit social services agency. In her work there, Caylin provided immigration guidance and assistance to recently resettled refugees in the Rochester community. Caylin graduated with a degree in Foreign Languages and International Relations from Elmira College. She is currently pursuing her Master's in Public Administration at SUNY Brockport. Outside of the office, Caylin enjoys hiking, running, and visiting her family's small blueberry farm in Northern New York. She speaks Spanish and English.

#### Region 12—Western New York

**Ruth González-Cruz, *Agriculture Labor Specialist***

As a DIPA Agriculture Labor Specialist, Ruth serves as a liaison between the Department of Labor, agricultural employers, immigrant workers and advocacy groups to enhance their understanding of their responsibilities under state and federal Labor laws, rules and regulations. Her territory includes Erie, Niagara, Chautauqua and Cattaraugus counties. Before joining DIPA, Ruth worked in the NYS Department of Labor's Division of Labor Standards as a Spanish-speaking labor standards investigator. As an investigator, she conducted wage and hour inspections and investigations, ensuring compliance with NYS labor laws and advised employers on how to follow the NYS labor laws. Ruth also worked for the Erie County Department of Health's Children with Special Needs Division, as a Service Coordinator where she worked with inner-city Latino families in helping them obtain therapy services for their special needs children and helping them to access other community services according to their needs. Ruth is now happy to be working in DIPA, which emphasizes education and compliance, a role that combines aspects of her previous positions. Ruth was born and raised in Buffalo, NY. She speaks English and Spanish. She graduated from Canisius College with a dual BS in Spanish and Finance.

## Who are we? (continued)

### Agriculture Labor Program staff

#### Communications and Education

##### **Eric S. Denk**, *Agriculture Labor Program and Communications Specialist*

Eric Denk is a resource for materials about Department of Labor programs for educational and compliance purposes for both workers and growers. He also supports the Agriculture Labor Program through database management, internal communications, and the coordination of training and staff development. Eric comes to us from local government, having spent five years with Broome County and three years with the City of Binghamton. Eric is a Certified Municipal Clerk whose background includes drafting and proofreading of local legislative resolutions, ordinances, and laws and the maintenance of local charters and administrative codes. Prior to that, Eric's first career was in the telecommunications industry including call center management. More recently, Eric has received a certificate in Emergency Operations Center management from the state Office of Emergency Management and has worked as a consultant in the health care industry. In his spare time, Eric serves on the Board of Directors of the Mothers & Babies Perinatal Network of South Central New York, having recently completed two terms as board president. Eric, a former business owner, is also involved in management and support of two Farmers Markets in the Binghamton area where he works with independent business owners and entrepreneurs on marketing and other business matters. Eric holds a Bachelor of Arts from LeMoyne College in Syracuse and has completed other coursework at Broome Community College and Binghamton University's College of Community and Public Affairs.

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## Labor Shortage?

Maureen Torrey operates Torrey Farms in the Town of Elba in Genesee County. Torrey, vice president of Torrey Farms, an 11th-generation family farm that covers more than 10,000 acres, has been shifting more of her acreage from specialty vegetables, which require a lot of field labor, to field corn, which requires only a few workers per acre. She's doing so because of increasing shortages of skilled field laborers - mainly from Mexico - due to immigration reform and other factors. Torrey wants the U.S. to enact comprehensive immigration reform and create a workable guest labor program that allows more undocumented workers. (To view the photo and read the story, go to [Post and Courier, Charleston, S.C.](#))

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## Farm labor articles and resources

### Articles

[Occupational Outlook Handbook](#), from the [U.S. Department of Labor, Bureau of Labor Statistics](#)

[Immigration and Agriculture](#) from [Choices Magazine](#), a publication of [Agricultural & applied Economics Association](#)

[Farmers strain to hire American workers in place of migrant labor](#) from the [New York Times](#)

[Farms a casualty of immigration war](#), from the [Miami Herald](#)

[California farmers fear labor shortage](#), from the [Santa Cruz Sentinel](#)

[Recent article](#) from the [University of Vermont](#)

### Other resources

[Dyson School of Applied Economics and Management](#)

[Cornell Farmworker Program](#)

[Cornell Cooperative Extension](#)

[NYS Department of Agriculture and Markets](#)

## Agriculture Labor Program

New York State Department of Labor,  
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PROTECT *all Workers*  
ASSIST *the Unemployed*  
CONNECT *Employers and Workers*



### NYS Department of Labor

Andrew M. Cuomo, *Governor*  
Peter M. Rivera, *Commissioner*

### Director's notes

I am very pleased that the Division of Immigrant Policies and Affairs (DIPA) is home to the Agriculture Labor Program and the Foreign Labor Certification Unit. There are 12 Agriculture Labor Specialists (AgLS); one Foreign Labor Certification Specialist and one Agriculture Labor Program & Communications Specialist working under the guidance of supervisors Carmen Calderon, Estelle Davis, Geovanny Triviño and the acting Assistant Director and New York State Monitor Advocate, Jeanette Lazelle. I am proud to introduce the field staff and share their biographies with you. Other staff will be introduced in a future issue.

On the occasion of the Agriculture and Labor Program's first newsletter, 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, appearing to read "Vilda V. Mayuga".

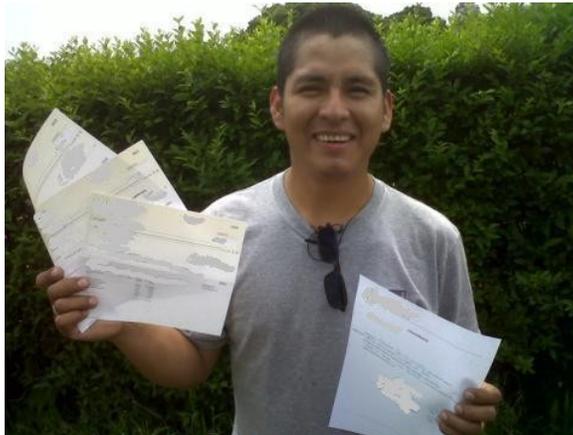
Vilda Vera Mayuga,  
Director, Division of Immigrant Policies and Affairs

## FROM THE FIELD

### HELPING A WORKER RECOVER WITHHELD WAGES

BY JOSE VEGA

On, May 21<sup>st</sup>, a worker approached me while I was doing outreach. He indicated that he filed a complaint against an employer for non-payment of wages from 2/1/12 through 3/15/12. Exacerbating this matter, he is planning to move up north to Albany at the end of June and he wanted to know how long it would take for his claim to be resolved. In an attempt to resolve the worker's claim and educate the employer on their responsibility under the labor law, Carmen and I met with the employer regarding the claim that this worker had made against them. The employer genuinely believed they could withhold earnings



the wages at the end of that week. On the day promised, the employer produced three checks totaling the amount of wages that was owed, and we delivered the checks to the worker. We also urged the worker to pay his former employer any money due.

The employer showed good faith and worked with us to do well by the worker. And by working with us to an amicable resolution the employer avoided the enforcement action, including fines and other penalties, that likely would have resulted from the formal complaint filed by the worker. The worker was very happy and was thrilled that this matter was resolved so quickly.

for unpaid utility bills that the worker incurred while renting housing from them. We explained to the employer that he cannot hold any wages against any personal arrangement that he has with an employee. We explained to the employer that there are other remedies available to them to collect unpaid debts, but not by withholding wages. The employer agreed to pay