



LEGAL ALERT

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NYS Decreases Overtime Threshold Limit for Farm Workers

By: Erika H. Hooker

On February 22, 2023, the New York State Department of Labor finalized the new farm worker overtime regulations to decrease the overtime threshold limit for farm workers.

Currently, farm workers receive overtime pay after 60 hours of work. The new regulation will decrease that number to 56 hours starting on January 1, 2024, and will continue to decrease by four hours every other year over a ten-year period until reaching a 40-hour overtime threshold limit in 2032.

YEAR	OVERTIME THRESHOLD LIMIT (HOURS PER WEEK)
Current	60
2024	56
2026	52
2028	48
2030	44
2032	40

The regulation comes from recommendations made by the Farm Laborers Wage Board in 2022.

The Governor and the New York State Legislature recently increased the Investment Tax Credit to 20 percent, up from 4 percent, for farm businesses, doubled the Farm Workforce Retention Credit to \$1,200 per employee, and created the Farm Worker Overtime Tax Credit, a refundable tax credit for overtime hours paid by farm employers at the level established by the new regulation up to 60 hours. The New York State Fiscal Year 2024 Executive Budget also included converting the Investment Tax Credit to a refundable credit for five years.

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