



Workers Compensation Insurance

Employers are required to have workers compensation insurance on their workers if cash wages exceed \$1,200 in a year. If you host unpaid interns and apprentices on your farm, they must also be covered by workers comp (the training and/or room and board you provide them is valued in lieu of wages). The only exception to this is if your farm is a 501(c)3 non-profit organization. To learn more, download the Employers' Handbook: www.wcb.state.ny.us/content/main/Employers/Employers.jsp

Insurance can be purchased from the New York State Insurance Fund (<http://ww3.nysif.com/>), private insurers, or an employer can form/join a self-insurance group if they meet various requirements and post bond.

Disability Benefits

State law requires that employees be covered by a disability benefit if they are disabled off the job. Most workers compensation insurance will also include this. Family members (spouse or child) and farm laborers are exempt from this requirement. Farm corporate officers and office workers need disability benefits coverage. If the farm is held as a corporation or LLC then the family member exemption does not apply because no one is related to a business entity.

Minimum Wage

As of the revision date noted at the top right of this fact sheet, the Federal Minimum Wage is \$6.55/hr but New York State Minimum Wage is \$7.15/hr. Farms are required to comply with the NYS Minimum Wage law and pay the higher rate. This wage minimum applies to regular wage jobs and piece-rate jobs on farms with annual payroll over \$3,000.

Youth Rate Certificate for Farm Work

In agriculture you can legally pay children under the age of 16 (with a permit and other criteria satisfied) a minimum of \$3.60/hr for their first season of harvest; several other minimums apply depending on the work. You must file a Youth Rate Certificate (www.labor.state.ny.us/formsdocs/wp/LS415.1.pdf) to hire youth for less than minimum wage.

If you employ your own minor age children on the farm, they are exempt from all minimum wage regulation, meaning that they can be paid any wage. This only applies to your own children; nieces/nephews or other minor age family members are subject to state wage laws.

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Labor Laws

Guide to Farming in New York State

#18

Revised
11/26/08

Youth Labor (excluding your own children)

You may not hire anyone 11 years or younger in New York State. 12- and 13-year-olds may work in harvest operations if they have Permit AT-25 and are accompanied by a parent during certain times of the day and year. 14- and 15-year-olds may work on farms with Permit AT-24 during non-school hours. Permits and working papers may be obtained from school offices. Farm workers under 16 are prohibited from performing farm task involving power machinery. 16- and 17-year-olds may work on farms without permits or working papers.

Contact your local NYS Department of Labor Office for more details www.labor.state.ny.us/

Migrant Workers (Workers who do not have a permanent residence in New York State)

A farmer or processor who uses the services of a farm labor contractor or crew leader must verify that that person has a Farm Labor Contractor Certificate of Registration issued by the New York State Department of Labor.

Growers and processors who bring in five or more workers from out of state must obtain a Migrant Labor Registration Certificate (www.labor.state.ny.us/formsdocs/wp/ls113.pdf) and report wages, housing, and working condition to the state. If you plan to house five or more workers you must obtain a farm labor camp permit from the State Department of Labor (www.labor.state.ny.us/formsdocs/wp/ls113.1.pdf).

Workers must be given written notice of wages, nature of work, period of employment, transportation, housing, benefits, and more. A Spanish/English work agreement is available at <http://scnyat.cce.cornell.edu/dairy/labormgt.htm>

For more information contact: NYS Dept. of Labor, 518-457-9000; www.labor.state.ny.us

