

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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June 4, 2015
Start: 01:25 p.m.
Recess: 02:12 p.m.

HELD AT: 250 Broadway - Committee Rm,
16th Fl.

B E F O R E:
I. DANEEK MILLER
Chairperson

COUNCIL MEMBERS:
Elizabeth S. Crowley
Daniel Dromm
Costa G. Constantinides
Robert E. Cornegy, Jr.

A P P E A R A N C E S (CONTINUED)

Adriano Espaillat
Senator
New York State Senate

Katia Chapman
Rural Migrant Ministry

Rabbi Michael Feinberg
Director
Greater New York Labor Religion Coalition

Guisela Marroquin
Organizer
New York Civil Liberties Union

2 [gavel]

3 CHAIRPERSON MILLER: Good afternoon and
4 thank you for coming out on a very short notice; we
5 realize that this notice was just posted a few days
6 back, but it's a very important issue, so I am elated
7 that everyone is here.

8 My name is Council Member I. Daneek
9 Miller and I am the Chair of Civil Service and Labor
10 Committee.

11 Today we are discussing Resolution 692,
12 calling upon the State of New York Legislature and
13 the Governor to sign Assembly Bill 4762 and Senate
14 Bill 1291, the Farm Workers Fairness Practice Act,
15 which would extend labor protections to farm workers.
16 A little history should be provided to some much-
17 needed context as to why this State legislation is so
18 significant.

19 The farming industry has a long and
20 checkered past in the United States regarding human
21 and labor rights, which is no secret -- coming out of
22 Jim Crow era, President Franklin Roosevelt's New Deal
23 sought to expand government protections, yet
24 significantly, agriculture workers were excluded from
25 the 1933 National Industry Recovery Act and the 1936

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Labor Relations and the 1938 Fair Labor Standards Act to grant farm workers the same minimum wage and overtime provision extended to others. It would not be until The Great Society Reform in 1960s that farm workers were finally granted protections under minimum wage laws but continued to lack access to time-and-a-half overtimes.

During this era, workers throughout the west coast were being organized by Cesar Chavez and the Farm Workers United Union. The union known as UFW made great strides for those in the agriculture industry, highlighted by the enactment of the California Agriculture Labor Relations Act of 1975. The law established an administration authority to oversee the agriculture industry and grant the inclusion of farm workers in collective bargaining.

Over here in New York City, however, little has changed since that time. Today we have between 60,000 and 100,000 New York State farm workers that lack access to collective bargaining rights, 24 hours consecutive rest each week and overtime pay. They are excluded from provisions of unemployment insurance and disability and sanitary laws. The Farm Workers Fairness Practice Act,

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sponsored by Senator Adriano Espaillat and Assembly Member Cathy Nolan would address these issues specifically.

Farming is a multibillion dollar industry here in New York State, vital to the lives of these workers and the producers and most of all, consumers. According to 2012 comptroller report, we have over 36,000 farms spread throughout 62 counties in New York State that produce \$4.7 billion in product, including a great variety of dairy and fruits. As government officials it is our task to ensure to continue the health and essential industry such as this and most of all that the farm workers who sustain them are treated fairly. Because of that, we are here today to address Resolution 692.

I would like to thank Matt for putting this together in such a very expeditious fashion; I'd like to thank Danny Dromm for being here and of course, I'd like to thank my Chief Counsel over here -- I'm sorry, Matt, but Legislative Director Ali Rasoulinejad as well.

So with that, we wanna get this thing kicked off and started and we're going to begin now

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with testimony from Senator Espaillat. Thank you so much for coming down today.

ADRIANO ESPAILLAT: Good afternoon; thank you for hosting this important hearing in support of Resolution 692, which in turn supports the passage of the Senate Bill 1291, which I am the key sponsor of, calling for major reforms that will benefit farm workers.

You may know that the conditions of farm workers in New York State is horrendous; it's perhaps New York's kept dirtiest little secret; it's the last remnant of the old Jim Crow Laws. Several years back we still had two job classifications, domestic workers and farm workers that were not protected by the constitution and extended the rights and privileges that other workers are extended and several years back we were able to carve in domestic workers and we're still fighting to include farm workers. I just met recently with Dolores Huerta, who organized farm workers on the west coast side by side with the great Cesar Chavez and she was surprised and alarmed that 50 years later here in New York State we still have not been able to gain the benefits that they were able to gain for workers on

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the west coast in the 1960s. So we're here to call attention to the shameful practices and conditions of New York State's farm workers, with the conditions that they are subjected to. While they are working hard to feed us all, farm workers lack basic protections and rights afforded to just about every single employee in our state and so when you go shopping to a green market and you pick a New York apple, right, which is symbolic of New York, right, or when you consume some of the wine from the wineries in Long Island on the Finger Lakes, or when you buy onions from Rockland County or drink milk from some of the dairy farms across the state, remember that these goods are being picked and produced by farm workers, close to 100,000 of them across the State. And in fact, there is recently an ethical eating phenomenon campaign that has been developed across the United States where people are concerned about whether or not they're eating organic food and whether or not their foods or their produce were subject to pesticides, but yet people don't stop a second to think about the folks that actually pick those fruits, those vegetables, the food that we're putting on our table. They work for long hours and

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are subject to injuries sustained during work, to brutal and unsanitary working conditions; the treatment of farm workers is abhorrent and unacceptable. Recently we heard of incidents where farm workers were asked to pay to drink water and to go to the bathroom and so these are the conditions -- women are often subjected to sexual assault and rape and so this is a real serious situation. Our legislation will fix these glaring failures in the law and end these shameful practices that are a moral affront to everything the State should stand for.

To be sure, we're not asking for extravagant benefits, we are calling for basic fundamental protections that every worker should have -- a day off work, a day of rest -- even the bible says that we should have a day of rest. These workers are working in the sun all day long, through tough work; they deserve at least one day off every seven days.

Given the demanding and at times dangerous work, farm workers must have workers' compensation, they have a very tough job, very often involving heavy machinery, very under the sun, under very adverse conditions and they're subject to get

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hurt on the job and therefore they should have workers' compensation; they should have the ability to join a union and be able to collectively bargain; this is something that Senate Bill 1291 also calls for; the mandatory reporting of injuries sustained during work -- currently supervisors often don't report workers that get hurt and injured in their job; unemployment insurance for all farm workers, sanitary conditions, overtime pay -- farm workers do not get paid for overtime. So these are all the benefits that we're asking for; they are not back-breaking benefits, they are the ones that every worker in New York State should enjoy.

All of us who work for a living benefit from worker protection; unfortunately, farm workers have been left behind from these basic rights. The Farm Worker Bill of Rights fixes this problem once and for all. We have made important progress in this bill, we have 28 senators that are sponsoring the legislation; we need 32. There are six senators from across the aisle that have either voted for the bill or supported the bill or shown a great interest for the bill. The bill was recently moved out of the Labor Committee where it received a good support from

2 its chair; now we're asking for the bill to go to the
3 Finance Committee and right to the floor so that we
4 have an opportunity to vote as we feel. We need 32
5 votes; perhaps this is the closest that we've ever
6 been; there's been a great effort from labor and from
7 the faith community and also advocates pushing to
8 make sure that we have this piece of legislation
9 passed and signed into law this particular year. It
10 is shameful that 50 years after the great Cesar
11 Chavez organized grape pickers on the west coast that
12 New York, the Empire State continues to treat farm
13 workers in subhuman conditions.

14 Thank you so much for your support; I
15 hope that this resolution passes favorably and I'm
16 open to any questions that you may have.

17 CHAIRPERSON MILLER: Thank you, Senator;
18 thank you so much for sponsoring such an important
19 legislation and I am honored to sponsor the
20 resolution here in the Council.

21 Given the amount of time and the progress
22 that you mentioned that was made on the west coast,
23 what do you think were the impediments that allowed
24 an entire half-a-century to go past before we could
25 really get to this point that the potential for this

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bill to pass and for these folks that should have been afforded the rights that everyone, all workers here in New York State currently enjoy?

ADRIANO ESPAILLAT: Well the farm industry enjoys a lot of support from a certain political party that they often tend to contribute and help and not only in the political front, but in government you will see, if you go through the legislative calendars this particular session, the number of legislations that were passed and approved to benefit the farm industry, all types of incentives -- tax breaks and other help -- to ensure that that industry, which continues to be a growing industry, moves forward; yet, you know, they find it within themselves to sweep this under the rug and so it has not been addressed; it gets pushed aside; some farm workers say that it's unacceptable to their bottom line; the legislation has carved out small family-owned farms with seven employees or less, so it's not [sic] gonna be a back-breaker for the small farmers that are also struggling, but you know the big agricultural business must step up and recognize that they must treat their workers the same as any other worker in New York State. And so I am concerned that

2 -- yes, that even, you know, other states that don't
3 have the progressive tradition that New York State
4 has treat their farm workers better, so I'm concerned
5 that this is not happening in New York and that it
6 continues to be pushed to the side; many people feel
7 that this doesn't happen because many of them are
8 unable to vote, but this is a human issue; I don't
9 have any farms in my district, but this speaks about
10 New York State and I thank you, Councilman Miller for
11 sponsoring this resolution that will I think help us
12 in getting -- in the next few days; session ends on
13 the 17th of June; we're hopeful that this will be
14 taken up.

15 CHAIRPERSON MILLER: And just one more --
16 obviously there are many health and safety concerns
17 that exist here, so outside of the financials, and
18 obviously workers' comp has a financial impact as
19 well, but certainly it is really the cornerstone of
20 workers' rights; have there been any conversations
21 about that, just from the safety perspective and a
22 workers' compensation concern?

23 ADRIANO ESPAILLAT: Well the farm
24 industry really objects to -- if there's one
25 objection that they have, it's to workers'

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compensation and that brings in the liability factor, right, and so they're willing to talk about a day's rest, and by the way, we made accommodations to that; for example, if it rains on a particular day and they cannot work the field that day because of inclement weather, then that could be considered a day's rest. But you know there are really staunch opposers of workers' compensation and the right to collectively bargain. So these are the two pieces that they really object to. Now there's been a conversation between the senate members and the Farm Bureau and the farm industry and we need the governor really to step up and make this part of his legislative priorities from now until June 17, which proposes to be the last day of this legislative session here.

CHAIRPERSON MILLER: I appreciate it.

Dan... I'm sorry, Council Member Dromm.

COUNCIL MEMBER DROMM: Sure, thank you very much and I just want to kind of make a little statement, not so much to questions, because many of the questions have been answered; thank you to Senator Espaillat for coming down. But it really is amazing that they have no protections for overtime pay, disability insurance, unemployment benefits or

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the right to collective bargaining, and I want to acknowledge your moral courage for coming and for presenting this and for sponsoring this legislation and as you said, you have no farms in your district; I don't have any farms in my district, although I think there still is one operating farm in eastern Queens, if I'm not mistaken, but this is a moral issue, it's a moral issue; it's an issue of treating workers fairly and correctly, about making sure that their needs are met and I am surprised that I had not yet signed onto it, but even before the hearing started I went upstairs and made sure... [crosstalk]

ADRIANO ESPAILLAT: Thank you.

COUNCIL MEMBER DROMM: that my name will be added to this legislation and I look forward to its quick passage in the Council.

ADRIANO ESPAILLAT: Thank you...

[crosstalk]

COUNCIL MEMBER DROMM: Thank you.

ADRIANO ESPAILLAT: Councilman Dromm and thank you for your support. You may know that many of the farm workers back in the 30s and 40s and 50s were of African-American descent and that's precisely why it's the last remnant of the Jim Crow Laws; now

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most of these farm workers are immigrants; many of them Latinos, and so many of them may be afraid to speak up because their bosses will call immigration on them or take repercussions on them; they will have repercussions of them speaking out. So this is a very sad state of events in New York State that we are here, you know, 50 years after Cesar Chavez and we're still mistreating farm workers the way we are.

CHAIRPERSON MILLER: Well I just wanna thank you again and more importantly, that this Council stands by you; I think that we have demonstrated time and time again that we value workers here in the City of New York; we value those who produce and provide services here in the City of New York and they should be afforded all the rights of workers, whether or not they belong to organized labor or not; certainly we value all workers and all lives matter here in the city and I think that your legislation that has been introduced is indicative of that and we are just proud to be a part of that as well... [interpose]

ADRIANO ESPAILLAT: Thank you.

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CHAIRPERSON MILLER: and to maintain the tradition of strong, labor stronghold that New York State is... [crosstalk]

ADRIANO ESPAILLAT: Thank you.

CHAIRPERSON MILLER: and I find it utterly embarrassing this situation and this is a real opportunity to correct an injustice, so I thank you... [crosstalk]

ADRIANO ESPAILLAT: Thank you.

CHAIRPERSON MILLER: so much Senator for being here and sponsoring this... [crosstalk]

ADRIANO ESPAILLAT: Thank... thank you and once again you know, before you eat an apple or you give an apple to your child, just think about who picked that apple for you. Thank you so much.

[background comments]

[pause]

CHAIRPERSON MILLER: Okay. So before we call the next panel, there is testimony from the Assembly sponsor, Assembly Member Cathy Nolan, and our counsel is gonna read that into the record.

COMMITTEE COUNSEL: "Dear Councilman Miller: Please let this letter serve as my public

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testimony for today's NYC Council hearing on the Farm Workers Fair Labor Practices Act.

Several years ago I was invited by Reverend Witt to Orange County to see the working conditions that farm workers had to deal with on a daily basis. From this experience I saw the inequities that these workers faced compared to others; these farm workers had no bathroom breaks, no clean drinking water, low wages, no day of rest and most importantly, no ability to collectively bargain. These inequities have been allowed to continue in New York State since the 1930s. Several pieces of The New Deal legislation, most notably the Wagner Act, gave labor unions the ability to collectively bargain; this legislation, however, made exceptions for two distinct groups -- domestic servants and farm workers.

In 2010, New York State passed legislation giving domestic workers labor protections, leaving farm workers as the only group not afforded these same rights.

Throughout the years, many opponents of this legislation have argued giving farm workers the ability to unionize would severely hurt the family

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farms. The agricultural sector in this state however has changed drastically, moving away from the family farms to much larger agricultural business centers that are able to turn huge profits because of the volume that is produced. A change in State policy about labor protections for farm workers would give farm workers basic human rights; this change in policy would also require farmers to pay their fair share and treat their workers with the dignity they deserve.

When I was chair of the Assembly Labor Committee, we passed several pieces of legislation, including the right to clean drinking water for farm workers, which is now law. The final push for additional legislation would be to secure collective bargaining rights so farm workers could negotiate a fair day's wage for a fair day's work.

As the long-time sponsor of this legislation, I reintroduced Assembly Bill 4762 this year, which would not only grant collective bargaining, but also allow each worker the right to overtime pay, workers' compensation and a day of rest. The Assembly has passed this legislation several times over the past 10 years, with 2013 being

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the most recently I believe this bill is more than reasonable and will correct many of the exclusions by granting the same rights to farm workers that every other worker has currently under the law.

The Assembly has always expressed a willingness to work with the Senate, Governor and the farm industry on a bill to craft reasonable public policy that would help all parties involved.

I would like to thank the New York City Council, including both Councilman and Chair to the Civil Service and Labor Committee, Daneek Miller and New York City Council Speaker Melissa Mark-Viverito for holding this hearing and bringing attention to this important matter that needs to be addressed; we hope that you can join us in this fight to secure the most fundamental human rights for the more forgotten workers in history, farm workers. Sincerely,
Assembly Member Catherine Nolan."

CHAIRPERSON MILLER: Thank you, Matt.
And now we'll call the next panel -- Katia Chapman from the Rural Migrant Ministry, Rabbi Michael Feinberg and Julissa... I'm gonna butcher it...
[background comment] Guisel... [background comment]
Guisela Marroquin. [background comment]

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KATIA CHAPMAN: Good morning

Mr. Chairman, members of the Committee and the New York City Council and thank you for giving us this opportunity to testify before you on proposed Resolution 692.

On behalf of the Rural Migrant Ministry and the farm workers who we accompany on the Justice for Farm Workers Campaign, I rise in strong support of the resolution, urging the New York State Senate and Assembly to pass the Farm Workers Fair Labor Practices Act and for the Governor to sign this act into law.

For far too long farm workers have been excluded from those rights afforded to practically every other worker. Since the 1930s they have not had the right to overtime pay, a day of rest or collective bargaining. These exclusions from the law or denial of rights do not make distinctions among age, race, gender or even legal status. It is crystal clear; if you are a farm worker in New York State, you do not have these rights.

The reality is that farm workers not only take on physically demanding work, but as a reward for entering this field they are stripped of labor

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protections. Farm workers have unwittingly entered a class of workers who is not and has not been treated fairly under the law. I commend this committee's resolution and for its willingness to stand side by side with those workers who are among the most disenfranchised.

Farm workers have no money, so they cannot hire lobbyists in Albany to speak for them; they have no money, so they cannot hire lawyers to fight for them in court; they have no money, so their voice is not heard. It is resolutions such as this one proposed by the Committee and legislation such as the bill introduced by Assemblywoman Nolan and Senator Espaillat that sends the important message that some of us are listening, straining to hear the voice of farm workers.

It needs to be clear that Assemblywoman Nolan's and Senator Espaillat's bills will not give farm workers additional rights which other employees do not have; they simply level the playing field for farm workers. These bills bring farm workers out of the 1930s when these exclusions originated for reasons of race and into the 21st century where fairness and equality are valued and workers are

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protected; it will give farm workers the rights that others take for granted.

At the Rural Migrant Ministry we speak with farm workers and farmers every day; farm workers for the most part are quite aware that they do not have the same rights; they feel it at the end of a 90-hour work week in summer, a week that without overtime pay will not provide the earnings sufficient to build a savings for the 20-hour weeks in winter; they feel it when they come together as a group to negotiate with the boss for better housing and the owner dismisses them all without consequence. We have met farmers who pay their workers a living wage and afford them dignity in the workplace, and those farmers too feel it isn't fair; they feel it's unfair that not all farm operations have to do the same when they are competing in the same market. Therefore, if it is not because it is a just thing to do, we should urge our leaders in Albany to give farm workers the rights they deserve because it would be good for small farmers. At a time when agribusiness in New York and a dairy industry are booming, now is the time to guarantee farmers prosperity by strengthening their workforce. A strong workforce needs to be well

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rested, it needs to be appreciated and it needs to be taken care of. You cannot have a strong agricultural industry without a strong workforce; these are the two sides of the same coin; you cannot separate them or have one without the other. The Farm Workers Fair Labor Practices Act is essential to ensure a strong workforce exists. Farm workers serve as the backbone of New York's largest and still growing industry. It is time once and for all to afford the people who serve as a foundation of New York's most expansive industry the same rights as those recognized for almost every other work in our state.

Thank you for your time and I urge a swift passage of this resolution.

RABBI MICHAEL FEINBERG: Good afternoon; I'm Rabbi Michael Feinberg; I direct the Greater New York Labor Religion Coalition, which is an interfaith worker rights and economic justice advocacy in New York. We represent more than 600 faith leaders of every faith tradition and their congregations across the City, and while it's true that here in New York City we don't have farms, for the most, part every one of us is dependent on the labor of farm workers across the State.

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And I wanna say a few words about the stake of the faith community in this issue. We've been involved, my own organization and other faith leaders, for more than 15 years in this statewide fight to provide basic dignity, justice and equality for the farm workers of New York State.

For us it really is a matter of being true to our faith demands that every human being and every worker be given dignity and adequate means to live and in the Jewish understanding that every human being is created in the image of god, including farm workers. So for us in the faith community, it's a way to act out our commitment to our faith demands on these issues.

I'd also say it's been noted that it's been 50 years since Cesar Chavez organized on this issue; it's also been 50 years since the documentary film *Harvest of Shame* brought to the American public the awful conditions under which farm workers labored and lived and here in New York State really nothing has changed since that as well, and I would have to say that's not only shameful and scandalous, but to use the language of faith, it really is a social sin, so I'm here to add my voice and my amen to what's

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been said already, that we urge the Council to pass this resolution and the State Legislature to pass the Farm Labor Fair Practices Act; that finally some justice be done to the people that we owe our food and sustenance. Thank you very much.

[background comment]

GUISELA MARROQUIN: Good afternoon. My name is Guisela Marroquin; I'm an organizer with the New York Civil Liberties Union; we have been a long-time supporter of the Fair Labor Practices Act.

The farm workers play a pivotal role in our state's economic success; year after year we fail to provide them with minimal labor protections that all workers in this state enjoy. These protections could not only enhance production; they would create conditions that would avoid fatalities, injuries and abuse.

I would like to highlight other areas that labor laws have already some protections for other industries and not for farm workers. Aside from overtime pay and unemployment insurance and disability in the health and safety industry, the business industry has worksites that must be arranged and operated safely; for farm workers, they are not

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covered by state or occupational health and safety laws and the safety and training the business industry has annual worker safety education requirements, but for farm workers there's no safety education requirement, except for the pesticides in which that was something that we advocated for and we were able to win the.

For heat stress, the business industry has shortened work periods and areas of cooling down; farm workers have no requirements when exposed to extreme heat. For pesticides, again, there's no monitoring of how this is actually enforced in worksites. When it comes to living places, businesses have to figure out building and lodging codes; farm camps... New York health codes, permits and inspections are not only conducted at camps with only five or more workers [sic], so anybody that lives on a camp where there's less than that, we don't know what the regulations are. For sanitation, the business industry has a required toilet, even if it's just one employee; for farm workers, a toilet only if there's five or more workers. Again, there's a lot of dangers also for women on farms. Also, that the denial of these rights cannot be justified as a

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matter of law nor as a matter of farm industry economics. Farming in New York is a multimillion dollar industry, making the State one of the nation's agricultural leaders and agricultural industry growth in 21st century New York has been more vigorous than ever. For example, from 2000-2013, cash receipts from New York's agricultural exports more than tripled from about \$500 million to over \$1 billion. Dairy production alone accounts for half of New York's agricultural profits and has steadily climbed in recent years due to the popularity of Greek yogurt, a signature product of New York and a product for which consumer demand continues to grow, and all across the state local farmers are capitalizing on the broadening market for locally grown farm produce. What's more, New York's lawmakers and political leaders provide robust physical support for the state's agricultural industry. For example, in 2012, PepsiCo and German dairy company agreed to open a new yogurt factory in Batavia, New York which the State and Genesee County provide approximately \$26 million in tax credits and other incentives in support of this venture. The State's budget policies also favor New York farmers and recent budgets have been no

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exception. Dean Norton, President of the New York Farm Bureau praised the fact that 2015-2016 State budget raises the level of support for agriculture in this state to the tune of more than \$70 million in funding for agricultural programs. Despite such windfalls to the industry, an expert in farm economics has pointed out that there is a persistent story that farming is on the edge of catastrophe in America and that's why we need the safety nets that other people don't get and the reality is that it's really a very healthy industry. Another expert who studies farm workers and agriculture in New York, Professor Margaret Gray, has similarly observed that this narrative of the farming industry's potential collapse is repeated by industry advocates every time legislation is introduced that would regulate farms and recognize the rights of farm workers.

Many farm workers are paid piece rate based upon the units of produce picked or handled; this arrangement creates an incentive for farm workers to push themselves beyond their physical limits for pay that is poultry [sic], considering the risk of their health; the Bart College Study describes one piece worker who earned \$18 for every

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20 bushels of apples picked in a work shift of between 8-10 hours he would pick between 60-100 bushels; this amounted to earnings of between \$54-90. A bushel of apples weighs about 48 pounds, meaning that this worker picked as many as 4800 pounds of apples during a day's work shift. To do their job, farm workers also routinely risk their health and safety. According to the U.S. Department of Labor, farm work is one of the most dangerous and most often fatal occupations. Farm workers are seven times more likely than other workers to dies from a work-related injury and as of 2011 the rate of injuries related to agricultural work has grown to be at least 40 percent higher than the average rate of all workers. These risks are related to many factors, including exposure to pesticides and other chemicals, intense physical strain and the use dangerous machinery, notwithstanding the heightened risk of injury or even permanent impairment on the job a farm worker is ineligible for workers' compensation benefits [sic].

In 2010 New York took action to the sorry [sic] legacy for domestic workers, the enactment of the Domestic Workers Bill of Rights gave these workers to fair pay, the basic protections of health

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and safety on the job, but New York's farm workers still labor in the long shadow of Jim Crow and issues of race and ethnicity are still implicated by the impact of this injustice; where African-Americans once made up the majority of New York's farm labor today's workers left unprotected are primarily Latino. The denial of fundamental workers' rights to farm laborers is not only inconsistent with the values of New York State; it is also inconsistent with international human rights principles and so it is long past time for New York lawmakers to act on this injustice. We strongly support that you are taking up this issue and we thank you for your long-time support. I'd like to mention that if it wasn't for the long advocacy for collective bargaining in the west coast they would not have been able to progress on this issue for farm workers on the west coast and I'd like to point out that farm workers in Florida are taking up this issue by going and doing a lot of collective bargaining and going to the consumer and if we don't really address the issue of collective bargaining in our state and allowing that, then we're really just denying that right to

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everybody and we're now gonna address this issue here, so thank you.

CHAIRPERSON MILLER: Thank you to the panel for your testimony, that insightful testimony, 'cause we think we know about laborers 'and workers' rights and the conditions under which people labor and then we hear of these situations and the plight that farm workers labor through every day for seven days a week and obviously we recognize that all labor has dignity and they have not been afforded the dignity that they are deserving of.

I do have a couple of questions for the entire panel. And so first, Miss Chapman, I wanted to talk about -- Does your ministry operate primarily in the northern region of New York State?

KATIA CHAPMAN: Our primary centers are in Long Island, the Hudson Valley... [crosstalk]

CHAIRPERSON MILLER: Okay.

KATIA CHAPMAN: and the Finger Lakes region, and also the Catskills, so we have four offices; the Long Island office is our newest and it came out of our awareness that there's a lot of unmet need, especially Riverhead or the far side of the island where there are these large farms, but we've

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been in the Hudson Valley, the Catskills and the Finger Lakes for decades working with farm workers.

CHAIRPERSON MILLER: Oh so I wanna first mention that we've been joined by Council Member Crowley and we were also joined by Council Member Robert Cornegy as well.

So you guys pretty much cover the entire state; I was wondering if you were just centralizing in the northern state and not kinda seeing what we see downstate here; that it is a consistent problem throughout the state. Is that your findings that... [interpose]

KATIA CHAPMAN: It is consistent.

CHAIRPERSON MILLER: that the... that the conditions are pretty much the same throughout the state of New York?

KATIA CHAPMAN: It is. There are differences between different types of industries, between the dairy and the orchards, for example in terms of dairy being year round and the others having seasons pulls, but the lack of dignity, the lack of a voice within the workplace, that we found to be consistent throughout the state.

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CHAIRPERSON MILLER: And Mrs. Marroquin, right? So in terms of the organizing efforts, and I guess that you are involved in a little more technically with that and with your organization; do you find one particular reason a little more difficult or have they been consistent across the board in their resistance to organizing, and what resources or methods have been applied thus far?

GUISELA MARROQUIN: Well we do partner very well as a coalition with groups like RMM and other groups and it's been pretty consistent that throughout the state we are able to mobilize in the same way. It's hard to get into a lot of the farms and that's our biggest challenge; that without the ability to the collective bargaining piece is the challenge that even us as activists or workers and organizers, if we don't have access to the worker we can't help them knowing their rights, and so if the farmer is not allowing us to access them, that's our challenge and we could have many sites near them; that worker, if he can't get off the farm, we're not gonna be able to access them.

[background comment]

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COMMITTEE ON CIVIL SERVICE AND LABOR

CHAIRPERSON MILLER: And obviously...
[interpose]
GUISELA MARROQUIN: The small farmers
will sometimes let us in; bigger farmers will not
allow us in... [interpose]
CHAIRPERSON MILLER: And obviously, with
a seven-day a week work schedule... [crosstalk]
GUISELA MARROQUIN: Right.
CHAIRPERSON MILLER: doesn't permit for
you to really access them... [crosstalk]
GUISELA MARROQUIN: Right.
CHAIRPERSON MILLER: in that same way.
GUISELA MARROQUIN: Right.
CHAIRPERSON MILLER: What percentage of
the New York State farms are corporately owned as
opposed to family-owned, non-corporate farm?
GUISELA MARROQUIN: I would say there's a
larger percentage that are bigger farms than smaller
farms; would you... [interpose]
KATIA CHAPMAN: I would agree that the
larger number of the farm workers work at corporate
farms, but that is because... but there are... I think
the statistic I saw was that something like -- I'm
not sure if I should go on public record; I don't

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quite remember the statistic, but it was around
4 percent of farms employ 77 percent of farm workers
and so there is majority small farms, but there are
large farms that have majority of these workers on
the record... [crosstalk]

GUISELA MARROQUIN: In the Hudson... In the
Hudson Valley you would probably... well I don't, yeah...
[crosstalk]

KATIA CHAPMAN: Yeah, for... I think for
the state, because upstate there are the large farms
that dominate, but the Hudson Valley is majority
small, but if you're looking at the state as a whole...
[crosstalk]

GUISELA MARROQUIN: Right, dairy farms.

KATIA CHAPMAN: I think... there is just
such a large number of small farms who wouldn't be
affected by this. If we're talking about the farms
that would be affected by it, it would be the
majority of the larger corporate farms.

GUISELA MARROQUIN: And small farmers are
not opposed to many of these provisions. I actually,
as an organizer, work with a lot of small farmers who
say, you know, we would like to... we are all for these
things; the only thing that they would say would be

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the overtime pay, which they're willing to sit at the table and say, you now, how can we work on this, you know, with their workers providing a lot of different other... if they can collectively bargain, then they would work something out that's more dignified; right? They're not opposed to doing that; they're more than willing to work with them. However, the fact that they're part of the Farm Bureau and that they are such a big lobby group sort of limits the way that they can think.

CHAIRPERSON MILLER: And would you agree with the testimony of Rabbi Feinberg that the influence and what was also said by the Senator, the influence of such organizations and lobbying groups has certainly had an impact on these workers not receiving the basic workers' rights that other folks enjoy throughout the State of New York; do you think that's the primary reason?

GUISELA MARROQUIN: Yeah. Yes, we would agree on that.

CHAIRPERSON MILLER: That there are substantial efforts and resources being placed in the denial of these workers' rights?

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GUISELA MARROQUIN: Yes, for sure. And also, farmers that don't have workers who are part of the Farm Bureau will also say the same thing. You know, food justice groups will also find that they are a big lobbying power that will definitely give the perception that it's too much of a blow to that economy and they will lobby that they need to have these tax credits, they need to be able to survive and that New York is made up of small farmers and family farms and we need to preserve that.

CHAIRPERSON MILLER: Okay. I'm gonna turn the mic over to my colleague, Council Member Crowley who has a statement. [background comment] Oh I'm sorry, and we've been joined by Council Member Constantinides as well.

COUNCIL MEMBER CROWLEY: Good afternoon; I'm Council Member Elizabeth Crowley; I wanna thank our Chair for having this very important hearing on farm workers in New York. I am a member of a union before I was ever a member of the City Council and so I know how important it is for workers to have a voice in government. I wanna thank you all for testifying today. I'm proud of the state we live in and I like to buy locally, especially when it comes

2 to the food I eat and the wine that I drink, if I do
3 so indulge. So I do wanna say that it is so
4 important that in this state any farm worker is not
5 getting exploited on the job site and however I could
6 help as a member of this committee, you have my full
7 support, and that's just a statement that I wanted to
8 make. Thank you.

9 CHAIRPERSON MILLER: Councilman
10 Constantinides.

11 COUNCIL MEMBER CONSTANTINIDES: I too
12 wanna join my colleagues in thanking first Council
13 Member Miller for holding this hearing and second,
14 for your advocacy and if I could be added as a
15 sponsor of the resolution, please add me. Thank you.

16 CHAIRPERSON MILLER: And thank you so
17 much. And again, I just wanna add that this is an
18 important hearing; I am thankful to the Senator for
19 taking time out of his busy scheduled and coming in
20 and thanking him for his sponsorship of this
21 important legislation as well as Assembly Member
22 Nolan and this Council and in particular, this Labor
23 Committee is committed to continuing demonstrating
24 that we value workers, workers' rights and all lives
25 matter, all workers matter here in this city and I

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think that so long as we continue to support industries, we think that those industries should be held to standards just the same as the rest of the State of New York and I would -- of course we don't have those authorities to take a look at those subsidies and so forth that they are receiving, but they should be contingent on the fact that workers' rights are being adhered to and that they receive the same rights as all workers here in the State of New York and so we're gonna continue to work toward that, work with advocates such as yourself, work with our colleagues in the state house to make sure that these workers receive their long just due in their quest for rights and fair wages, and certainly as much as we can do from the City here in terms of the resolution, anything else that can be done we are committed to doing so. And again, I thank each and everyone of you for coming out and being a part of this panel. So with that, [background comments] I call this meeting to an end.

[gavel]

[background comments]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 10, 2015