

## Clarification on Use of “Volunteer” Labor at NY Businesses

In the two most recent issues of the Vineyard Update ([October 1](#) and [September 24](#)), I mentioned an article about a winery in California had been assessed a hefty fine (\$115,000) for employing volunteer labor at their business. After seeing this article, we’ve done some digging to find out if using volunteers at businesses in New York is also prohibited. We passed the question along to representatives of NY Farm Bureau, and just heard back from them.

In a nutshell, according to NY State labor laws, *for-profit businesses cannot have anybody working for them as volunteers*. If somebody is working for your business in any way (e.g., picking grapes, pouring wines in the tasting room, scrubbing floors in the cellar), they are considered an employee and need to be paid according to the state’s minimum wage laws. *There are no exemptions to this prohibition for agriculture-related businesses*.

In their response to us about this issue, NY Farm Bureau did mention that “NYFB has tried in past years to establish a ‘training/volunteer/intern’ type of program with the Department of Labor & legislature. The closest thus far being an internship program. However, with the structure of the labor laws it proves to be a bit more complicated than initially anticipated. We will continue to push this issue though and attempt to gain some traction with a workable internship program.”

Of course, Cornell Cooperative Extension and NYFB are not legal advisors, so please don’t consider this official legal advice, but we wanted to get this information out to everyone. Given that, any growers and wineries who are considering using volunteers to help out during harvest, or any time during the year, should think twice before doing so.