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# News Release: First-Ever Secret Ballot Election Under State's Farm Labor Fair Labor Practices Act Conducted at Family Dairy Farm in Upstate New York

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May 22, 2025      News Room

## ***New York Public Employment Relations Board Rightfully Grants Secret Ballot Election to Workers***

On March 27, 2025, in a historic first secret ballot election under New York's Farm Laborers Fair Labor Practices Act (FLFLPA), workers at Merrell Dairy in Wayne County voted decisively against union representation by UFCW Local One, with a final vote count of 44-2.

This election follows the reversal of a prior union certification that was granted through a card check process, which, it was determined, did not amount to enough evidence of majority support. The New York Public Employment Relations Board (PERB) overturned the card check union certification after determining that the administrative law judge had improperly limited the pool of eligible employees. The corrected process led to a secret-ballot election — the first of its kind under the Act in New York State — where workers were able to make their choice privately and freely. A right that every other private sector worker is granted in this state and country.

**PERB officially dismissed the petition and acknowledged the results of the secret ballot election on May 14, 2025.**

Grow NY Farms, a coalition of farms, farmworkers, and agriculture organizations advocating for fair and balanced labor laws, applauds this outcome and decision.

“The state’s decision to protect farmworkers’ freedom of speech and due process rights is commendable,” **said Brian Reeves, President of the New York State Vegetable Growers Association.** “This is exactly why Grow NY Farms is pushing for changes to this law — to ensure that the rights of all farmworkers are respected, just like every other private sector worker, and that the process is fair, transparent, and democratic.”

Grow NY Farms has consistently raised concerns about the card check process, which allows union certification without a secret ballot vote, and the mandatory impasse arbitration procedures that can impose contracts without mutual agreement.

Under New York’s current farm labor collective bargaining law, farmworkers do not have the same rights as all other private sector workers in New York State and across the country:

- Farmworkers are not given the right to a secret ballot election, which is the right of all other workers.
- Farmworkers no longer have the right not to be represented or to decertify, violating their constitutional right of freedom of association.

Grow NY Farms will continue working with lawmakers and stakeholders to improve the FLFLPA law to ensure farmworkers have the same rights throughout the unionization process as all other workers in America.

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