

7964

I N S E N A T E

May 27, 2010

Introduced by Sen. ONORATO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to providing farm laborers with a day of rest

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 161 of the labor law is amended by
2 adding a new third undesignated paragraph to read as follows:
3 EVERY PERSON EMPLOYED AS A FARM LABORER SHALL BE ALLOWED AT LEAST
4 TWENTY-FOUR CONSECUTIVE HOURS OF REST IN EACH AND EVERY CALENDAR WEEK.
5 TWENTY-FOUR CONSECUTIVE HOURS SPENT AT REST BECAUSE OF WEATHER OR CROP
6 CONDITIONS SHALL BE DEEMED TO CONSTITUTE THE REST REQUIRED BY THIS PARA-
7 GRAPH. A FARM LABORER MAY CONSENT IN WRITING TO WAIVE THE REST PROVIDED
8 BY THIS PARAGRAPH AND WORK ON THE DAY OF REST. THE DAY OF REST SHOULD BE
9 THE SAME AS THE TRADITIONAL DAY RESERVED BY THE FARM LABORER FOR RELI-
10 GIOUS WORSHIP WHENEVER POSSIBLE. THE TERM "FARM LABOR" SHALL INCLUDE ALL
11 SERVICES PERFORMED IN AGRICULTURAL EMPLOYMENT IN CONNECTION WITH CULTI-
12 VATING THE SOIL, OR IN CONNECTION WITH RAISING OR HARVESTING OF AGRICUL-
13 TURAL COMMODITIES, INCLUDING SERVICES PERFORMED ON ORCHARDS, PLANTA-
14 TIONS, NURSERIES AND GREENHOUSES, AND SHALL INCLUDE THE RAISING,
15 HATCHING, SHEARING, CARING FOR AND MANAGEMENT OF LIVESTOCK, POULTRY,
16 DAIRY, BEES AND FUR-BEARING ANIMALS, AND SHALL INCLUDE THE HARVESTING OR
17 PRODUCTION OF MAPLE SYRUP OR MAPLE SUGAR, AND SHALL INCLUDE THE OPERA-
18 TION AND MAINTENANCE OF FARM EQUIPMENT AND IMPROVEMENT OR MAINTENANCE OF
19 FARM WATER USE AREAS, AND SHALL INCLUDE THE PLANTING, DRYING, PACKAGING
20 OR OTHER PROCESSING OF ANY AGRICULTURAL OR HORTICULTURAL COMMODITY
21 RAISED ON THE EMPLOYER'S FARM. THE TERM "FARM LABOR" SHALL NOT INCLUDE
22 SERVICES PERFORMED IN CONNECTION WITH COMMERCIAL CANNING, FREEZING,
23 GRADING OR OTHER PROCESSING OF ANY AGRICULTURAL OR HORTICULTURAL COMMOD-
24 ITY NOT RAISED ON THE EMPLOYER'S FARM. EACH FARM EMPLOYER SHALL NOTIFY
25 HIS OR HER FARM LABORERS OF THE TWENTY-FOUR CONSECUTIVE HOURS OF REST
26 PERIOD REQUIRED BY THIS PARAGRAPH BY POSTING SUCH NOTICE IN A DESIGNATED
27 CENTRAL POSTING AREA. THIS REQUIREMENT SHALL NOT APPLY TO THE PARENT,
28 CHILD, SPOUSE OR OTHER MEMBER OF THE EMPLOYER'S FAMILY RELATED BY THE
29 THIRD DEGREE OF CONSANGUINITY OR AFFINITY.
30 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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