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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. YOUNG -- 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 authorizing minors fourteen years of age or older, working as part of a religious community of which they are a member, to be employed in or assist in certain activities

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

1 Section 1. Section 131 of the labor law is amended by adding a new
2 subdivision 7 to read as follows:
3 7. NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT THE EMPLOYMENT
4 OF OR ASSISTANCE IN EMPLOYMENT BY A MINOR FOURTEEN OR FIFTEEN YEARS OF
5 AGE WHO IS THE MEMBER OF A RELIGIOUS COMMUNITY AS PROVIDED IN PARAGRAPH
6 C OF SUBDIVISION THREE OF SECTION ONE HUNDRED THIRTY-THREE OF THIS ARTI-
7 CLE.
8 S 2. Section 132 of the labor law is amended by adding a new subdivi-
9 sion 6 to read as follows:
10 6. NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT THE EMPLOYMENT
11 OF OR ASSISTANCE IN EMPLOYMENT BY A MINOR SIXTEEN OR SEVENTEEN YEARS OF
12 AGE WHO IS THE MEMBER OF A RELIGIOUS COMMUNITY AS PROVIDED IN PARAGRAPH
13 C OF SUBDIVISION THREE OF SECTION ONE HUNDRED THIRTY-THREE OF THIS ARTI-
14 CLE.
15 S 3. Subdivision 3 of section 133 of the labor law is amended by
16 adding a new paragraph c to read as follows:
17 C. THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION SHALL NOT APPLY
18 TO ANY MINOR FOURTEEN YEARS OF AGE OR OLDER, WHEN SUCH MINOR IS EMPLOYED
19 BY OR ASSISTS IN THE EMPLOYMENT OF A RELIGIOUS COMMUNITY, OF WHICH SUCH
20 MINOR IS AN ACTIVE MEMBER; PROVIDED, HOWEVER, THAT AT ALL TIMES WHILE
21 SUCH A MINOR IS ENGAGED OR ASSISTING IN OTHERWISE PROHIBITED EMPLOYMENT,
22 HE OR SHE SHALL BE UNDER THE SUPERVISION OF A PERSON EIGHTEEN YEARS OF

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

LBD02498-01-1

1 AGE OR OLDER WHO IS AN ACTIVE MEMBER OF THE SAME RELIGIOUS COMMUNITY AS
2 THE SUPERVISED MINOR. AN AFFIDAVIT SIGNED BY THE PARENT, PARENTS OR
3 GUARDIAN OF SUCH A MINOR, STATING THAT SUCH PARENT, PARENTS OR GUARDIAN
4 HOLD THE GENUINE AND SINCERE RELIGIOUS BELIEFS OF THE RELIGIOUS COMMUNI-
5 TY AND THAT THE MINOR IS AN ACTIVE MEMBER OF SUCH RELIGIOUS COMMUNITY
6 SHALL CONSTITUTE PROOF THAT SUCH MINOR MAY BE SO EMPLOYED OR ASSIST IN
7 SUCH EMPLOYMENT. THE PARENT, PARENTS OR GUARDIAN SHALL NOT BE REQUIRED
8 TO SPECIFY OR ELABORATE ON THE NATURE, GENUINENESS OR SINCERITY OF THE
9 RELIGIOUS BELIEF OR BE SUBJECT TO ANY FURTHER INQUIRY.
10 S 4. This act shall take effect immediately.