S T A T E O F N E W Y O R K

11377

I N A S S E M B L Y

June 7, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Nolan) -- read once and referred 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:

Section 1. Subdivision 1 of section 161 of the labor law is amended by adding a new third undesignated paragraph to read as follows:

EVERY PERSON EMPLOYED AS A FARM LABORER SHALL BE ALLOWED AT LEAST TWENTY-FOUR CONSECUTIVE HOURS OF REST IN EACH AND EVERY CALENDAR WEEK. TWENTY-FOUR CONSECUTIVE HOURS SPENT AT REST BECAUSE OF WEATHER OR CROP CONDITIONS SHALL BE DEEMED TO CONSTITUTE THE REST REQUIRED BY THIS PARAGRAPH. A FARM LABORER MAY CONSENT IN WRITING TO WAIVE THE REST PROVIDED BY THIS PARAGRAPH AND WORK ON THE DAY OF REST. THE DAY OF REST SHOULD BE THE SAME AS THE TRADITIONAL DAY RESERVED BY THE FARM LABORER FOR RELIGIOUS WORSHIP WHENEVER POSSIBLE. THE TERM "FARM LABOR" SHALL INCLUDE ALL SERVICES PERFORMED IN AGRICULTURAL EMPLOYMENT IN CONNECTION WITH CULTIVATING THE SOIL, OR IN CONNECTION WITH RAISING OR HARVESTING OF AGRICULTURAL COMMODITIES, INCLUDING SERVICES PERFORMED ON ORCHARDS, PLANTATIONS, NURSERIES AND GREENHOUSES, AND SHALL INCLUDE THE RAISING, HATCHING, SHEARING, CARING FOR AND MANAGEMENT OF LIVESTOCK, POULTRY, DAIRY, BEES AND FUR-BEARING ANIMALS, AND SHALL INCLUDE THE HARVESTING OR PRODUCTION OF MAPLE SYRUP OR MAPLE SUGAR, AND SHALL INCLUDE THE OPERATION AND MAINTENANCE OF FARM EQUIPMENT AND IMPROVEMENT OR MAINTENANCE OF FARM WATER USE AREAS, AND SHALL INCLUDE THE PLANTING, DRYING, PACKAGING OR OTHER PROCESSING OF ANY AGRICULTURAL OR HORTICULTURAL COMMODITY RAISED ON THE EMPLOYER'S FARM. THE TERM "FARM LABOR" SHALL NOT INCLUDE SERVICES PERFORMED IN CONNECTION WITH COMMERCIAL CANNING, FREEZING, GRADING OR OTHER PROCESSING OF ANY AGRICULTURAL OR HORTICULTURAL COMMODITY NOT RAISED ON THE EMPLOYER'S FARM. EACH FARM EMPLOYER SHALL NOTIFY HIS OR HER FARM LABORERS OF THE TWENTY-FOUR CONSECUTIVE HOURS OF REST PERIOD REQUIRED BY THIS PARAGRAPH BY POSTING SUCH NOTICE IN A DESIGNATED CENTRAL POSTING AREA. THIS REQUIREMENT SHALL NOT APPLY TO THE PARENT, CHILD, SPOUSE OR OTHER MEMBER OF THE EMPLOYER'S FAMILY RELATED BY THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY.

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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