

2009-2010 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2009

---

Introduced by Sen. LANZA -- 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 work hours for lifeguards

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

1     Section 1. Paragraph a of subdivision 1 of section 143 of the labor  
2 law, as amended by chapter 546 of the laws of 1992, is amended to read  
3 as follows:  
4     a. (i) More than four hours on any day preceding a school day, other  
5 than on a Sunday or holiday; (ii) except that students enrolled in a  
6 cooperative work experience program approved by the department of educa-  
7 tion may be employed for no more than six hours on any day preceding a  
8 school day, other than on a Sunday or holiday, if such hours of employ-  
9 ment occur solely pursuant to such program. Any hours worked by students  
10 in such programs shall be included when calculating the number of hours  
11 worked for purposes of subparagraph (i) of this paragraph; AND (III)  
12 EXCEPT THAT STUDENTS MAY BE EMPLOYED FOR UP TO FIVE HOURS ON ANY DAY  
13 PRECEDING A SCHOOL DAY AS A QUALIFIED LIFEGUARD OR AQUATIC SUPERVISORY  
14 STAFF AS DEFINED BY TITLE 10 NYCRR PART 6, PROVIDED THE EMPLOYER  
15 RECEIVES AND MAINTAINS BOTH THE WRITTEN CONSENT OF THE MINOR'S PARENT OR  
16 GUARDIAN AND A CERTIFICATE WHICH SHALL BE PROVIDED TO THE EMPLOYER AT  
17 THE END OF EACH MARKING PERIOD BY THE MINOR'S SCHOOL WHICH SHALL ASSERT  
18 THAT SUCH MINOR IS IN SATISFACTORY ACADEMIC STANDING ACCORDING TO THE  
19 STANDARDS IN SUCH SCHOOL DISTRICT; WHERE SUCH STUDENT MAINTAINS A PASS-  
20 ING GRADE AS DETERMINED BY THE EDUCATIONAL INSTITUTION WHERE THE STUDENT  
21 IS ENROLLED, HAS WRITTEN PERMISSION FROM A PARENT OR LEGAL GUARDIAN AND  
22 WHERE SUCH STUDENT MEETS ANY OTHER EDUCATIONAL STANDARDS OR REQUIREMENT  
23 SET BY THE EMPLOYER OR HIRING AGENCY;  
24     S 2. This act shall take effect immediately.

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

LBD02090-01-9