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

2541

2009-2010 Regular Sessions

I N A S S E M B L Y

January 20, 2009

Introduced by M. of A. CUSICK -- read once and referred 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:

Section 1. Paragraph a of subdivision 1 of section 143 of the labor law, as amended by chapter 546 of the laws of 1992, is amended to read as follows:

a. (i) More than four hours on any day preceding a school day, other than on a Sunday or holiday; (ii) except that students enrolled in a cooperative work experience program approved by the department of education may be employed for no more than six hours on any day preceding a school day, other than on a Sunday or holiday, if such hours of employment occur solely pursuant to such program. Any hours worked by students in such programs shall be included when calculating the number of hours worked for purposes of subparagraph (i) of this paragraph; AND (III) EXCEPT THAT STUDENTS MAY BE EMPLOYED FOR UP TO FIVE HOURS ON ANY DAY PRECEDING A SCHOOL DAY AS A QUALIFIED LIFEGUARD OR AQUATIC SUPERVISORY STAFF AS DEFINED BY TITLE 10 NYCRR PART 6, PROVIDED THE EMPLOYER RECEIVES AND MAINTAINS BOTH THE WRITTEN CONSENT OF THE MINOR'S PARENT OR GUARDIAN AND A CERTIFICATE WHICH SHALL BE PROVIDED TO THE EMPLOYER AT THE END OF EACH MARKING PERIOD BY THE MINOR'S SCHOOL WHICH SHALL ASSERT THAT SUCH MINOR IS IN SATISFACTORY ACADEMIC STANDING ACCORDING TO THE STANDARDS IN SUCH SCHOOL DISTRICT; WHERE SUCH STUDENT MAINTAINS A PASSING GRADE AS DETERMINED BY THE EDUCATIONAL INSTITUTION WHERE THE STUDENT IS ENROLLED, HAS WRITTEN PERMISSION FROM A PARENT OR LEGAL GUARDIAN AND WHERE SUCH STUDENT MEETS ANY OTHER EDUCATIONAL STANDARDS OR REQUIREMENT SET BY THE EMPLOYER OR HIRING AGENCY;

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