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

5644

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

Introduced by M. of A. KOLB, BURLING, BUTLER, ERRIGO, FINCH -- Multi-Sponsored by -- M. of A. CALHOUN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to creating the protecting English in the workplace act

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

Section 1. Short title. This act shall be known and may be cited as the "protecting English in the workplace act".

S 2. Section 296 of the executive law is amended by adding a new subdivision 21 to read as follows:

21. (A) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, IT SHALL NOT BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOYER, EMPLOYMENT AGENCY, LABOR ORGANIZATION OR JOINT LABOR-MANAGEMENT COMMITTEE TO REQUIRE AN EMPLOYEE TO SPEAK, OR AN APPLICANT FOR EMPLOYMENT TO AGREE TO SPEAK ENGLISH WHILE ENGAGED IN WORK-RELATED DUTIES.

(B) AN INDIVIDUAL SHALL NOT BE CONSIDERED TO BE ENGAGED IN WORK DURING A BONA FIDE MEAL PERIOD, A REST PERIOD, OR ANY OTHER BREAK DURING WHICH THE INDIVIDUAL IS NOT REQUIRED TO PERFORM WORK-RELATED DUTIES. THE TERMS "BONA FIDE MEAL PERIOD" AND "REST PERIOD" SHALL HAVE THE SAME MEANINGS AS DEFINED BY SECTION 785.19 OF TITLE 29, CODE OF FEDERAL REGULATIONS.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to acts or refusals to act alleged to have occurred on and after such effective date.

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

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