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

2274

2011-2012 Regular Sessions

I N A S S E M B L Y

January 14, 2011

Introduced by M. of A. REILLY -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to the definition of employee

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

Section 1. Subdivision 4 of section 2 of the workers' compensation law is amended by adding a new closing paragraph to read as follows:

NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE TERM "EMPLOYEE" SHALL NOT INCLUDE ANY PERSON DURING ORIENTATION OR TRAINING WHEN SUCH PERSON IS INTENDING TO BECOME AN INDEPENDENT CONTRACTOR. FOR THE PURPOSES OF THIS PARAGRAPH:

(I) "INDEPENDENT CONTRACTOR" MEANS A SOLE PROPRIETORSHIP, PARTNERSHIP OR CORPORATION THAT PROVIDES GOODS OR SERVICES TO ANOTHER ENTITY UNDER THE TERMS SPECIFIED IN A CONTRACT;

(II) "ORIENTATION" MEANS A PERIOD OF INTRODUCTION, AS TO GUIDE A PERSON IN ADJUSTING TO A NEW FIELD OF WORK; AND

(III) "TRAINING" MEANS THE PERIOD OF A PERSON'S EDUCATION, INSTRUCTION AND/OR DEVELOPMENT IN A NEW FIELD OF WORK.

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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