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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CUSICK, PERRY -- 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:

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.

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