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

6828

2011-2012 Regular Sessions

I N A S S E M B L Y

April 4, 2011

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

AN ACT to amend the labor law, in relation to expanding the period of time for taking the noon day meal for employees in restaurants and other food service establishments

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

Section 1. Section 162 of the labor law is amended by adding a new subdivision 2-a to read as follows:

2-A. FOR EVERY PERSON EMPLOYED IN OR BY A RESTAURANT OR FOOD SERVICE ESTABLISHMENT SUBJECT TO THE PROVISIONS OF THIS CHAPTER, THE NOON DAY MEAL PERIOD IS RECOGNIZED AS EXTENDING FROM TEN O'CLOCK IN THE MORNING UNTIL THREE O'CLOCK IN THE AFTERNOON. AN EMPLOYEE IN SUCH ESTABLISHMENT WHO WORKS A SHIFT OF MORE THAN SIX HOURS WHICH EXTENDS OVER THE NOON DAY MEAL PERIOD IS ENTITLED TO AT LEAST THIRTY MINUTES OFF WITHIN THAT PERIOD FOR THE MEAL PERIOD.

NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, THE NOON DAY MEAL PERIOD MAY BE ESTABLISHED THROUGH THE COLLECTIVE BARGAINING PROCESS.

S 2. This act shall take effect immediately.

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

LBD10574-01-1