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

5792--B

Cal. No. 57

2013-2014 Regular Sessions

I N S E N A T E

June 14, 2013

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the labor law, in relation to the number of hours employees may work in the hospitality industry

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

Section 1. The labor law is amended by adding a new section 196-e to read as follows:

S 196-E. WORKWEEK HOURS IN THE HOSPITALITY INDUSTRY. NO EMPLOYER SHALL BE DEEMED TO HAVE VIOLATED ANY STATUTE, RULE, REGULATION OR ORDER BY EMPLOYING ANY EMPLOYEE IN THE HOSPITALITY INDUSTRY FOR A WORKWEEK IN EXCESS OF THE APPLICABLE WORKWEEK SPECIFIED THEREIN IF:

(A) THE REGULAR RATE OF PAY OF SUCH EMPLOYEE IS IN EXCESS OF TWICE THE STATUTORY MINIMUM HOURLY RATE APPLICABLE TO SUCH EMPLOYEE; AND

(B) MORE THAN HALF THE EMPLOYEE'S COMPENSATION FOR A REPRESENTATIVE PERIOD, WHICH SHALL NOT BE LESS THAN ONE MONTH, REPRESENTS COMPENSATION FROM SERVICE CHARGES, MANDATORY GRATUITY ON GOODS OR SERVICES.

S 2. This act shall take effect immediately, provided, however, that this act shall be deemed to have been in full force and effect with respect to any employee in the hospitality industry who received compensation consistent with section 196-e of the labor law, as added by section one of this act, prior to the effective date of this act.

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

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