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

3868

2013-2014 Regular Sessions

I N A S S E M B L Y

January 29, 2013

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

AN ACT to amend the labor law, in relation to expanding the definition of agricultural labor to include working at a farmers market and in relation to unemployment insurance coverage requirements for employers of agricultural workers

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

Section 1. Subparagraph 3 of paragraph (a) of subdivision 6 of section 511 of the labor law, as amended by chapter 196 of the laws of 1966 and as renumbered by chapter 607 of the laws of 1971, is amended and a new subparagraph 4 is added to read as follows:

(3) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed in the employ of an operator of a farm (i) as an incident to farming operations or, (ii) in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not apply to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption[.];

(4) AT A FARMERS MARKET, IN THE EMPLOY OF ANY PERSON WHO RAISES OR HARVESTS ANY AGRICULTURAL OR HORTICULTURAL COMMODITY FOR THE PURPOSE OF SELLING SUCH COMMODITIES AT A FARMERS MARKET.

S 2. Subparagraph 2 of paragraph (a) of subdivision 1 of section 564 of the labor law, as added by chapter 675 of the laws of 1977, is amended to read as follows:

(2) has employed in agricultural labor ten or more persons, WHO ARE NOT MEMBERS OF SUCH EMPLOYER'S IMMEDIATE FAMILY, on each of twenty days

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

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during a calendar year or the preceding calendar year, each day being in a different calendar week, and the liability shall in such event commence on the first day of the calendar year, or

S 3. This act shall take effect immediately.