

261--A

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ROZIC, LAVINE, LUPARDO, GOTTFRIED, MAYER, COLTON, BLAKE, CLARK, PICHARDO, STECK, ARROYO, HOOPER, FAHY -- Multi-Sponsored by -- M. of A. BRENNAN, GALEF, GLICK, MARKEY, MOSLEY, SEAWRIGHT, SIMON, SOLAGES -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to providing more predictable and stable schedules for employees in low-wage occupations

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

1 Section 1. Section 652 of the labor law is amended by adding a new
2 subdivision 7 to read as follows:
3 7. AN EMPLOYER WHO OPERATES THIRTY OR MORE ESTABLISHMENTS NATIONWIDE
4 SHALL PAY AN EMPLOYEE:
5 (A) FOR AT LEAST FOUR HOURS AT THE BASIC MINIMUM HOURLY WAGE FOR EACH
6 DAY ON WHICH THE EMPLOYEE REPORTS FOR WORK UNDER SPECIFIC INSTRUCTIONS
7 BUT IS GIVEN LESS THAN FOUR HOURS OF WORK, EXCEPT THAT IF THE EMPLOYEE'S
8 REGULARLY SCHEDULED SHIFT IS LESS THAN FOUR HOURS, SUCH EMPLOYEE SHALL
9 BE PAID FOR THE EMPLOYEE'S REGULARLY SCHEDULED HOURS FOR THAT DAY IF
10 GIVEN LESS THAN THE REGULARLY SCHEDULED HOURS OF WORK; AND
11 (B) FOR AT LEAST FOUR HOURS AT THE BASIC MINIMUM HOURLY WAGE FOR EACH
12 DAY THE EMPLOYEE IS GIVEN SPECIFIC INSTRUCTIONS TO CONTACT THE EMPLOY-
13 EE'S EMPLOYER, OR WAIT TO BE CONTACTED BY THE EMPLOYER, LESS THAN TWEN-
14 TY-FOUR HOURS IN ADVANCE OF THE START OF THE POTENTIAL WORK SHIFT TO
15 DETERMINE WHETHER THE EMPLOYEE MUST REPORT TO WORK FOR SUCH SHIFT.
16 (C) NOTHING IN THIS SUBDIVISION SHALL APPLY TO ANY EMPLOYER WHO IS
17 SUBJECT TO A HOSPITALITY INDUSTRY WAGE ORDER PROMULGATED BY THE DEPART-
18 MENT, UNLESS THE EMPLOYER IS ALSO SUBJECT TO A FAST FOOD WAGE ORDER

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

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1 PROMULGATED BY THE DEPARTMENT, AS SUCH TERMS ARE DEFINED BY 18 NYCRR
2 PART 146.

3 S 2. Notwithstanding subdivision 7 of section 652 of the labor law, a
4 modification of part 142-2.3 of title 12 of the New York state codes,
5 rules and regulations based on subdivision 7 of such section shall be
6 made by wage order promulgated by the commissioner of labor without a
7 public hearing, and without reference to a wage board, and shall become
8 effective sixty days after the effective date of such subdivision.

9 S 3. If any provision of article 19 of the labor law or the applica-
10 tion thereof to any person, employer, occupation or circumstance is held
11 invalid, the remainder of the article and the application of such
12 provision to other persons, employees, occupations, or circumstances
13 shall not be affected thereby.

14 S 4. This act shall take effect on the one hundred twentieth day after
15 it shall have become a law.