

5206

2015-2016 Regular Sessions

I N A S S E M B L Y

February 13, 2015

Introduced by M. of A. BLANKENBUSH, GRAF, GIGLIO, GOODELL, FRIEND, OAKS, FINCH, BUTLER, HAWLEY -- Multi-Sponsored by -- M. of A. CERETTO, CROUCH, DiPIETRO, LOPEZ -- 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:

1 Section 1. Subparagraph 3 of paragraph (a) of subdivision 6 of
2 section 511 of the labor law, as amended by chapter 196 of the laws of
3 1966 and as renumbered by chapter 607 of the laws of 1971, is amended
4 and a new subparagraph 4 is added to read as follows:
5 (3) in handling, planting, drying, packing, packaging, processing,
6 freezing, grading, storing, or delivering to storage or to market or to
7 a carrier for transportation to market, any agricultural or horticultur-
8 al commodity; but only if such service is performed in the employ of an
9 operator of a farm (i) as an incident to farming operations or, (ii) in
10 the case of fruits and vegetables, as an incident to the preparation of
11 such fruits or vegetables for market. The provisions of this paragraph
12 shall not apply to service performed in connection with commercial
13 canning or commercial freezing or in connection with any agricultural or
14 horticultural commodity after its delivery to a terminal market for
15 distribution for consumption[.];
16 (4) AT A FARMERS MARKET, IN THE EMPLOY OF ANY PERSON WHO RAISES OR
17 HARVESTS ANY AGRICULTURAL OR HORTICULTURAL COMMODITY FOR THE PURPOSE OF
18 SELLING SUCH COMMODITIES AT A FARMERS MARKET.
19 S 2. Subparagraph 2 of paragraph (a) of subdivision 1 of section 564
20 of the labor law, as added by chapter 675 of the laws of 1977, is
21 amended to read as follows:

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

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1 (2) has employed in agricultural labor ten or more persons, WHO ARE
2 NOT MEMBERS OF SUCH EMPLOYER'S IMMEDIATE FAMILY, on each of twenty days
3 during a calendar year or the preceding calendar year, each day being in
4 a different calendar week, and the liability shall in such event
5 commence on the first day of the calendar year, or
6 S 3. This act shall take effect immediately.