

4402--A

Cal. No. 682

2015-2016 Regular Sessions

I N S E N A T E

March 18, 2015

Introduced by Sens. MARTINS, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the workers' compensation law, relating to the definition of employee; and providing for the repeal of such provisions

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

1 Section 1. The fourth undesignated paragraph of subdivision 4 of
2 section 2 of the workers' compensation law, as added by chapter 903 of
3 the laws of 1986, is amended to read as follows:
4 "Employee" shall also mean, for purposes of this chapter ONLY, AND NOT
5 FOR THE PURPOSES OF ANY OTHER PROVISION OR STATUTE DEPENDENT UPON THE
6 DEFINITION OF EMPLOYEE, a professional musician or a person otherwise
7 engaged in the performing arts who performs services as such for a tele-
8 vision or radio station or network, a film production, a theatre, hotel,
9 restaurant, night club or similar establishment unless, by written
10 contract, such musician or person is stipulated to be an employee of
11 another employer covered by this chapter, OR EXEMPT FROM THE REQUIREMENT
12 OF COVERAGE BECAUSE THE MUSICIAN OR PERSON DESCRIBED IN THIS PARAGRAPH
13 IS AN EXECUTIVE OFFICER OF A CORPORATION WHO IS DEEMED EXCLUDED FROM
14 COVERAGE UNDER PARAGRAPHS (C) AND E OF SUBDIVISION SIX OF SECTION
15 FIFTY-FOUR OF THIS CHAPTER, AND WHO, AFTER SUSTAINING AN OTHERWISE
16 COVERED INJURY, ELECTS TO WAIVE COVERAGE UNDER THIS CHAPTER PROVIDED BY
17 AN ESTABLISHMENT DESCRIBED IN THIS PARAGRAPH OR ITS COMPENSATION CARRI-
18 ER. PROVIDED, WHERE A MUSICIAN OR PERSON DESCRIBED IN THIS PARAGRAPH IS
19 COVERED BY A COLLECTIVE BARGAINING AGREEMENT, THE UNION MUST CONSENT TO
20 SUCH ELECTION . "Engaged in the performing arts" shall mean performing

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

LBD03796-07-5

1 service in connection with the production of or performance in any
2 artistic endeavor which requires artistic or technical skill or exper-
3 tise.

4 S 2. This act shall take effect immediately and shall apply to all
5 cases, matters or proceedings pending on such date, or which have not
6 been finally adjudicated on such date or commenced on or after such
7 date; provided, however, that this act shall expire and be deemed
8 repealed 3 years after such effective date.