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

52--A

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. HOYLMAN, KENNEDY, PARKER, PERALTA, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- 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:

Section 1. Section 652 of the labor law is amended by adding a new subdivision 7 to read as follows:

7. AN EMPLOYER WHO OPERATES THIRTY OR MORE ESTABLISHMENTS NATIONWIDE SHALL PAY AN EMPLOYEE:

(A) FOR AT LEAST FOUR HOURS AT THE BASIC MINIMUM HOURLY WAGE FOR EACH DAY ON WHICH THE EMPLOYEE REPORTS FOR WORK UNDER SPECIFIC INSTRUCTIONS BUT IS GIVEN LESS THAN FOUR HOURS OF WORK, EXCEPT THAT IF THE EMPLOYEE'S REGULARLY SCHEDULED SHIFT IS LESS THAN FOUR HOURS, SUCH EMPLOYEE SHALL BE PAID FOR THE EMPLOYEE'S REGULARLY SCHEDULED HOURS FOR THAT DAY IF GIVEN LESS THAN THE REGULARLY SCHEDULED HOURS OF WORK; AND

(B) FOR AT LEAST FOUR HOURS AT THE BASIC MINIMUM HOURLY WAGE FOR EACH DAY THE EMPLOYEE IS GIVEN SPECIFIC INSTRUCTIONS TO CONTACT THE EMPLOYEE'S EMPLOYER, OR WAIT TO BE CONTACTED BY THE EMPLOYER, LESS THAN TWENTY-FOUR HOURS IN ADVANCE OF THE START OF THE POTENTIAL WORK SHIFT TO DETERMINE WHETHER THE EMPLOYEE MUST REPORT TO WORK FOR SUCH SHIFT.

(C) NOTHING IN THIS SUBDIVISION SHALL APPLY TO ANY EMPLOYER WHO IS SUBJECT TO A HOSPITALITY INDUSTRY WAGE ORDER PROMULGATED BY THE DEPARTMENT, UNLESS THE EMPLOYER IS ALSO SUBJECT TO A FAST FOOD WAGE ORDER PROMULGATED BY THE DEPARTMENT, AS SUCH TERMS ARE DEFINED BY 18 NYCRR PART 146.

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

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

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

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