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

9488--C

I N A S S E M B L Y

March 10, 2016

Introduced by M. of A. SEPULVEDA, MOSLEY, LAVINE, RIVERA, BLAKE -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the labor law, in relation to requiring employers to pay holiday premium pay to certain employees on certain federal holidays

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

Section 1. Section 190 of the labor law is amended by adding a new subdivision 10 to read as follows:

10. "HOLIDAY PREMIUM PAY" MEANS A RATE OF BASIC PAY PLUS PREMIUM PAY AT A RATE EQUAL TO ONE-HALF HIS OR HER RATE OF BASIC PAY FOR NON-OVERTIME HOURS WORKED UP TO EIGHT ON CERTAIN FEDERAL HOLIDAYS.

S 2. The labor law is amended by adding a new section 191-d to read as follows:

S 191-D. HOLIDAY PREMIUM PAY. EVERY EMPLOYER SHALL PAY TO EACH OF ITS EMPLOYEES, EXCEPT ANY PERSON EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY WHOSE EARNINGS ARE IN EXCESS OF NINE HUNDRED DOLLARS A WEEK, HOLIDAY PREMIUM PAY, AS DEFINED IN SUBDIVISION TEN OF SECTION ONE HUNDRED NINETY OF THIS ARTICLE, ON THE FOLLOWING HOLIDAYS:

1. NEW YEAR'S DAY;
2. LABOR DAY;
3. MEMORIAL DAY; AND
4. INDEPENDENCE DAY.

S 3. Nothing in this act shall be deemed to diminish the rights, privileges, or remedies of any employee under any collective bargaining agreement or employment contract.

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

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

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