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

4847

2015-2016 Regular Sessions

I N S E N A T E

April 22, 2015

Introduced by Sen. MARTINS -- (at request of the Department of Labor) -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to exclusion of certain services from employment

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

Section 1. Paragraph (f) of subdivision 2 of section 563 of the labor law, as added by chapter 413 of the laws of 1991, is amended and a new paragraph g is added to read as follows:

(f) a person who participates in a youth service program designed to foster a commitment to community service and occupational and educational development and who, while participating in that program, performs services in the community or attends school and receives a stipend designed to cover expenses incurred in performing services or attending school, and is eligible for an award or scholarship upon leaving the program[.]; AND

(G) AN INDIVIDUAL AS PART OF AN UNEMPLOYMENT WORK-RELIEF OR WORK-TRAINING PROGRAM ASSISTED OR FINANCED IN WHOLE OR IN PART BY ANY FEDERAL AGENCY OR ANY AGENCY OF THE STATE OR POLITICAL SUBDIVISION THEREOF PURSUANT TO A DECLARATION OF A DISASTER EMERGENCY BY THE PRESIDENT, GOVERNOR OR CHIEF EXECUTIVE OF A POLITICAL SUBDIVISION OF THE STATE, WHERE SUCH INDIVIDUAL FURNISHES TEMPORARY SERVICES TO THE STATE OR POLITICAL SUBDIVISION THEREOF IN CONNECTION WITH A RECOVERY FROM THE DISASTER EMERGENCY, PROVIDED THAT NO FEDERAL LAW, RULE OR REGULATION SPECIFICALLY MANDATES UNEMPLOYMENT INSURANCE COVERAGE BE PAID TO SUCH INDIVIDUALS IN A PARTICULAR WORK-RELIEF OR WORK-TRAINING PROGRAM.

S 2. Paragraphs (f) and (g) of subdivision 2 of section 565 of the labor law, as added by chapter 675 of the laws of 1977, are amended and a new paragraph (h) is added to read as follows:

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

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(f) a person in a policymaking or advisory position, the duties of which ordinarily do not require more than eight hours per week to perform; [and]

(g) an inmate of a custodial or penal institution[.]; AND

(H) AN INDIVIDUAL AS PART OF AN UNEMPLOYMENT WORK-RELIEF OR WORK-TRAINING PROGRAM ASSISTED OR FINANCED IN WHOLE OR IN PART BY ANY FEDERAL AGENCY OR ANY AGENCY OF THE STATE OR POLITICAL SUBDIVISION THEREOF PURSUANT TO A DECLARATION OF A DISASTER OR EMERGENCY BY THE PRESIDENT, GOVERNOR OR CHIEF EXECUTIVE OF A POLITICAL SUBDIVISION OF THE STATE, WHERE SUCH INDIVIDUAL FURNISHES TEMPORARY SERVICES TO THE STATE OR POLITICAL SUBDIVISION THEREOF IN CONNECTION WITH A RECOVERY FROM THE DISASTER EMERGENCY, PROVIDED THAT NO FEDERAL LAW, RULE OR REGULATION SPECIFICALLY MANDATES UNEMPLOYMENT INSURANCE COVERAGE BE PAID TO SUCH INDIVIDUALS IN A PARTICULAR WORK-RELIEF OR WORK-TRAINING PROGRAM.

S 3. This act shall take effect immediately and shall apply to all individuals hired on or after such date.