

STATE OF NEW YORK

7975

IN SENATE

March 5, 2020

Introduced by Sens. METZGER, RAMOS -- 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 certain rights of farm
laborers

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The closing paragraph of subdivision 1 of section 161 of
2 the labor law, as added by chapter 105 of the laws of 2019, is amended
3 to read as follows:

4 Every person employed as a farm laborer, as such term is defined in
5 paragraph (c) of subdivision three of section seven hundred one of this
6 chapter, shall be allowed at least twenty-four consecutive hours of rest
7 in each and every calendar week. This requirement shall not apply to
8 the parent, child, spouse or other member of the employer's immediate
9 family. The term "employer" shall have the same meaning as defined in
10 paragraphs (a) and (b) of subdivision two of section seven hundred one
11 of this chapter. The term "immediate family member" shall mean family
12 related to the third degree of consanguinity or affinity. Twenty-four
13 consecutive hours spent at rest because of circumstances, such as weath-
14 er or crop conditions, shall be deemed to constitute the rest required
15 by this paragraph. No provision of this paragraph shall prohibit a farm
16 laborer from voluntarily agreeing to work on such day of rest required
17 by this paragraph, provided that the farm laborer is compensated at an
18 overtime rate which is at least one and one-half times the laborer's
19 regular rate of pay for all hours worked on such day of rest. The term
20 "farm labor" shall include all services performed in agricultural
21 employment in connection with cultivating the soil, or in connection
22 with raising or harvesting of agricultural commodities, including the
23 raising, shearing, caring for and management of livestock, poultry or
24 dairy. The day of rest authorized under this subdivision should, whenev-
25 er possible, coincide with the traditional day reserved by the farm
26 laborer for religious worship.

27 § 2. Section 163-a of the labor law, as added by chapter 105 of the
28 laws of 2019, is 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 § 163-a. Farm laborers. No person or corporation operating a farm
2 shall require any [~~employee~~] farm laborer, as such term is defined in
3 paragraph (c) of subdivision three of section seven hundred one of this
4 chapter, to work more than sixty hours in any calendar week; provided,
5 however, that any overtime work performed by a farm laborer shall be at
6 a rate which is at least one and one-half times the laborer's regular
7 rate of pay. No wage order subject to the provisions of this chapter
8 shall be applicable to a farm laborer other than a wage order estab-
9 lished pursuant to section six hundred seventy-four or six hundred
10 seventy-four-a of this chapter.

11 § 3. Paragraph (c) of subdivision 3 of section 701 of the labor law,
12 as added by chapter 105 of the laws of 2019, is amended to read as
13 follows:

14 (c) The term "employee" shall also include farm laborers. "Farm labor-
15 ers" shall mean any individual engaged or permitted by an employer to
16 work on a farm, except the parent, spouse, child, or other member of the
17 employer's immediate family. The term "immediate family" shall mean
18 family related to the third degree of consanguinity or affinity. The
19 term "farm laborers" shall not include any person who is an executive,
20 an administrative or professional employee, or a foreman in charge.

21 § 4. Section 703 of the labor law, as added by chapter 773 of the laws
22 of 1940, the closing paragraph as added by chapter 105 of the laws of
23 2019, is amended to read as follows:

24 § 703. Rights of employees. Employees shall have the right of self-or-
25 ganization, to form, join, or assist labor organizations, to bargain
26 collectively through representatives of their own choosing, and to
27 engage in concerted activities, for the purpose of collective bargaining
28 or other mutual aid or protection, free from interference, restraint, or
29 coercion of employers, but nothing contained in this article shall be
30 interpreted to prohibit employees from exercising the right to confer
31 with their employer at any time, provided that during such conference
32 there is no attempt by the employer, directly or indirectly, to inter-
33 fere with, restrain or coerce employees in the exercise of the rights
34 guaranteed by this section. No farm laborer shall be in the same
35 collective bargaining unit as any person who is an executive, an admin-
36 istrative or professional employee, or a foreman in charge.

37 Notwithstanding any other provision of law, for farm laborers the term
38 "concerted activities" shall not include a right to strike or other
39 concerted stoppage of work or slowdown.

40 § 5. This act shall take effect immediately.