# STATE OF NEW YORK

541--A

2021-2022 Regular Sessions

# IN SENATE

**(Prefiled)**

January 6, 2021

Introduced by Sens. KAPLAN, SANDERS, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged and said bill committed to the Committee on Procurement and Contracts -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to changing the maximum number of employees that a minority and women-owned business enterprise may have from three hundred employees to three hundred employees who work thirty or more hours per week over a fifty-two week period

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Subdivision 20 of section 310 of the executive law, as added by chapter 175 of the laws of 2010, is amended to read as follows:

20. "Small business" as used in this section, unless otherwise indicated, shall mean a business which has a significant business presence in the state, is independently owned and operated, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the director, but not to exceed three hundred **employees who work thirty or more hours per week over the period of fifty-two weeks for a total of one thousand five hundred sixty hours worked**, taking into consideration factors which include, but are not limited to, federal small business administration standards pursuant to 13 CFR part 121 and any amendments thereto. The director may issue regulations on the construction of the terms in this definition. **For purposes of this subdivision, an employee may break from employment for up to thirteen weeks without the fifty-two week lookback period resetting.**

§ 2. This act shall take effect immediately; provided that the amendments to subdivision 20 of section 310 of the executive law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

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