STATE OF NEW YORK

4250

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sen. ASHBY -- 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 allowing farm laborers to decide to work on a day of rest

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

Section 1. The closing paragraph of subdivision 1 of section 161 of the labor law, as amended by section 4 of part II of chapter 58 of the laws of 2020, is amended to read as follows:

Every person employed as a farm laborer shall be allowed at least twenty-four consecutive hours of rest in each and every calendar week. Twenty-four consecutive hours spent at rest because of circumstances, such as weather or crop conditions, shall be deemed to constitute the rest required by this paragraph. [~~No provision of this paragraph shall prohibit a farm laborer from voluntarily agreeing to work on such day of rest required by this paragraph, provided that the farm laborer is compensated at an overtime rate which is at least one and one-half times the laborer's regular rate of pay for all hours worked on such day of rest.~~] **No provision of this paragraph shall prohibit a farm laborer from voluntarily agreeing to work on such day of rest required by this paragraph. The farm laborer shall be compensated at the regular rate of pay for any hours up to sixty hours in any calendar week; and for any hours over sixty hours, the farm laborer shall be compensated at an overtime rate which is at least one and one-half times the laborer's regular rate of pay.** The term "farm labor" shall include all services performed in agricultural employment in connection with cultivating the soil, or in connection with raising or harvesting of agricultural commodities, including the raising, shearing, caring for and management of livestock, poultry or dairy. The day of rest authorized under this subdivision should, whenever possible, coincide with the traditional day reserved by the farm laborer for religious worship.

§ 2. This act shall take effect immediately.

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

LBD06269-01-3