

STATE OF NEW YORK

8602

IN SENATE

February 21, 2024

Introduced by Sen. 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 providing certain exemptions for individuals having entered into a contract to play baseball at the minor league level and who are compensated pursuant to the terms of a collective bargaining agreement

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

1 Section 1. The opening paragraph of subdivision 5 of section 651 of
2 the labor law, as amended by chapter 105 of the laws of 2019, is amended
3 to read as follows:

4 "Employee" includes any individual employed or permitted to work by an
5 employer in any occupation, but shall not include any individual who is
6 employed or permitted to work: (a) on a casual basis in service as a
7 part time baby sitter in the home of the employer; (b) in a bona fide
8 executive, administrative, or professional capacity; (c) as an outside
9 salesman; (d) as a driver engaged in operating a taxicab; (e) as a
10 volunteer, learner or apprentice by a corporation, unincorporated asso-
11 ciation, community chest, fund or foundation organized and operated
12 exclusively for religious, charitable or educational purposes, no part
13 of the net earnings of which inures to the benefit of any private share-
14 holder or individual; (f) as a member of a religious order, or as a duly
15 ordained, commissioned or licensed minister, priest or rabbi, or as a
16 sexton, or as a christian science reader; (g) in or for such a religious
17 or charitable institution, which work is incidental to or in return for
18 charitable aid conferred upon such individual and not under any express
19 contract of hire; (h) in or for such a religious, educational or chari-
20 table institution if such individual is a student; (i) in or for such a
21 religious, educational or charitable institution if the earning capacity
22 of such individual is impaired by age or by physical or mental deficien-
23 cy or injury; (j) in or for a summer camp or conference of such a reli-
24 gious, educational or charitable institution for not more than three
25 months annually; (k) as a staff counselor in a children's camp; (l) in
26 or for a college or university fraternity, sorority, student association

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

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1 or faculty association, no part of the net earnings of which inures to
2 the benefit of any private shareholder or individual, and which is
3 recognized by such college or university, if such individual is a
4 student; (m) by a federal, state or municipal government or political
5 subdivision thereof; (n) as a volunteer at a recreational or amusement
6 event run by a business that operates such events, provided that no
7 single such event lasts longer than eight consecutive days and no more
8 than one such event concerning substantially the same subject matter
9 occurs in any calendar year, where (1) any such volunteer shall be at
10 least eighteen years of age, (2) a business seeking coverage under this
11 paragraph shall notify every volunteer in writing, in language accepta-
12 ble to the commissioner, that by volunteering his or her services, such
13 volunteer is waiving his or her right to receive the minimum wage pursu-
14 ant to this article, and (3) such notice shall be signed and dated by a
15 representative of the business and the volunteer and kept on file by the
16 business for thirty-six months; ~~or~~ (o) in the delivery of newspapers
17 or shopping news to the consumer by a person who is not performing
18 commercial goods transportation services for a commercial goods trans-
19 portation contractor within the meaning of article twenty-five-C of this
20 chapter; or (p) having entered into a contract to play baseball at the
21 minor league level and who is compensated pursuant to the terms of a
22 collective bargaining agreement that expressly provides for the wages,
23 hours of work, and working conditions of employees. The exclusions from
24 the term "employee" contained in this subdivision shall be as defined by
25 regulations of the commissioner.

26 § 2. Subdivisions 2 and 4 of section 190 of the labor law, as added by
27 chapter 548 of the laws of 1966, are amended to read as follows:

28 2. "Employee" means any person employed for hire by an employer in any
29 employment, but with respect to the entirety of this article, except
30 sections one hundred ninety-three, one hundred ninety-six-b, one hundred
31 ninety-eight, and one hundred ninety-eight-b, shall not include any
32 person who has entered into a contract to play baseball at the minor
33 league level and who is compensated pursuant to the terms of a collec-
34 tive bargaining agreement that expressly provides for the wages, hours
35 of work, and working conditions of employees.

36 4. "Manual worker" means a mechanic, workingman or laborer, but shall
37 not include any person who has entered into a contract to play baseball
38 at the minor league level and who is compensated pursuant to the terms
39 of a collective bargaining agreement that expressly provides for the
40 wages, hours of work, and working conditions of employees.

41 § 3. This act shall take effect immediately.