

STATE OF NEW YORK

28

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. SKOUFIS, COMRIE, COONEY, FERNANDEZ, GOUNARDES, HARCKHAM, HOYLMAN-SIGAL, JACKSON, KAVANAGH, MAY, RAMOS, SALAZAR, STAVISKY -- 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 the minimum wage for employees with disabilities

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

1 Section 1. Subdivision 5 of section 651 of the labor law, as amended
2 by chapter 481 of the laws of 2010, and the opening paragraph as
3 amended by chapter 391 of the laws of 2024, is amended to read as
4 follows:

5 5. "Employee" includes any individual employed or permitted to work by
6 an employer in any occupation, but shall not include any individual who
7 is employed or permitted to work: (a) on a casual basis in service as a
8 part time baby sitter in the home of the employer; (b) in a bona fide
9 executive, administrative, or professional capacity; (c) as an outside
10 salesman; (d) as a driver engaged in operating a taxicab; (e) as a
11 volunteer, learner or apprentice by a corporation, unincorporated asso-
12 ciation, community chest, fund or foundation organized and operated
13 exclusively for religious, charitable or educational purposes, no part
14 of the net earnings of which inures to the benefit of any private share-
15 holder or individual; (f) as a member of a religious order, or as a duly
16 ordained, commissioned or licensed minister, priest or rabbi, or as a
17 sexton, or as a christian science reader; (g) in or for such a religious
18 or charitable institution, which work is incidental to or in return for
19 charitable aid conferred upon such individual and not under any express
20 contract of hire; (h) in or for such a religious, educational or chari-
21 table institution if such individual is a student; (i) [~~in or for such a~~
22 ~~religious, educational or charitable institution if the earning capacity~~

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

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~~of such individual is impaired by age or by physical or mental deficiency or injury; (j)]~~ in or for a summer camp or conference of such a religious, educational or charitable institution for not more than three months annually; ~~[(k)]~~ (j) as a staff counselor in a children's camp; ~~[(1)]~~ (k) in or for a college or university fraternity, sorority, student association or faculty association, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and which is recognized by such college or university, if such individual is a student; ~~[(m)]~~ (l) by a federal, state or municipal government or political subdivision thereof; ~~[(n)]~~ (m) as a volunteer at a recreational or amusement event run by a business that operates such events, provided that no single such event lasts longer than eight consecutive days and no more than one such event concerning substantially the same subject matter occurs in any calendar year, where (1) any such volunteer shall be at least eighteen years of age, (2) a business seeking coverage under this paragraph shall notify every volunteer in writing, in language acceptable to the commissioner, that by volunteering ~~[his or her]~~ their services, such volunteer is waiving ~~[his or her]~~ their right to receive the minimum wage pursuant to this article, and (3) such notice shall be signed and dated by a representative of the business and the volunteer and kept on file by the business for thirty-six months; ~~[(o)]~~ (n) in the delivery of newspapers or shopping news to the consumer by a person who is not performing commercial goods transportation services for a commercial goods transportation contractor within the meaning of article twenty-five-C of this chapter; or ~~[(p)]~~ (o) having entered into a contract to play baseball at the minor league level and who is compensated pursuant to the terms of a collective bargaining agreement that expressly provides for the wages, hours of work, and working conditions of employees. The exclusions from the term "employee" contained in this subdivision shall be as defined by regulations of the commissioner.

"Employee" also includes any individual employed or permitted to work in any non-teaching capacity by a school district or board of cooperative educational services except that the provisions of sections six hundred fifty-three through six hundred fifty-nine of this article shall not be applicable in any such case.

§ 2. Paragraph (c) of subdivision 5 of section 655 of the labor law, as amended by chapter 747 of the laws of 1978, is amended to read as follows:

(c) The wage board may also recommend, to the extent necessary in order to prevent curtailment of opportunities for employment, regulations for (1) the employment of learners and apprentices, under special certificates issued by the commissioner, at such wages lower than the minimum wage established by this article and subject to such limitations as to time, number, proportion and length of service as shall be prescribed in such regulation, (2) ~~[the employment of individuals whose earning capacity is affected or impaired by youth or age or by physical or mental deficiency or injury, under special certificates issued by the commissioner, at such wages lower than the minimum wage established by this article and for such period as shall be prescribed in such regulation, (3)]~~ the establishment of a period not extending beyond seventeen consecutive weeks during which a resort hotel or camp may employ students under special certificates issued by the commissioner, at such wages lower than the minimum wage established by this article as shall be prescribed in such regulation, and ~~[(4)]~~ (3) the employment of residential employees in a non-profit making religious,

1 charitable or educational organization or in a non-profit making college
2 or university sorority or fraternity under special certificates issued
3 by the commissioner at such weekly wage as shall be prescribed in such
4 regulation.
5 § 3. This act shall take effect on the thirty-first of December next
6 succeeding the date upon which it shall have become a law. Effective
7 immediately, the addition, amendment and/or repeal of any rule or regu-
8 lation by the department of labor necessary for the implementation of
9 this act on its effective date are authorized to be made on or before
10 such effective date.