

STATE OF NEW YORK

6006

2025-2026 Regular Sessions

IN SENATE

March 4, 2025

Introduced by Sen. BASKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the executive law, in relation to clarifying the eligibility of an employment agency for status as a small business for certain programs

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

1 Section 1. Subdivision 20 of section 310 of the executive law, as
2 amended by chapter 44 of the laws of 2024, is amended to read as
3 follows:

4 20. "Small business" as used in this section, unless otherwise indi-
5 cated, shall mean a business which has a significant business presence
6 in the state, is independently owned and operated, not dominant in its
7 field and employs, based on its industry, a certain number of persons as
8 determined by the director, but not to exceed three hundred, except
9 during a declared state disaster emergency as defined pursuant to
10 section twenty-eight of this chapter, not to exceed three hundred
11 employees who work thirty or more hours per week over the period of
12 fifty-two weeks for a total of one thousand five hundred sixty hours
13 worked, taking into consideration factors which include, but are not
14 limited to, federal small business administration standards pursuant to
15 13 CFR part 121 and any amendments thereto. Provided however, when
16 determining the eligibility of an employment agency, as defined in
17 section one hundred seventy-one of the general business law, as a small
18 business pursuant to this subdivision there shall be no restriction on
19 the number of employees of such employment agency. An employment agency
20 shall be considered a small business if the annual receipts of such
21 employment agency calculated pursuant to the provisions of 13 CFR
22 121.104 and any amendments thereto, are less than thirty million
23 dollars. The director may issue regulations on the construction of the
24 terms in this definition. For purposes of this subdivision, an employee

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

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1 may break from employment for up to thirteen weeks without the fifty-two
2 week lookback period resetting.
3 § 2. This act shall take effect on the thirtieth day after it shall
4 have become a law, provided, however, that the amendments to subdivision
5 20 of section 310 of the executive law made by section one of this act
6 shall not affect the repeal of such section and shall be deemed to be
7 repealed therewith. Effective immediately, the addition, amendment
8 and/or repeal of any rule or regulation necessary for the implementation
9 of this act on its effective date are authorized to be made and
10 completed on or before such effective date.