STATE OF NEW YORK

1698

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sens. MAY, GONZALEZ, JACKSON, 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 enacting the "standing is tiring (sit) act"

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

Section 1. This act shall be known and may be cited as the "standing is tiring (sit) act".

§ 2. The labor law is amended by adding a new section 203-g to read as follows:

§ 203-g. Employee right to sit. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Employee" means any person within a covered industry providing labor or services for remuneration for a public or private entity or business within the state, without regard to an individual's immigration status, and shall include, but not be limited to, part-time workers, independent contractors, day laborers, farmworkers and other temporary and seasonal workers. The term "employee" shall also include individuals working for staffing agencies, contractors, or subcontractors on behalf of the employer at any individual worksite.

(b) "Employer" means any individual, partnership, association, corporation, limited liability company, business trust, legal representative, public entity, or any organized group acting as employer within a covered industry.

(c) "Covered industry" means any of the following businesses, industries, or types of employment, including but not limited to, in private, university, or nonprofit settings: retail, restaurant, grocery, clerical, carwash, maintenance or janitorial, and healthcare.

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

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2. An employer shall be required to provide suitable seats to all employees where the nature of such employees' work reasonably permits seated work.

3. An employer shall be prohibited from designing a work space to require standing where such work space could reasonably be designed to permit seated work.

4. Where the nature of an employee's work does not reasonably permit seated work, the employer shall provide anti-fatigue mats or other ergonomics controls that are conducive to the particular work environment.

5. The department shall promulgate rules and/or regulations for determining whether the nature of an employee's work reasonably permits seated work under subdivisions two and four of this section, based on the totality of the circumstances for each employee, including, but not limited to, whether:

(a) an employee's tasks can be performed from a chair;

(b) seating an employee would interfere with job performance; and

(c) the physical layout of a work space is conducive to seating.

6. The department shall create signage and educational materials for the purpose of informing employees of their rights under this section. Such signage and educational materials shall be made available on the department's website, and upon request by an employer or employee, in the twelve most common languages spoken in the state, as determined by the department. The department shall require employers to post such signage conspicuously, and shall require employers to provide such educational materials to employees upon hiring of such employees.

7. (a) The department shall establish an online form on its website with which an employee subject to this section shall have the ability to file a complaint with the department regarding a violation of this section by an employer. Any such complaints shall be investigated by the department, and if a violation of this section is found, the department shall issue a notice of such violation to the employer within forty-five days of receipt of the original complaint by the department.

(b) If an employer fails to comply with a notice of a violation issued by the department pursuant to paragraph (a) of this subdivision within forty-five days of receipt of such notice, the department shall impose against such employer a fine of not less than one hundred dollars for each day until such violation is cured. All funds collected by the department from fines imposed under this paragraph shall be used for enforcement of this section, and any remaining funds shall be directed to the New York state occupational safety and health hazard abatement board established pursuant to section twenty-seven-a of this chapter for use by such board.

8. In addition to the provisions of subdivision seven of this section, an employee shall have a private right of action for damages against any employer who fails to provide suitable seating to such employee in violation of subdivision two of this section.

9. There shall be a rebuttable presumption of unlawful retaliation if an employer in any manner discriminates, retaliates, or takes any adverse action against an employee within ninety days of such employee initiating a complaint pursuant to this section.

§ 3. This act shall take effect one year after it shall have become a law.