§ 2. Definitions. Whenever used in this chapter:

1. "Department" means the department of labor of the state of New York.

2. "Commissioner" means the commissioner of labor of the state of New York.

3. "Board," as determined by the context, shall mean either the workmen's compensation board or the industrial board of appeals of the state of New York.

4. "Rule" means any rule or regulation made by the industrial commissioner and any amendment or repeal thereof.

5. "Employee" means a mechanic, workingman or laborer working for another for hire.

6. "Employer" means the person employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman or other subordinate.

7. "Employed" includes permitted or suffered to work.

8. "Person" includes a corporation or a joint-stock association.

8-a. "Agent" of a corporation includes, but is not limited to, a manager, superintendent, foreman, supervisor or any other person employed acting in such capacity.

9. "Factory" includes a mill, workshop or other manufacturing establishment where one or more persons are employed at manufacturing, including making, altering, repairing, finishing, bottling, canning, cleaning or laundering any article or thing, in whole or in part, and includes all buildings, sheds, structures or other places used for or in connection therewith, except (a) dry dock plants engaged in making repairs to ships and (b) power houses, generating plants and other

structures owned or operated by a public service corporation or a municipal corporation other than construction or repair shops, subject to the jurisdiction of the public service commission and (c) structures, operated as refrigerated warehouses for the handling, packing, refrigeration and storage of fruits and vegetables and which are subject to the jurisdiction of or licensed by the department of agriculture and markets, also structures used in cleaning or packing celery. The provisions of this chapter affecting structural changes and alterations shall not apply to factories or to any buildings, sheds or other places used for or in connection therewith where less than six persons are employed at manufacturing except as otherwise prescribed by the rules.

10. "Factory building" means a building, shed or structure which, or any part of which, is occupied by or used for a factory, and in which at least one-tenth or more than twenty-five of all the persons employed in the building are engaged in work for a factory, but shall not include a building in a city having a population of more than one million, used exclusively by one employer and in which not more than one-tenth of all the persons employed therein are engaged in work for a factory and which, except for such factory work, would be classified as a mercantile establishment. The provisions of this chapter shall apply to any part of a building occupied or used as a factory, except as otherwise provided by this subdivision.

11. "Mercantile establishment" means a place where one or more persons are employed in which goods, wares or merchandise are offered for sale and includes a building, shed or structure, or any part thereof, occupied in connection with such establishment. The provisions of this chapter affecting structural changes and alterations shall not apply to mercantile establishments where less than six persons are employed except as otherwise prescribed by the rules.

12. "Place of public assembly" shall include (1) a theatre, (2) moving picture house, (3) assembly halls maintained or leased for pecuniary gain where one hundred or more persons may assemble for amusement or recreation, except (a) halls owned by churches, religious organizations, granges, and public association and free libraries as defined by section

two hundred fifty-three of the education law, and (b) hotels having fifty or more rooms.

13. "Public building" shall include a factory building, an office building, a mercantile building, a hotel building, a theatre building, a warehouse building, an apartment building, a state or municipal building, a school, a college or university building, a building containing a place of public assembly maintained or leased for pecuniary gain, or any other building more than one story high except a dwelling house less than three stories high or occupied by less than three families.

14. All references to male employees in this chapter shall be deemed to include female employees.

15. "Minor" means any person who has not attained the age of eighteen years.

16. "Domestic worker" shall mean a person employed in a home or residence for the purpose of caring for a child, serving as a companion for a sick, convalescing or elderly person, housekeeping, or for any other domestic service purpose. "Domestic worker" does not include any individual (a) working on a casual basis, (b) who is engaged in providing companionship services, as defined in paragraph fifteen of subdivision (a) of section 213 of the fair labor standards act of 1938, and who is employed by an employer or agency other than the family or household using his or her services, or (c) who is a relative through blood, marriage or adoption of: (1) the employer; or (2) the person for whom the worker is delivering services under a program funded or administered by federal, state or local government.

17. All references to labor law, chapter, article or section shall be deemed to include any rule, regulation or order promulgated thereunder or related thereto.

18. "Farm laborer" shall mean any individual who works on a farm and is an employee under article nineteen of this chapter. Members of an

employer's immediate family who are related to the third degree of consanguinity or affinity shall not be considered to be employed on a farm if they work on a farm out of familial obligations and are not paid wages, or other compensation based on their hours or days of work.