Program Bill #9

Legislative Bill Drafting Commission
12051-02-0

S. -------
Senate
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IN SENATE--Introduced by Sen

--read twice and ordered printed, and when printed to be committed to the Committee on

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A.
Assembly
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the Committee on

*LABOLA*
(Relates to requirements for sick leave and the provision of certain employee benefits when such employee is subject to a mandatory or precautionary order of quarantine or isolation)

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Lab. sick leave

AN ACT

providing requirements for sick leave and the provision of certain employee benefits when such employee is subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19; and to amend the labor law, in relation to requirements for sick leave

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal:

s 15 Addabbo s 20 Flanagan s 09 Kaminisky s 25 Montgomery s 23 Saviano
s 52 Akbar s 55 Puskar s 07 Kaplan s 20 Myrie s 32 Sepulveda
s 51 Amore s 09 Gallivan s 26 Kavanagh s 58 O'Mara s 41 Serino
s 36 Bailey s 05 Gasparro s 43 Kennedy s 42 Ortiz s 09 Serrano
s 30 Benjamin s 12 Giannaris s 28 Knueger s 21 Parker s 51 Seward
s 24 Biaggi s 22 Gounardes s 24 Lanza s 19 Perezas s 39 Skoutas
s 57 Byrnes s 47 Griffin s 01 LaValle s 33 Ramos s 18 Stavisky
s 64 Boyle s 40 Harkenrider s 45 Little s 61 Ranzenhofer s 35 Stewart-

s 44 Breslin s 54 Helming s 11 Liu s 48 Ritchie s 44 Cousins
s 78 Brooks s 27 Hoylman s 03 Marra s 33 Rivera s 49 Tedesco
s 58 Carlone s 11 Jackson s 53 May s 56 Ruback s 26 Thomas
s 14 Conmee s 60 Jacobs s 37 Meyer s 18 Salazar s 50
s 17 Felder s 43 Jordan s 42 Metzger s 10 Saunders

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsoredness of this proposal:

a 049 Abbate a 055 Davila a 128 Hunter a 037 Nolan a 099 Schmitt
a 092 Alhansoti a 072 De La Rosa a 029 Hyndman a 144 Norris a 076 Stavisky
a 084 Amico a 034 DeLaRosa a 104 Jacobson a 069 O'Donnell a 052 Simon
a 107 Albee a 036 DelStefano a 097 Jaffee a 051 Ortiz a 036 Sinatos
a 035 Annya a 070 Dickens a 011 Jean-Pierre a 0771 Otis a 086 Spatafora
a 120 Barclay a 054 Diel a 135 Johns a 132 Palmese a 018 Smalley
a 030 Barnwell a 081 Dinowitz a 115 Jones a 062 Pamboukos a 022 Solages
a 106 Barret a 147 DiPietro a 077 Joyce a 048 Pons a 114 Stee
a 060 Barron a 016 D'Urso a 040 Kim a 141 People a 010 Stock
a 082 Benedetti a 084 Eisenstein a 131 Kolb a 070 Stokes a 010 Stein
a 042 Bichotte a 004 Englebright a 105 Lally a 058 Perry a 127 Stripes
a 079 Blake a 074 Epstein a 013 Levine a 023 Pfeiffer a 102 Tague
a 117 Blankenship a 109 Fahey a 134 Lawrence a 008 Amedo a 001 Taylor
a 098 Braghesi a 061 Faiola a 050 Leland a 071 Pichardo a 000 Thiele
a 104 Braunstein a 080 Fernandes a 125 Lifton a 089 Piroli a 033 Vaino
a 138 Bronson a 126 Finch a 009 Liperti a 073 Quatt a 116 Weizy
a 093 Buckwald a 098 Fitzpatrick a 125 Lupardo a 010 Ra a 055 Walker
a 142 Burke a 124 Friend a 129 Magnarelli a 006 Ramos a 113 Wallace
a 119 Buttersrn a 046 Feusten a 064 Mallofakas a 062 Reilly a 012 Walsh
a 094 Byrne a 095 Giaf a 130 Mandelkow a 087 Reyes a 041 Weinstei
a 133 Byrnes a 137 Ginn a 108 McDonald a 043 Richardson a 024 Weprin
a 103 Cahill a 007 Garbarino a 014 Mcdoneough a 078 Rivera a 059 Williams
a 044 Carroll a 148 Giglio a 146 McMahon a 068 Rodriguez a 113 Weenser
a 047 Colton a 066 Clink a 017 Miculski a 027 Rosenthal, D. a 056 Wright
a 032 Cook a 150 Goodbell a 101 Miller, B. a 067 Rosenthal, L. a 096 Zebrowski
a 085 Creag a 075 Gottfried a 038 Miller, M. G. a 025 Reno a 012
a 122 Cronch a 021 Griffin a 020 Miller, M. L. a 149 Ryan a 031
a 039 Cruz a 100 Gunther a 015 Montesano a 121 Salka a 136
a 063 Cusick a 139 Flaherty a 145 Morinello a 111 Samaras a 1135
a 045 Cymbrowsitz a 083 Haeusle a 057 Mosely a 090 Sneyd
a 018 Darling a 028 Hevesi a 065 Nies a 140 Schimmele

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and: in Assembly 2 copies of memorandum in support, in Senate 4 copies of memorandum in support (single house), or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).

LBDC 02/10/20
The People of the State of New York, represented in Senate and Assembly, do enact as follows:
Section 1.1(a) For employers with ten or fewer employees as of January 1, 2020, each employee who is subject to a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the department of health, local board of health, or any governmental entity duly authorized to issue such order due to COVID-19, shall be provided with unpaid sick leave until the termination of any mandatory or precautionary order of quarantine or isolation due to COVID-19 and any other benefit as provided by any other provision of law. During the period of mandatory or precautionary quarantine or isolation, an employee shall be eligible for paid family leave benefits and benefits due pursuant to disability pursuant to this act. An employer with ten or fewer employees as of January 1, 2020, and that has a net income of greater than one million dollars in the previous tax year, shall provide each employee who is subject to a precautionary or mandatory order of quarantine or isolation issued by the state of New York, the department of health, local board of health, or any governmental entity duly authorized to issue such order due to COVID-19, at least five days of paid sick leave and unpaid leave until the termination of any mandatory or precautionary order of quarantine or isolation. After such five days of paid sick leave, an employee shall be eligible for paid family leave benefits and benefits due pursuant to disability pursuant to this act.

(b) For employers with between eleven and ninety-nine employees as of January 1, 2020, each employee who is subject to a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the department of health, local board of health, or any governmental entity duly authorized to issue such order due to COVID-19, shall be provided with at least five days of paid sick leave and unpaid leave until the termination of any mandatory or precautionary order of quarantine or isolation.
time or isolation. After such five days of paid sick leave, an employee
shall be eligible for paid family leave benefits and benefits due pursu-
ant to disability pursuant to this act.

(c) For employers with one hundred or more employees as of January 1,
2020, each employee who is subject to a mandatory or precautionary order
of quarantine or isolation issued by the state of New York, the depart-
ment of health, local board of health, or any governmental entity duly
authorized to issue such order due to COVID-19, shall be provided with
at least fourteen days of paid sick leave during any mandatory or
precautionary order of quarantine or isolation.

(d) For public employers, each officer or employee who is subject to a
mandatory or precautionary order of quarantine or isolation issued by
the state of New York, the department of health, local board of health,
or any governmental entity duly authorized to issue such order due to
COVID-19 shall be provided with at least fourteen days of paid sick
leave during any mandatory or precautionary order of quarantine or
isolation. Each officer or employee shall be compensated at his or her
regular rate of pay for those regular work hours during which the offi-
cer or employee is absent from work due to a mandatory or precautionary
order of quarantine or isolation due to COVID-19. For purposes of this
act, "public employer" shall mean the following: (i) the state; (ii)
a county, city, town or village; (iii) a school district, board of
cooperative educational services, vocational education and extension
board or a school district as enumerated in section 1 of chapter 566
of the laws of 1967, as amended; (iv) any governmental entity operating
a college or university; (v) a public improvement or special district
including police or fire districts; (vi) a public authority, commis-
sion or public benefit corporation; or (vii) any other public corpo-
ration, agency, instrumentality or unit of government which exercises
governmental power under the laws of this state.
(e) Such leave shall be provided without loss of an officer or employ-
ee's accrued sick leave.
2. For purposes of this act, "mandatory or precautionary order of
quarantine or isolation" shall mean a mandatory or precautionary order
of quarantine or isolation issued by the state of New York, the depart-
ment of health, local board of health, or any government entity duly
authorized to issue such order due to COVID-19.
3. Upon return to work following leave taken pursuant to this act, an
employee shall be restored by his or her employer to the position of
employment held by the employee prior to any leave taken pursuant to
this act with the same pay and other terms and conditions of employment.
No employer or his or her agent, or the officer or agent of any corpo-
ration, partnership, or limited liability company, or any other person,
shall discharge, threaten, penalize, or in any other manner discriminate
or retaliate against any employee because such employee has taken leave
pursuant to this act.
4. An employee shall not receive paid sick leave benefits or any other
paid benefits provided by any provisions of this section if the employee
is subject to a mandatory or precautionary order of quarantine because
the employee has returned to the United States after traveling to a
country for which the Centers for Disease Control and Prevention has a
level two or three travel health notice and the travel to that country
was not taken as part of the employee's employment or at the direction
of the employee's employer, and if the employee was provided notice of
the travel health notice and the limitations of this subdivision prior
to such travel. Such employee shall be eligible to use accrued leave
1 provided by the employer, or to the extent that such employee does not
2 have accrued leave or sufficient accrued leave, unpaid sick leave shall
3 be provided for the duration of the mandatory or precautionary quar-
4 tine or isolation.
5 5. The commissioner of labor shall have authority to adopt regu-
6 lations, including emergency regulations, and issue guidance to effectu-
7 ate any of the provisions of this act. Employers shall comply with regu-
8 lations promulgated by the commissioner of labor for this purpose which
9 may include, but is not limited to, standards for the use, payment, and
10 employee eligibility of sick leave pursuant to this act.
11 6. Notwithstanding any other provision of law, and for purposes of
12 this act only, for purposes of article 9 of the workers' compensation
13 law, "disability" shall mean: any inability of an employee to perform
14 the regular duties of his or her employment or the duties of any other
15 employment which his or her employer may offer him or her as a result of
16 a mandatory or precautionary order of quarantine or isolation issued by
17 the state, the department of health, a local board of health, or any
18 government entity duly authorized to issue such order due to COVID-19
19 and when the employee has exhausted all paid sick leave provided by the
20 employee's employer under this act.
21 7. Notwithstanding subdivision 1 of section 204 of the workers'
22 compensation law, disability benefits payable pursuant to this act shall
23 be payable on the first day of disability.
24 8. Notwithstanding any other provision of law, and for purposes of
25 this act only, for purposes of article 9 of the workers' compensation
26 law, "family leave" shall mean: (a) any leave taken by an employee from
27 work when an employee is subject to a mandatory or precautionary order
28 of quarantine or isolation issued by the state, the department of
1 health, a local board of health, or any government entity duly authorized to issue such order due to COVID-19; or (b) to provide care for a minor dependent child of the employee who is subject to a mandatory or precautionary order of quarantine or isolation issued by the state, the department of health, a local board of health, or any government entity duly authorized to issue such order due to COVID-19.

9. Notwithstanding any other provision of law, and for purposes of this act only, for purposes of article 9 of the workers' compensation law, disability and family leave benefits pursuant to this act may be payable concurrently to an eligible employee upon the first full day of an unpaid period of mandatory or precautionary order of quarantine or isolation issued by the state of New York, the department of health, a local board of health, or any government entity duly authorized to issue such order due to COVID-19, provided however, an employee may not collect any benefits that would exceed $840.70 in paid family leave and $2,043.92 in benefits due pursuant to disability per week.

10. Notwithstanding any other provision of law, and for purposes of this act only, for purposes of article 9 of the workers' compensation law, the maximum weekly benefit which the employee is entitled to receive for benefits due pursuant to disability pursuant to subdivision six of this section only shall be the difference between the maximum weekly family leave benefit and such employee's total average weekly wage from each covered employer up to a maximum benefit due pursuant to disability of $2,043.92 per week.

11. Notwithstanding subdivision 7 of section 590, and subdivision 2 of section 607, of the labor law, a claim for benefits under article 18 of the labor law due to closure of an employer otherwise subject to this section for a reason related to COVID-19 or due to a mandatory order of
a government entity duly authorized to issue such order to close such
employer otherwise subject to this section, shall not be subject to a
waiting period for a claim for benefits pursuant to such title.

12. A mandatory or precautionary order of quarantine or isolation
issued by the state, the department of health, a local board of health,
or any government entity duly authorized to issue such order due to
COVID-19 shall be sufficient proof of disability or proof of need for
family leave taken pursuant to this act.

13. The provisions of this act shall not apply in cases where an
employee is deemed asymptomatic or has not yet been diagnosed with any
medical condition and is physically able to work while under a mandatory
or precautionary order of quarantine or isolation, whether through
remote access or other similar means.

14. Nothing in this section shall be deemed to impede, infringe,
diminish or impair the rights of a public employee or employer under any
law, rule, regulation or collectively negotiated agreement, or the
rights and benefits which accrue to employees through collective
bargaining agreements, or otherwise diminish the integrity of the exist-
ing collective bargaining relationship, or to prohibit any personnel
action which otherwise would have been taken regardless of any request
to use, or utilization of, any leave provided by this act.

15. Notwithstanding any inconsistent provision of law, on or before
June 1, 2020, the superintendent of financial services by regulation, in
consultation with the director of the state insurance fund and the chair
of the workers' compensation board of the state, shall promulgate regu-
lations necessary for the implementation of a risk adjustment pool to be
administered directly by the superintendent of financial services, in
consultation with the director of the state insurance fund and the chair
of the workers' compensation board of the state. "Risk adjustment pool" as used in this subdivision shall mean the process used to stabilize member claims pursuant to this act in order to protect insurers from disproportionate adverse risks. Disproportionate losses of any members of the risk adjustment pool in excess of threshold limits established by the superintendent of financial services of the state may be supported, if required by the superintendent, by other members of such pool including the state insurance fund in a proportion to be determined by the superintendent. Any such support provided by members of the pool shall be fully repaid, including reasonable interest, through a mechanism and period of time to be determined by the superintendent of financial services.

16. (a) The superintendent of financial services, in consultation with the director of the state insurance fund and the chair of the workers' compensation board shall issue two reports assessing the risk adjustment pool required by this act.

(b) On or before January 1, 2022, an initial report shall be provided to the speaker of the assembly, the chair of the assembly ways and means committee and the chair of the assembly labor committee, the temporary president of the senate, the chair of the senate finance committee and the chair of the senate labor committee. Such report shall include: the total number of claims filed pursuant to this section for (i) family leave benefits, and (ii) benefits due to disability, as a result of a mandatory or precautionary order of quarantine or isolation due to COVID-19; the aggregate amount of paid family leave claims and disability claims; the total amount of the claims paid for out of the risk adjustment pool; the threshold limits established by the department of
financial services; and any other information the superintendent of
financial services deems necessary to provide to the legislature.

(c) On or before January 1, 2025, a final report shall be provided to
the speaker of the assembly, the chair of the assembly ways and means
committee and the chair of the assembly labor committee, the temporary
president of the senate, the chair of the senate finance committee and
the chair of the senate labor committee. Such report shall include the
balance of the risk adjustment pool, if any, the total amount collected
through the repayment mechanism established by the department of finan-
cial services including interest; and any other information the super-
intendent of financial services deems necessary to provide to the legis-
lature. If there exists a balance in the risk adjustment pool, the
final report shall provide a timeline by which repayment will be
completed.

17. If at any point while this section shall be in effect the federal
government by law or regulation provides sick leave and/or employee
benefits for employees related to COVID-19, then the provisions of this
section, including, but not limited to, paid sick leave, paid family
leave, and benefits due to disability, shall not be available to any
employee otherwise subject to the provisions of this section; provided,
however, that if the provisions of this section would have provided sick
leave and/or employee benefits in excess of the benefits provided by the
federal government by law or regulation, then such employee shall be
able to claim such additional sick leave and/or employee benefits pursu-
ant to the provisions of this section in an amount that shall be the
difference between the benefits available under this section and the
benefits available to such employee, if any, as provided by such federal
law or regulation.
§ 2. The labor law is amended by adding a new section 196-b to read as follows:

§ 196-b. Sick leave requirements. 1. Every employer shall be required to provide its employees with sick leave as follows:

a. For employers with four or fewer employees in any calendar year, each employee shall be provided with up to forty hours of unpaid sick leave in each calendar year; provided, however, an employer that employs four or fewer employees in any calendar year and that has a net income of greater than one million dollars in the previous tax year shall provide each employee with up to forty hours of paid sick leave pursuant to this section;

b. For employers with between five and ninety-nine employees in any calendar year, each employee shall be provided with up to forty hours of paid sick leave in each calendar year; and

c. For employers with one hundred or more employees in any calendar year, each employee shall be provided with up to fifty-six hours of paid sick leave each calendar year.

For purposes of determining the number of employees pursuant to this subdivision, a calendar year shall mean the twelve-month period from January first through December thirty-first. For all other purposes, a calendar year shall either mean the twelve-month period from January first through December thirty-first, or a regular and consecutive twelve-month period, as determined by an employer.

2. Nothing in this section shall be construed to prohibit or prevent an employer from providing an amount of sick leave, paid or unpaid, which is in excess of the requirements set forth in subdivision one of this section, or from adopting a paid leave policy that provides additional benefits to employees. An employer may elect to provide its
employees with the total amount of sick leave required to fulfill its
obligations pursuant to subdivision one of this section at the beginning
of the calendar year, provided, however, that no employer shall be
permitted to reduce or revoke any such sick leave based on the number of
hours actually worked by an employee during the calendar year if such
employer elects pursuant to this subdivision.

3. Employees shall accrue sick leave at a rate of not less than one
hour per every thirty hours worked, beginning at the commencement of
employment or the effective date of this section, whichever is later,
subject to the use and accrual limitations set forth in this section.

4. a. On and after January first, two thousand twenty-one and upon the
oral or written request of an employee, an employer shall provide
accrued sick leave for the following purposes:

(i) for a mental or physical illness, injury, or health condition of
such employee or such employee's family member, regardless of whether
such illness, injury, or health condition has been diagnosed or requires
medical care at the time that such employee requests such leave;

(ii) for the diagnosis, care, or treatment of a mental or physical
illness, injury, or health condition of, or need for medical diagnosis
of, or preventive care for, such employee or such employee's family
member; or

(iii) for an absence from work due to domestic violence pursuant to
subdivision thirty-four of section two hundred ninety-two of the execut-
tive law, a sexual offense, stalking, or human trafficking, for such
employee to avail themselves or a family member of services or assist-
ance including, but not limited to, to obtain services from a domestic
violence shelter, rape crisis center, or other shelter or services
program for relief from a family offense matter, sexual offense, stalk-
ing, or human trafficking; to participate in safety planning, tempo-
ily or permanently relocate, or take other actions to increase the safe-
ty of the employee or employee's family members from future family
offense matters, sexual offenses, stalking, or human trafficking; to
meet with a civil attorney or other social services provider to obtain
information and advice on, and prepare for or participate in any crimi-
nal or civil proceeding, including but not limited to, matters related
to a family offense matter, sexual offense, stalking, human trafficking,
custody, visitation, matrimonial issues, orders of protection, immi-
igration, housing, discrimination in employment, housing or consumer
credit; to file a complaint or domestic incident report with law
enforcement; to meet with a district attorney's office; to enroll chil-
dren in a new school; or to take other actions necessary to maintain,
and improve, or restore the physical, psychological, or economic health of
safety of the employee or the employee's family member or to protect
those who associate or work with the employee.

b. For purposes of this section, "family member" shall mean an employ-
ee's child, spouse, domestic partner, parent, sibling, grandchild or
grandparent; and the child or parent of an employee's spouse or domestic
partner. "Parent" shall mean a biological, foster, step- or adoptive
parent, or a legal guardian of an employee, or a person who stood in
locos parentis when the employee was a minor child. "Child" shall mean a
biological, adopted or foster child, a legal ward, or a child of an
employee standing in loco parentis.

5. A. An employer may not require the disclosure of confidential
information relating to a mental or physical illness, injury, or health
condition of such employee or such employee's family member, or informa-
tion relating to absence from work due to domestic violence, a sexual
offense, stalking, or human trafficking, as a condition of providing
sick leave pursuant to this section.

b. An employer may set a reasonable minimum increment for the use of
sick leave which shall not exceed four hours. Employees shall receive
compensation at his or her regular rate of pay, or the applicable mini-
mum wage established pursuant to section six hundred fifty-two of this
chapter, whichever is greater, for the use of paid sick leave.

6. An employee's unused sick leave shall be carried over to the
following calendar year, provided, however, that: (i) an employer with
fewer than one hundred employees may limit the use of sick leave to
forty hours per calendar year; and (ii) an employer with one hundred or
more employees may limit the use of sick leave to fifty-six hours per
calendar year. Nothing in this section shall be construed to require an
employer to pay an employee for unused sick leave upon such employee's
termination, resignation, retirement, or other separation from employ-
ment.

7. No employer or his or her agent, or the officer or agent of any
corporation, partnership, or limited liability company, or any other
person, shall discharge, threaten, penalize, or in any other manner
discriminate or retaliate against any employee because such employee has
exercised his or her rights afforded under this section, including, but
not limited to, requesting sick leave and using sick leave, consistent
with the provisions of section two hundred fifteen of this chapter.

8. An employer shall not be required to provide any additional sick
leave pursuant to this section if the employer has adopted a sick leave
policy or time off policy that provides employees with an amount of
leave which meets or exceeds the requirements set forth in subdivision
one of this section and satisfies the accrual, carryover, and use
requirements of this section.

9. Nothing in this section shall be construed to: a. prohibit a
collective bargaining agreement entered into, on or after the effective
date of this section from, in lieu of the leave provided for in this
section, providing a comparable benefit for the employees covered by
such agreement in the form of paid days off; such paid days off shall be
in the form of leave, compensation, other employee benefits, or some
combination thereof; or

b. impede, infringe, or diminish the ability of a certified collective
bargaining agent to negotiate the terms and conditions of sick leave
different from the provisions of this section.

Provided, however, that in the case of either paragraph a or b of this
subdivision, the agreement must specifically acknowledge the provisions
of this section.

10. Upon return to work following any sick leave taken pursuant to
this section, an employee shall be restored by his or her employer to
the position of employment held by such employee prior to any sick leave
taken pursuant to this section with the same pay and other terms and
conditions of employment.

11. Upon the oral or written request of an employee, an employer shall
provide a summary of the amounts of sick leave accrued and used by such
employee in the current calendar year and/or any previous calendar year.
The employer shall provide such information to the employee within three
business days of such request.

12. Nothing in this section shall be construed to prevent a city with
a population of one million or more from enacting and enforcing local
laws or ordinances which meet or exceed the standard or requirements for
minimum hour and use set forth in this section, as determined by the
commissioner. Any paid sick leave benefits provided by a sick leave
program enforced by a municipal corporation in effect as of the effective date of this section shall not be diminished or limited as a result
of the enactment of this section.

13. The commissioner shall have authority to adopt regulations and
issue guidance to effectuate any of the provisions of this section.
Employers shall comply with regulations and guidance promulgated by the
commissioner for this purpose which may include but are not limited to
standards for the accrual, use, payment, and employee eligibility of
sick leave.

14. The department shall conduct a public awareness outreach campaign
which shall include making information available on its website and
otherwise informing employers and employees of the provisions of this
section.

§ 3. Subdivision 4 of section 195 of the labor law, as amended by
chapter 564 of the laws of 2010, is amended to read as follows:

4. establish, maintain and preserve for not less than six years
contemporaneous, true, and accurate payroll records showing for each
week worked the hours worked; the rate or rates of pay and basis there-
of, whether paid by the hour, shift, day, week, salary, piece, commis-
sion, or other; gross wages; deductions; allowances, if any, claimed as
part of the minimum wage; amount of sick leave provided to each employ-
er and net wages for each employee. For all employees who are not
exempt from overtime compensation as established in the commissioner's
minimum wage orders or otherwise provided by New York state law or regu-
lation, the payroll records shall include the regular hourly rate or
rates of pay, the overtime rate or rates of pay, the number of regular
hours worked, and the number of overtime hours worked. For all employees
paid a piece rate, the payroll records shall include the applicable
piece rate or rates of pay and number of pieces completed at each piece
rate;
§ 4. Severability clause. If any clause, sentence, paragraph, subdivi-
sion, section or part of this act shall be adjudged by any court of
competent jurisdiction to be invalid, such judgment shall not affect,
impair, or invalidate the remainder thereof, but shall be confined in
its operation to the clause, sentence, paragraph, subdivision, section
or part thereof directly involved in the controversy in which such judg-
ment shall have been rendered. It is hereby declared to be the intent of
the legislature that this act would have been enacted even if such
invalid provisions had not been included herein.
§ 5. This act shall take effect immediately; provided, however that
sections two and three of this act shall take effect on the one hundred
eightieth day after it shall have become a law; provided, further, that
the department of labor may promulgate rules and regulations to effectu-
ate the purposes of this act, on or before such effective date.