

(4) "GARMENT MANUFACTURING EMPLOYER" MEANS A PERSON WHO ENGAGES, AS AN OWNER OR MANAGER, IN THE BUSINESS OF GARMENT MANUFACTURING AND WHO EMPLOYS MORE THAN 4 INDIVIDUALS. HOWEVER, AS TO ANY GARMENT MANUFACTURING EMPLOYER WHO EMPLOYS 4 OR FEWER INDIVIDUALS, THE PROVISIONS OF THIS SECTION AND SECTIONS 328(B) AND 328A OF THIS ARTICLE DO NOT APPLY, BUT ONLY IF THE GARMENT MANUFACTURING EMPLOYER DOES NOT SUBCONTRACT ANY WORK TO OTHER THAN THE 4 OR FEWER INDIVIDUALS EMPLOYED BY THE EMPLOYER. A "GARMENT MANUFACTURING EMPLOYER" DOES NOT INCLUDE A PERSON WHO SELLS AT RETAIL, BY MAIL ORDER OR OTHERWISE, OVER 35 PERCENT OF THE ARTICLES OF WEARING APPAREL WHICH IT CUTS, SEWS, PROCESSES, REPAIRS, FINISHES, ASSEMBLES, OR OTHERWISE MAKES OR PREPARES FOR SALE ON AN ANNUAL BASIS. A "GARMENT MANUFACTURING EMPLOYER" DOES NOT INCLUDE A NONPROFIT ORGANIZATION WHICH MANUFACTURES THE ENTIRE GARMENT FROM BEGINNING TO END BY MEANS OF CUTTING, SEWING, PROCESSING, FINISHING, ASSEMBLING, OR OTHERWISE MAKING THE ENTIRE GARMENT, OTHER THAN THE MATERIALS, FOR SALE OR RESALE AT WHOLESALE OR RETAIL.

(5) "PERSON" MEANS AN INDIVIDUAL, RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND AND ANY PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, ORGANIZATION, UNIT OF GOVERNMENT, OR OTHER ENTITY.

(6) "INVALID" MEANS AN INDIVIDUAL WITH A PHYSICAL OR MENTAL HANDICAP WHOSE DAILY CARE REQUIRES THE DIRECT SUPERVISION OF THE WORKER.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A GARMENT MANUFACTURING EMPLOYER MAY NOT EMPLOY ANY PERSON TO DO GARMENT MANUFACTURING INDUSTRIAL HOMEWORK.

(2) A GARMENT MANUFACTURING EMPLOYER MAY EMPLOY A PERSON TO DO INDUSTRIAL HOMEWORK ONLY IF THE PERSON HAS AN INDUSTRIAL HOMEWORK PERMIT FROM THE COMMISSIONER OF LABOR AND INDUSTRY.

(C) A PERSON MAY NOT DO GARMENT MANUFACTURING INDUSTRIAL HOMEWORK FOR A GARMENT MANUFACTURING EMPLOYER UNLESS THE PERSON HOLDS AN INDUSTRIAL HOMEWORK PERMIT FROM THE COMMISSIONER OF LABOR AND INDUSTRY.

(D) (1) THE COMMISSIONER OF LABOR AND INDUSTRY MAY NOT ISSUE AN INDUSTRIAL HOMEWORK PERMIT TO A PERSON TO DO GARMENT MANUFACTURING INDUSTRIAL HOMEWORK FOR A GARMENT MANUFACTURING EMPLOYER UNLESS THERE IS A SHOWING THAT UNDUE HARDSHIP, UNDER PARAGRAPH (2) OF THIS SECTION, WOULD RESULT IF THE PERSON IS NOT PERMITTED TO DO AT-HOME WORK.

(2) TO CONFIRM THE EXISTENCE OF UNDUE HARDSHIP, THE COMMISSIONER OF LABOR AND INDUSTRY SHALL DETERMINE, AMONG OTHER THINGS:

(I) THAT THE PERSON WHO WISHES TO DO INDUSTRIAL