

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 98

Introduced by Council Members Powers, Rose, Rosenthal, Chin, Gibson, Constantinides, Reynoso, Kallos, Adams, Eugene, Lander, Miller, Rivera, Ayala, Ampy-Samuel and Koslowitz.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to expanding sexual harassment protections to all employees

Be it enacted by the Council as follows:

Section 1. Subdivision 5 of section 8-102 of the administrative code of the city of New York is amended to read as follows:

5. For purposes of subdivisions one, two, three, eleven-a, twenty-two, subparagraph one of paragraph a of subdivision twenty-one, and paragraph e of subdivision twenty-one of section 8-107 of this chapter, the term "employer" does not include any employer with fewer than four persons in his or her employ, *provided, however, that in an action for unlawful discriminatory practice based on a claim of gender-based harassment pursuant to subdivision one of section 8-107, the term "employer" shall include any employer, including those with fewer than four persons in their employ.* For purposes of this subdivision, natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers shall be counted as persons in the employ of such employer.

§ 2. Section 8-102 of the administrative code of the city of New York, as added by local law number 63 for the year 2018, is amended to read as follows:

Employer. For purposes of subdivisions 1, 2, 3, 11-a, and 22, subparagraph 1 of paragraph a of subdivision 21, and paragraph e of subdivision 21 of section 8-107, the term “employer” does not include any employer with fewer than four persons in the employ of such employer, *provided however, that in an action for unlawful discriminatory practice based on a claim of gender-based harassment pursuant to subdivision one of section 8-107, the term “employer” shall include any employer, including those with fewer than four persons in their employ.* For purposes of this definition, natural persons employed as independent contractors to carry out work in furtherance of an employer’s business enterprise who are not themselves employers shall be counted as persons in the employ of such employer.

§ 3. Section 1 of this local law takes effect immediately. Section 2 of this local law takes effect on the same effective date as section 3 of local law number 63 for the year 2018.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 11, 2018 and approved by the Mayor on May 9, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 98 of 2018, Council Int. No. 657-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.