

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 104

Introduced by Council Members Moya, Kallos, Salamanca, Rosenthal, Dinowitz, Levine, Menchaca, Lander, Brannan, Adams, Powers, Feliz, Reynoso, Rivera, Gennaro, Chin, Ampry-Samuel, Van Bramer, Rodriguez, Riley, Brooks-Powers, Barron, Koslowitz, Eugene and Dromm. Passed under a Message of Necessity from the Mayor.

A LOCAL LAW

In relation to severance pay for hotel service employees

Be it enacted by the Council as follows:

Section 1. Definitions. For the purposes of this local law, the following terms have the following meanings:

Closure. The term “closure” means the closure of a hotel to the public commencing on or after March 1, 2020, provided that such hotel has not, by October 11, 2021, recalled 25 percent or more of its employees employed as of March 1, 2020 and reopened to the public by November 1, 2021.

The term “closure” shall not include a lockout or strike.

Covered hotel service employee. The term “covered hotel service employee” means, with respect to a hotel, a person who:

(i) was employed by such hotel on March 1, 2020;

(ii) as of March 1, 2020, had been employed by such hotel for a period of not less than one year to perform hotel service;

(iii) was not a managerial, supervisory or confidential employee and did not otherwise exercise control over the management of such hotel; and

(iv) was laid off after March 1, 2020 due to a closure or a mass layoff.

Hotel. The term “hotel” means a transient hotel as defined in section 12-10 of the New York city zoning resolution that, as of March 1, 2020, had 100 or more rooms.

Hotel employer. The term “hotel employer” means any person who owns, controls or operates a hotel.

Hotel service. The term “hotel service” means work performed in connection with the operation of a hotel.

Lockout. The term “lockout” has the same meaning as in paragraph 2 of subdivision a of section 22-501 of the administrative code of the city of New York.

Mass layoff. The term “mass layoff” means a reduction in force that is not the result of a closure, lockout or strike, and that results in a layoff by a hotel employer during any 30-day period of 75 percent or more of the employees engaged in hotel service at a hotel as of March 1, 2020.

Room. The term “room” means a room available or let out for use or occupancy in a hotel.

Strike. The term “strike” has the same meaning as in paragraph 1 of subdivision a of section 22-501 of the administrative code of the city of New York.

§ 2. Severance. a. Except as provided in subdivision b of this section, commencing on October 11, 2021, a hotel employer shall provide to each covered hotel service employee \$500 in severance pay for each week, after such date, that such employee remains laid off, provided that a hotel employer shall not be required to provide severance pay pursuant to this section for more than 30 weeks.

b. For each week described in subdivision a of this section, any severance pay provided to a covered hotel service employee shall be reduced by the amount of any severance or similar pay

provided or owed for such week to such employee by the hotel employer. The payment of severance pay pursuant to subdivision a of this section shall be in addition to any severance or similar pay already paid or otherwise owed for periods prior to October 11, 2021.

c. A hotel employer shall provide severance pay pursuant to this section to a covered hotel service employee within five days after the end of each week.

d. The provision of severance pay pursuant to this section shall not affect the right, if any, of a covered hotel service employee to be recalled to their previous position.

§ 3. Applicability. a. Section two of this local law shall not apply to a hotel that has closed permanently and has converted or is in the process of converting to an alternate use, provided that every covered hotel service employee at such hotel is offered severance pay specifically for such conversion in an amount that equals no less than pay for 20 days per year of service, at the same rate that such employee is paid for paid days off.

b. The requirement to provide severance pay to a covered hotel service employee pursuant to section two of this local law shall cease on the sooner of the date such employee is recalled, or, if a hotel that experienced a closure reopens, the date on which such hotel reopens to the public and has recalled 25 percent or more of its employees employed as of March 1, 2020.

§ 4. Remedies. a. A covered hotel service employee who has not received severance pay that is required to be provided pursuant to this local law may bring an action in supreme court against a hotel employer for violation of this local law.

b. A court that finds that such employee has not received severance pay in violation of this local law shall award to such employee twice the amount of severance pay owed pursuant to this local law and such employee's reasonable attorney's fees and costs.

§ 5. This local law takes effect immediately and expires and is deemed repealed on June 1, 2022.

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 September 23, 2021 and approved by the Mayor on October 5, 2021.

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. 104 of 2021, Council Int. No. 2397-A of 2021) 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.