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|  | **The Council of the City of New York**  **Finance Division**  **Latonia McKinney, Director**  **Fiscal Impact Statement**  **Proposed Intro. No: 946-B**  **Committee**: **Transportation** |
| **Title:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for utility safety employees and providing advance notice of work schedules to utility safety employees | **Sponsors:** Council Members Lander, Brannan, Reynoso, Powers, Menchaca, Levine, Levin, Kallos, Maisel, Cabrera, Rivera, Rosenthal, Ayala, Gibson, Grodenchik, Van Bramer, Cumbo, Perkins, Chin, Ampry-Samuel, Salamanca, Adams, Dromm, the Public Advocate (Mr. Williams), Moya, Treyger, Koslowitz, Eugene, Barron, Rose, Rodriguez, Louis and Brooks-Powers |

**Summary of Legislation:** Proposed Intro. No. 946-B would prohibit the practice of on-call scheduling for utility safety employees who locate and mark underground infrastructure. The bill would prohibit employers from canceling, changing, or adding work shifts within 72 hours of the start of the shift, except in limited circumstances. The bill would also require the employer to provide a utility safety employee with a written work schedule no later than 72 hours before the first shift on the work schedule, to post the schedule at the work location 72 hours before the beginning of the scheduled hours of work, and to provide the employee, at the employee’s request, a written copy of the work schedule for any week worked within the prior three years.

**Effective Date:** This local law would take effect 180 days after it becomes law, except that the Department of Consumer and Worker Protection (DCWP) Commissioner may take the necessary measures for the implementation of this local law, including the promulgation of rules, before such date. In addition, DCWP shall not take any enforcement action against any utility safety employer for a violation of section 20-1251 or 20-1252 of the administrative code of the city of New York pursuant to section 20-1207 of the administrative code of the city of New York less than 365 days after this local law becomes law. Moreover, in the case of utility safety employees covered by a valid collective bargaining agreement in effect 180 days after this local law becomes law, this local law takes effect on the stated date of the expiration of such agreement.

**Fiscal Year In Which Full Fiscal Impact Anticipated:** Fiscal 2023

**Fiscal Impact Statement:**

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|  | **Effective FY22** | **FY Succeeding Effective FY23** | **Full Fiscal Impact FY22** |
| **Revenues** | $0 | $0 | $0 |
| **Expenditures** | $211,525 | $154,525 | $154,525 |
| **Net** | $211,525 | $154,525 | $154,525 |

**Impact on Revenues:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

**Impact on Expenditures:** It is estimated that there would be an additional expenditure of $211,525 in Fiscal 2022 and $154,525 in Fiscal 2023 and in the outyears for DCWP. The funding would support two additional headcount positions and related OTPS costs associated with the enforcement of this legislation.

**Source of Funds to Cover Estimated Costs:** General Fund

**Source of Information:** New York City Council Finance Division

Mayor’s Office of Legislative Affairs

**Estimate Prepared by:** John Basile, Senior Financial Analyst

**Estimate Reviewed by:** Nathaniel Toth, Deputy Director

Chima Obichere, Unit Head

Noah Brick, Assistant Counsel

**Legislative History:** This legislation was first introduced to the Council as Intro. No. 946 on May 23, 2018 and referred to the Committee on Civil Service and Labor. The legislation was subsequently amended and re-referred to the Committee on Transportation on December 3, 2019. The Committee on Transportation heard the amended version, and proposed a further amendment, on December 16, 2019 and the bill was laid over. The most-recently amended version, Proposed Intro. No. 946-B, will be considered by the Committee on Transportation on June 17, 2021. Upon a successful vote by the Committee on Transportation, Proposed Intro. No. 946-B will be submitted to the full Council for a vote on June 17, 2021.

**Date Prepared:** June 15, 2021