Legislation Details (With Text)

File #:	Int 1016-2015 **Version:** *	**Name:**	Clarifying the protections for part-time, temporary, leased and seasonal workers and independent contractors under the human rights law.
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On agenda:	12/7/2015		
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Title:	A Local Law to amend the administrative code of the city of New York, in relation to clarifying the protections for part-time, temporary, leased and seasonal workers and independent contractors under the human rights law and to that end repealing subdivision 23 of section 8-107 of such code		
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Attachments:	1. Summary of Int. No. 1016, 2. December 7, 2015 - Stated Meeting Agenda with Links to Files		

Date	Ver.	Action By	Action	Result
12/7/2015	*	City Council	Introduced by Council	
12/7/2015	*	City Council	Referred to Comm by Council	
1/18/2017	*	City Council	Re-referred to Committee by Council	
12/31/2017	*	City Council	Filed (End of Session)	

Int. No. 1016

By Council Members Lander, Chin, Johnson, Richards, Rose, Rodriguez and Rosenthal

A Local Law to amend the administrative code of the city of New York, in relation to clarifying the protections for part-time, temporary, leased and seasonal workers and independent contractors under the human rights law and to that end repealing subdivision 23 of section 8-107 of such code

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, as amended by local law number 63 for the year 2015, 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[. For purposes of this subdivision, natural], and a person for purposes of that calculation includes:

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a. 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.]; and

b. The employer’s parent, spouse, domestic partner, or child if he or she is employed by the employer.

§ 2. Section 8-102 of the administrative code of the city of New York is amended by adding a new subdivision 30 to read as follows:

30. The term “employee” includes:

a. Interns;

b. Part-time, temporary, leased or seasonal workers; and

c. Natural persons employed as independent contractors to carry out work in furtherance of an employer’s business enterprise who are not themselves employers.

§ 3. Subdivision 23 of section 8-107 of the administrative code of the city of New York, as added by local law number 9 for the year 2014, is REPEALED.

§ 4. Paragraph f of subdivision 1 of section 8-107 of the administrative code of the city of New York, as amended by local law number 27 for the year 1998, is amended to read as follows:

(f) The provisions of this subdivision shall not govern the employment by an employer of his or her parents, spouse, domestic partner, or children[; provided, however, that such family members shall be counted as persons employed by an employer for the purposes of subdivision five of section 8-102 of this chapter].

§ 5. This local law takes effect one year after it becomes law.

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