



Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to the definition of freelance worker

Sponsors: Rafael L. Espinal, Jr.

Indexes:

Attachments: 1. Summary of Int. No. 1263, 2. Int. No. 1263, 3. November 28, 2018 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 11/28/18, 5. Minutes of the Stated Meeting - November 28, 2018

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Int. No. 1263

By Council Member Espinal

A Local Law to amend the administrative code of the city of New York, in relation to the definition of freelance worker

Be it enacted by the Council as follows:

Section 1. Section 20-927 of the administrative code of the city of New York is amended to read as follows:

§ 20-927. Definitions.

For purposes of this chapter, the following terms have the following meanings:

Director. The term “director” means the director of the office of labor standards established pursuant to section 20-a of the charter.

Freelance worker. The term “freelance worker” means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, that is hired or

retained as an independent contractor by a hiring party to provide services in exchange for compensation. This term does not include:

1. Any person who, pursuant to the contract at issue, is a sales representative as defined in section 191-a of the labor law;
2. Any person engaged in the practice of law pursuant to the contract at issue and who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia and who is not under any order of any court suspending, enjoining, restraining, disbaring or otherwise restricting such person in the practice of law; [and]
3. Any person who is a licensed medical professional[.]; and
4. Any person who is a real estate broker, associate real estate broker or real estate salesman as defined in section 440 of the real property law.

Hiring party. The term “hiring party” means any person who retains a freelance worker to provide any service, other than (i) the United States government, (ii) the state of New York, including any office, department, agency, authority or other body of the state including the legislature and the judiciary, (iii) the city, including any office, department, agency or other body of the city, (iv) any other local government, municipality or county or (v) any foreign government.

Office. The term “office” means the office of labor standards established pursuant to section 20-a of the charter.

§ 2. This local law takes effect immediately.