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 standards of conduct of employment agencies and employers of domestic or household employees placed by employment agencies.

Sponsors: Gale A. Brewer, Christine C. Quinn, Yvette D. Clarke, Leroy G. Comrie, Jr., Bill De Blasio, Helen D. Foster, Alan J. Gerson, Robert Jackson, Margarita Lopez, Bill Perkins, Philip Reed, Diana Reyna, James Sanders, Jr., Larry B. Seabrook, Kendall Stewart, Hiram Monserrate, John C. Liu, James E. Davis, Allan W. Jennings, Jr., David Yassky, Tony Avella, Vincent J. Gentile, Erik Martin Dilan, Pedro Espada, Jr., Maria Baez, Charles Barron, Tracy L. Boyland, Sara M. Gonzalez, Melinda R. Katz, G. Oliver Koppell, Miguel Martinez, Domenic M. Recchia, Jr., Joel Rivera, Jose M. Serrano, Albert Vann, James F. Gennaro, David I. Weprin, Gifford Miller

Indexes:

Attachments: 1. Committee Report 5/6/02, 2. Hearing Transcript 5/6/02, 3. Committee Report 5/2/03, 4. Hearing Transcript 5/2/03, 5. Hearing Transcript - Stated Meeting 5/14, 6. Fiscal Impact Statement, 7. Local Law

Date	Ver.	Action By	Action	Result
3/25/2002	*	City Council	Introduced by Council	
3/25/2002	*	City Council	Referred to Comm by Council	
5/6/2002	*	Committee on Civil Service and Labor	Laid Over by Committee	
5/6/2002	*	Committee on Civil Service and Labor	Hearing Held by Committee	
5/2/2003	*	Committee on Civil Service and Labor	Hearing Held by Committee	
5/2/2003	*	Committee on Civil Service and Labor	Amendment Proposed by Comm	
5/2/2003	*	Committee on Civil Service and Labor	Amended by Committee	
5/2/2003	A	Committee on Civil Service and Labor	Approved by Committee	Pass
5/5/2003	A	City Council	Laid Over by Council	
5/14/2003	A	City Council	Approved by Council	Pass
5/14/2003	A	City Council	Sent to Mayor by Council	
6/3/2003	A	Mayor	Hearing Held by Mayor	
6/3/2003	A	Mayor	Signed Into Law by Mayor	
6/3/2003	A	City Council	Recved from Mayor by Council	

Int. No. 96-A

By Council Members Brewer, Quinn, Clarke, Comrie, de Blasio, Foster, Gerson, Jackson, Lopez, Perkins,

Reed, Reyna, Sanders Jr., Seabrook, Stewart, Monserrate, Liu, Davis, Jennings, Yassky, Avella, Gentile, Dilan, Espada Jr., Baez, Barron, Boyland, Gonzalez, Katz, Koppell, Martinez, Recchia Jr., Rivera, Serrano, Vann, Gennaro, Weprin and The Speaker (Council Member Miller)

A Local Law to amend the administrative code of the city of New York, in relation to the standards of conduct of employment agencies and employers of domestic or household employees placed by employment agencies.

Be it enacted by the Council as follows:

Section 1. **Legislative findings and intent.** The placement of domestic or household employees into the homes of employers creates special problems, including the risk of abuse and exploitation. The majority of domestic or household employees in New York City are immigrant women of color who, because of race and sex discrimination, language barriers and immigration status, are particularly vulnerable to unfair labor practices. Encouraging responsible practices with respect to the placement of domestic or household employees is in the interests of employees, employment agencies, employers and the public.

§2. Chapter 5 of title 20 of the administrative code of the city of New York is hereby amended by adding thereto a new subchapter fourteen to read as follows:

Subchapter 14

Domestic Workers and Household Employees

§20-770 Application

§20-771 Statement of employee rights and employer obligations under state and federal law

§20-772 Statement of job conditions; records

§20-773 Enforcement

§20-774 Violations

§20-770 **Application.** The provisions of this subchapter shall apply to all employment agencies, as defined in section 171 of article 11 of the general business law, which arrange employment for domestic or household employees.

§20-771 **Statement of employee rights and employer obligations under state and federal law.** a. Every licensed employment agency under the jurisdiction of the commissioner and engaged in the job placement of domestic or household employees shall provide to each applicant for employment as a domestic or household employee and his or her prospective employer, before job placement is arranged, a written statement indicating the rights of such employee and the obligations of his or her employer under state and federal law. Such statement of rights and obligations shall embody provisions of state and federal laws that pertain to domestic or household employees, both in their capacity as workers in New York state and the United States and in their capacity specifically as domestic or household employees in New York state and the United States. Such statement of rights and obligations shall include, but not be limited to, a general description of employee rights and employer obligations pursuant to laws regarding minimum wage, overtime and hours of work, record keeping, social security payments, unemployment insurance coverage, disability insurance coverage and workers' compensation. Such statement of rights and obligations shall be prepared and distributed by the commissioner to licensed employment agencies over which the commissioner has jurisdiction.

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b. Every employment agency engaged in the job placement of domestic or household employees shall keep on file in its principal place of business for a period of three (3) years a statement, signed by the employer of a domestic or household employee whom the employment agency has placed with such employer, indicating that the employer has read and understands the statement of rights and obligations he or she received pursuant to subdivision (a) of this section.

§20-772 **Statement of job conditions; records.** a. Every licensed employment agency under the jurisdiction of the commissioner and engaged in the job placement of domestic or household employees shall provide to each applicant for employment as a domestic or household employee a written statement, in a form approved by the commissioner, of the job conditions of each potential employment position to which the agency recommends that the applicant apply. Each such statement shall fully and accurately describe the nature and terms of employment, including the name and address of the person to whom the applicant is to apply for such employment, the name and address of the person authorizing the hiring for such position, wages, hours of work, the kind of services to be performed and agency fee.

b. Every employment agency engaged in the job placement of domestic or household employees shall keep on file in its principal place of business for a period of three (3) years a duplicate copy of the written statement of job conditions required by subdivision (a) of this section.

§20-773 **Enforcement.** In order to implement and carry out the requirements of this subchapter, the commissioner or his or her duly authorized agent or inspector shall have the same authority as set forth in section 189 of article 11 of the general business law.

§20-774 **Violations.** Any person who violates, and the officers of a corporation and stockholders holding ten percent or more of the stock of a corporation which is not publicly traded, who knowingly permit the corporation to violate, subdivisions (a) and (b) of sections 20-771 and 20- 20-772 of this subchapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed one thousand dollars, or imprisonment for not more than one year, or both, by any court of competent jurisdiction. Criminal proceedings based upon violations of such subdivisions may be instituted by the commissioner and/or any persons aggrieved by such violations.

§3. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§4. Effective date. This local law shall take effect ninety (90) days after its enactment into law.

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