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Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring the screening of home care services personnel by persons, corporations or other entities under contract with the city.

Sponsors: Miguel Martinez, Maria Baez, Alan J. Gerson, Robert Jackson, Melinda R. Katz, G. Oliver Koppell, Hiram Monserrate, Diana Reyna, Joel Rivera, Kendall Stewart, Philip Reed

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Int. No. 214

By Council Members Martinez, Baez, Gerson, Jackson, Katz, Koppell, Monserrate, Reyna, Rivera and Stewart; also Council Member Reed

A Local Law to amend the administrative code of the city of New York, in relation to requiring the screening of home care services personnel by persons, corporations or other entities under contract with the city.

Be it enacted by the Council as follows:

Section 1. Section 21-119 of the administrative code of the city of New York is amended to read as follows:

§21-119 Screening of child care services and home care services personnel by persons, corporations or other entities under contract with the city. a. Each person, corporation, or other entity under contract with the city to provide child care services or home care services shall be responsible for the recruitment of appropriate personnel; verification of credentials and references; review of criminal record information; screening of all current and prospective personnel; and selection and hiring of all personnel necessary to furnish child care services or home care services. Screening shall include, but not be limited to (1) fingerprinting; (2) review of criminal convictions and pending criminal actions, provided that the contractor shall not dismiss or permanently deny employment to current and prospective personnel who are subjects of pending criminal actions, but may suspend such current personnel or defer employment decisions on such prospective personnel until disposition of the pending criminal action; (3) inquiry with the statewide central register of child abuse and maltreatment, and any similar register of elder abuse and maltreatment which may exist or be

created and (4) for prospective personnel, inquiry with the applicant's three most recent employers. Each such contractor is hereby authorized and required to have all current and prospective personnel fingerprinted by an appropriate city agency.

b. As a condition of employment and continued employment, the contractor shall obtain written consent from all current and prospective child care services and home care services personnel for fingerprinting and criminal record review. Denial of such consent shall be grounds for dismissal or refusal to hire.

c. The department shall require appropriate documentation from the contractor indicating compliance with this section. The requirements of subdivisions a and b of this section shall be incorporated in contracts for child care services and home care services entered into by the city, and any violation thereof shall be a material breach of the contract sufficient to cause termination.

d. For purposes of this section, "child care services personnel" shall include day care employees, family day care providers and members of their households, and head start employees, and "home care services personnel" shall include employees of entities which provide nursing services, home health aide services, physical, speech and occupational therapy, nutritional services, medical social services, personal care services, and homemaker services, or housekeeper or chore services which may be of a preventive, therapeutic, rehabilitative, health, guidance, and/or supportive nature to persons at home.

§2. This local law shall take effect thirty days after its enactment into law.

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