



Legislation Text

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Int. No. 675

By Council Members Crowley and Eugene

A Local Law to amend the administrative code of the city of New York in relation to the provision of sick time earned by employees.

Be it enacted by the Council as follows:

Section 1. Subdivisions j of section 20-912 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, is amended to read as follows:

j. “Hourly professional employee” shall mean any individual (i) who is professionally licensed by the New York state education department, office of professions, under the direction of the New York state board of regents under education law sections 6522, 6732, 6905, 7902 or 8202, (ii) who calls in for work assignments at will determining his or her own work schedule with the ability to reject or accept any assignment referred to them and (iii) who is paid an average hourly wage which is at least four times the federal minimum wage for hours worked during the calendar year.

§ 2. Subdivision d of section 20-924 of the administrative code of the city of New York is amended to read as follows:

d. The department shall have the power to impose penalties provided for in this chapter and to grant an employee or former employee all appropriate relief. (i) Such relief shall include: [(i)] 1. for each instance of sick time taken by an employee but unlawfully not compensated by the employer: three times the wages that should have been paid under this chapter or two hundred fifty dollars, whichever is greater; [(ii)] 2. for each instance of sick time requested by an employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding a replacement worker, or for each instance

an employer requires an employee to work additional hours without the mutual consent of such employer and employee in violation of section 20-915 of this chapter to make up for the original hours during which such employee is absent pursuant to this chapter: five hundred dollars; [(iii)] 3. for each instance of unlawful retaliation not including discharge from employment: full compensation including wages and benefits lost, five hundred dollars and equitable relief as appropriate; and [(iv)] 4. for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, two thousand five hundred dollars and equitable relief, including reinstatement, as appropriate. (ii) Notwithstanding subparagraph (i), the department shall have the discretion to waive or reduce penalties for violations of this section, upon finding that such employer acted in good faith or had a reasonable basis to believe that the provisions of this section, sections 20-913 and 20-914 of this code, and any rules promulgated thereunder, did not apply to such employer at the time such violations occurred.

§ 3. This local law shall take effect immediately upon enactment into law.

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