



## Legislation Text

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### Proposed Int. No. 569-A

By Council Members Hanif, Avilés, Cabán, Marte, Joseph, Nurse, Gutiérrez, Sanchez, Restler, Ossé, Richardson Jordan, De La Rosa, Riley, Louis, Schulman, Rivera, Ayala, Narcisse and Hudson

A Local Law to amend the administrative code of the city of New York, in relation to an immigrant workers' bill of rights

Be it enacted by the Council as follows:

Section 1. Section 32-101 of the administrative code of the city of New York, as added by local law number 98 for the year 2016, is amended to read as follows:

§ 32-101 [Reserved.] Definitions. a. As used in this chapter, the following terms have the following meanings:

Designated citywide languages. The term “designated citywide languages” has the same meaning as set forth in section 23-1101.

Employee. The term “employee” has the same meaning as set forth in subdivision 2 of section 190 of the labor law.

Employer. The term “employer” has the same meaning as set forth in subdivision 3 of section 190 of the labor law.

Mobile application. The term “mobile application” means a type of application software designed to run on a mobile device, such as a smartphone or tablet computer.

Office. The term “office” means the office of labor standards as established pursuant to subdivision (e) of section 2203 of the charter.

§ 2. Chapter 1 of title 32 of the administrative code of the city of New York is amended by adding a new

section 32-102 to read as follows:

§ 32-102 Immigrant workers' bill of rights. a. No later than April 1, 2023, the office, in coordination with the mayor's office of immigrant affairs and the commission on human rights, shall publish and make available a notice for employers to provide to employees and independent contractors informing employees and independent contractors of protections and rights under relevant federal, state and local laws that apply to all employees and independent contractors in the city, regardless of immigration status. Such notice shall also contain information on what to expect if immigration enforcement authorities come to an individual's workplace, and resources and contact information for immigration legal services, the commission on human rights and the office. Such notice shall be made available in a downloadable format on the city's website in English and the designated citywide languages. The office shall update such notice if any changes are made to the requirements of relevant federal, state or local laws.

b. An employer shall:

1. Provide to each employee and independent contractor employed by such employer, no later than September 1, 2023, and annually thereafter, a physical or electronic copy of the notice described in subdivision a of this section;

2. Provide a physical or electronic copy of the notice described in subdivision a of this section to employees and independent contractors employed by such employer upon commencement of employment; and

3. Conspicuously post the notice described in subdivision a of this section at an employer's place of business in an area accessible and visible to employees and independent contractors employed by such employer.

c. The notices required to be provided or posted by an employer pursuant to subdivision b of this section shall be in English and any language spoken as a primary language by at least five percent of employees and independent contractors employed an employer, if the office has made the notice available in that language.

d. Any employer whose business is operated online or through a mobile application shall make available

online or on such mobile application the notice described in subdivision a of this section for employees and independent contractors to view.

e. No later than June 1, 2023, the office shall conduct outreach regarding the notice described in subdivision a of this section and the requirements under this section to employers, employees and independent contractors in the city.

f. Any employer who violates any provision of this section shall be liable for a civil penalty of \$250 for the first offense, and for subsequent violations that occur within two years of any previous violation of this section, a civil penalty up to \$750 for the second violation and up to \$2,000 for each succeeding violation. The penalties imposed pursuant to this subdivision shall be imposed on a per worker and per instance basis for each violation. A proceeding to recover any civil penalty authorized pursuant to this subdivision may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

§ 3. This local law takes effect 30 days after it becomes law.

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