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Int. No. 1081

By Council Members Menin, Hanif, Cabán, Brannan, Schulman and Louis

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer and worker protection to confirm receipt of complaints related to fair work practices and to notify the person or entity under investigation of the receipt of the complaint

Be it enacted by the Council as follows:

Section 1. Section 20-1207 of chapter 12 of title 20 of the administrative code of the city of New York, as amended by local law number 80 for the year 2020, is amended to read as follows:

§ 20-1207. Administrative enforcement; jurisdiction and complaint procedures.

a. Jurisdiction. The commissioner shall enforce the provisions of this chapter.

b. Complaints and investigations. 1. Any person, including any organization, alleging a violation of this chapter may file a complaint with the department within two years of the date the person knew or should have known of the alleged violation. The department shall confirm receipt of the complaint to the complainant within 30 days after the department receives the complaint.

2. Upon receiving such a complaint, the department shall investigate it. The department shall notify the person or entity under investigation of the complaint within 90 days after the department receives the complaint.

3. The department may open an investigation on its own initiative.

4. A person or entity under investigation shall, in accordance with applicable law, provide the department with information or evidence that the department requests pursuant to the investigation. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the department

believes that a violation of this chapter has occurred, the department may attempt to resolve it through any action authorized by chapter 64 of the charter. Adjudicatory powers pursuant to this subchapter may be exercised by the commissioner or by the office of administrative trials and hearings pursuant to chapter 64 of the charter.

5. The department shall keep the identity of any complainant confidential unless disclosure is necessary to resolve the investigation or is otherwise required by law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing the complainant's identity before such disclosure.

§ 2. This local law takes effect immediately.

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