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Int. No. 1391-A

By The Speaker (Council Member Adams) and Council Members Hudson, Brannan, Narcisse, Cabán, Menin, Hanks, Won, Restler, De La Rosa, Ung, Moya, Schulman, Farías, Gennaro, Ayala, Gutiérrez, Hanif, Brewer, Bottcher, Krishnan, Marte, Brooks-Powers, Dinowitz, Salaam, Banks, Abreu, Lee, Powers, Ossé, Avilés, Stevens, Louis, Zhuang, Feliz, Riley, Salamanca, Nurse, Joseph, Williams, Mealy, Sanchez and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of compensation standards for security guards

Be it enacted by the Council as follows:

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 16 to read as follows:

CHAPTER 16

SECURITY GUARDS

§ 20-1601 Definitions. As used in this subchapter, the following terms have the following meanings:

Covered security guard employer. The term "covered security guard employer" means any person who employs one or more covered security guards in New York city, but shall not include: (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; (iii) the port authority of New York and New Jersey; and (iv) the city of New York.

Covered security guard. The term "covered security guard" means any person employed by a covered security guard employer to principally perform one or more of the functions set forth in subdivision 6 of section 89-f of the general business law and who is required to have a current and valid registration card issued in accordance with article 7-A of the general business law.

Paid time off. The term "paid time off" means paid leave as identified in the applicable New York city public building service contracts in excess of $1,500, including but not limited to holidays, vacation and sick leave.

Supplemental benefit. The term "supplemental benefit" means fringe benefits including medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, costs of apprenticeship or other similar programs and other bona fide fringe benefits not otherwise required by federal, state or local law to be provided by a covered security guard employer to a covered security guard.

Wage. The term "wage" means wage as identified in the applicable New York city public building service contracts in excess of $1,500.

§ 20-1602 Security guard minimum wage required. Beginning January 1, 2027, a covered security guard employer shall pay a wage to a covered security guard for each hour worked that meets or exceeds the wage requirements for private sector security guards engaged on New York city public building service contracts in excess of $1,500.

§ 20-1603 Security guard minimum paid time off required. Beginning January 1, 2028, a covered security guard employer shall provide a covered security guard with paid time off benefits that meet or exceed the paid time off benefits required for private sector security guards engaged on New York city public building service contracts in excess of $1,500.

§ 20-1604 Security guard minimum supplemental benefits required. Beginning January 1, 2029, a covered security guard employer shall pay a supplemental benefit to a covered security guard that meets or exceeds the supplemental benefits required for private sector security guards engaged on New York city public building service contracts in excess of $1,500.

§ 20-1605 Security guard minimum wage and benefits schedule posting. No later than September 1,

2026, and annually thereafter, the commissioner shall post on the department's website the applicable minimum wage, minimum paid time off and minimum supplemental benefits required by this chapter.

§ 20-1606 Website and reporting. The department shall annually post on its website and submit to the speaker of the council the following information:

a. The number of complaints received by the department pursuant to this chapter;

b. The results of investigations undertaken pursuant to this chapter;

c. The average time for a complaint to be resolved pursuant to this chapter;

d. Education and outreach conducted by the department regarding the provisions of this chapter; and

e. Any other information the department deems appropriate.

§ 20-1607 Recordkeeping. a. A covered security guard employer shall retain records documenting such employer's compliance with the applicable requirements of this chapter for a period of 6 years, and shall allow the department to access such records and other relevant information, consistent with applicable law and in accordance with rules of the department and with appropriate notice, in furtherance of an investigation conducted pursuant to this chapter. A covered security guard employer must maintain records in their original format and provide such records to the department in their original format or a electronic format as set forth in rules of the department. The department also may establish by rule, and require covered security guard employers to adhere to, a uniform system of records.

b. The failure of a covered security guard employer to maintain, retain, or produce a record or other information required to be maintained by this chapter and requested by the department in furtherance of an investigation conducted pursuant to this chapter that is relevant to a material fact alleged by the department in a notice of violation issued pursuant to this chapter creates a rebuttable presumption that such fact is true.

§ 20-1608 Notice of rights. a. The commissioner shall publish and make available on the city's website a notice for a covered security guard employer to provide to covered security guards, informing them of their rights under this subchapter. The commissioner shall update such notice if any changes are made to the

requirements of this chapter or as otherwise deemed appropriate by the commissioner.

b. A covered security guard employer shall provide such notice to a covered security guard at the commencement of employment or, for covered security guards who were already employed prior to the effective date of the chapter, within 30 days of the effective date of the local law that added this chapter. Such notice may be provided in electronic format, and shall be in English and the primary language of the covered security guard, provided that the commissioner has made the notice available in such a language.

§ 20-1609 Retaliation. a. No person shall take any adverse action against a covered security guard that penalizes such covered security guard for, or is reasonably likely to deter such covered security guard from, exercising or attempting to exercise any right protected under this chapter. Taking an adverse action includes threatening, intimidating, disciplining, discharging, demoting, suspending or harassing a covered security guard, reducing the hours or pay of a covered security guard, transferring a covered security guard to a worksite that a reasonable person would consider less desirable, informing another employer that a covered security guard has engaged in activities protected by this chapter, and discriminating against the covered security guard, including actions related to perceived immigration status or work authorization status. A covered security guard need not explicitly refer to this chapter or the rights enumerated herein to be protected from retaliation.

b. The termination or other disciplinary action taken by a covered security employer against a covered security guard within 90 days of the covered security guard's exercise of rights under this chapter, assisting any other person in doing so, or informing any person about their rights, shall raise a rebuttable presumption of having done so in retaliation for the exercise of those rights.

§ 20-1610 Administrative enforcement. a. The commissioner shall enforce the provisions of this chapter.

b. Any person alleging a violation of this chapter shall have the right to file a complaint with the department within 2 years of the date they knew or should have known of the alleged violation. Upon receiving such complaint, the department shall investigate it.

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

d. The department shall maintain the identity of any complainant confidential unless disclosure of such complainant's identity is necessary for resolution of the investigation or otherwise required by law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing the complainant's identity prior to such disclosure.

e. A person or entity under investigation shall, in accordance with applicable law, provide the department with relevant information or evidence that the department requests pursuant to the investigation. The department may attempt to resolve an investigation concerning a violation of this chapter through any action authorized by chapter 64 of the charter. Adjudicatory powers pursuant to this chapter may be exercised by the commissioner or by the office of administrative trials and hearings pursuant to chapter 64 of the charter, in accordance with any delegation of such adjudicatory powers by the department to such office pursuant to paragraph (1) of subdivision (h) of section 2203 of the charter.

f. The commissioner may promulgate rules necessary and appropriate to the administration of this chapter.

§ 20-1611 Remedies for covered security guards. For violations of their rights under this chapter, a covered security guard shall be entitled to the following relief:

a. all compensatory damages and other relief required to make the covered security guard or former covered security guard whole, including but not limited to the full amount of any underpayments, including interest thereon, and an additional amount equal to twice the underpaid wages or benefits as liquidated damages;

b. an order directing compliance with the requirements set forth in this chapter; and

c. for each violation of section 20-1609:

1. rescission of any discipline issued, reinstatement of any covered security guard terminated and payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1609;

2. $500 for each violation not involving termination; and

3. $2,500 for each violation involving termination.

§ 20-1612 Civil penalties. a. For each violation of this chapter, a person is liable for a penalty of $500 for the first violation and, for subsequent violations that occur within 2 years of any previous violation of this subchapter, up to $750 for the second violation and up to $1,000 for each succeeding violation.

b. For any violation of this chapter, the relief and penalties imposed pursuant to this chapter shall be imposed on a per covered security guard and per instance basis.

§ 20-1613 Enforcement by corporation counsel. The corporation counsel or such other persons designated by the corporation counsel on behalf of the department may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to sections 20-1610 through 20-1612, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter, or such other relief as may be appropriate.

§ 20-1614 Civil action by corporation counsel for pattern or practice of violations. a. 1. Where reasonable cause exists to believe that a covered security guard employer is engaged in a pattern or practice of violations of this chapter, the corporation counsel or such other persons designated by the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction.

2. The corporation counsel or such other persons designated by the corporation counsel shall commence such action by filing a complaint setting forth facts relating to such pattern or practice and requesting relief, which may include injunctive relief, relief set forth in section 20-1611, civil penalties set forth in 20-1612, and any other appropriate relief.

b. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to subdivision a of this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to

administer oaths and to examine such persons as are deemed necessary.

c. Nothing in this section prohibits (i) the department from exercising its authority under sections 20-1610 through 20-1612 or (ii) a person alleging a violation of this chapter from filing a complaint pursuant to section 20-1610 based on the same facts pertaining to such a pattern or practice, provided that a civil action pursuant to this section shall not have previously been commenced.

§ 20-1615 Enforcement by a private right of action. a. Any person alleging a violation of this chapter may commence a civil action in any court of competent jurisdiction to seek relief as provided in section 20-1611. A civil action to enforce this chapter may be commenced no later than 6 years after the plaintiff knew or should have known of the violation.

b. The court may award any appropriate remedy at law or equity including, but not limited to, the remedies set forth in section 20-1611. The court shall award reasonable attorney's fees and costs to any complaining party who prevails in any such enforcement action.

c. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the department. Failure to so serve such notice shall not adversely affect any person's cause of action.

d. A covered security guard need not file a complaint with the department pursuant to section 20-1610 before bringing a civil action; however, no person shall file a civil action based on the same facts as a complaint filed with the department pursuant to section 20-1610 unless such complaint has been withdrawn or dismissed without prejudice to further action.

e. No person shall file a complaint with the department pursuant to section 20-1610 based on the same facts as a civil action filed pursuant to this section unless such action has been withdrawn or dismissed without prejudice to further action.

f. The commencement or pendency of a civil action by a covered security guard does not preclude the department from investigating a covered security guard employer or commencing, prosecuting or settling a case

against a covered security guard employer based on some or all of the same violations.

§ 20-1616 Exclusions. a. The provisions of this chapter shall not apply to any work performed under a contract subject to the McNamara-O'Hara Service Contract Act of 1965, section 6701 of title 41 of the United States code, article 9 of the labor law, article 19-D of the labor law, section 42-A of the public service law, sections 421-a, 467-a, 467-m and 485-x of the real property tax law, section 6-109.1, regarding prevailing wage for security guards and fire guards at city-contracted shelters, or a successor provision, section 6-130, regarding prevailing wage for building service employees in city leased or financially assisted facilities, or a successor provision, section 10-172, and any work subject to a compensation standard prescribed by a rule or regulation of the port authority of New York and New Jersey.

b. The provisions of this chapter shall not apply to any covered security guard subject to a collective bargaining agreement if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) such collective bargaining agreement provides for a combination of wages, paid time off, and supplemental benefits equal to or greater than the combination of wages, paid time off, and supplemental benefits required by this chapter.

§ 2. Designated agreement. The term "designated agreement" means an enforceable agreement between a covered security guard and a covered security guard employer that (i) imposes requirements on such security guard employer relating to the provision of paid time off, supplemental benefits, or the payment of wages; (ii) was entered into on or before October 30, 2025; and (iii) includes a termination date.

§ 3. This local law takes effect 180 days after it becomes law, provided that in the case of covered security guards subject to a valid collective bargaining agreement or other designated agreement, this local law shall apply to such covered security guards on the date of the termination of such collective bargaining agreement or designated agreement, provided such collective bargaining agreement or designated agreement has a termination date on a date certain.

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