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Int. No. 452

By Council Members Stevens, Restler, Won, Lee, Riley, Williams, Krishnan, Louis, Banks, Marte, Brewer, Hudson, Hanif, Nurse, Cabán, J. Sanchez, Feliz, Avilés, Farías, Schulman, Epstein, Ung, Joseph, Abreu, Narcisse, Brooks-Powers, Thomas-Henry, Gutiérrez, De La Rosa, Encarnación and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to establishing wage requirements for city-contracted human services workers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-130.2 to read as follows:

§ 6-130.2 Required wage for city-contracted human services workers. a. Definitions. For purposes of this section, the following terms have the following meanings:

Comptroller. The term "comptroller" means the comptroller of the city.

Contracting agency. The term "contracting agency" means a city, county, borough, or other office, position, administration, city agency, department, division, bureau, board or commission, or a corporation, or institution, the expenses of which are paid in whole or in part from the city treasury.

Covered employer. The term "covered employer" means any person that has been awarded a human services contract by a contracting agency.

Human services. The term "human services" has the meaning set forth in subdivision c of section 6-129.

Human services contract. The term "human services contract" means any written agreement between any entity and a contracting agency whereby a contracting agency is committed to expend or does expend funds and the principal purpose of such agreement is to provide human services.

Human services worker. The term "human services worker" means a person paid to provide human services under a human services contract.

Mandatory fringe. The term "mandatory fringe" means any federal, state or local tax obligations imposed on a covered employer in connection with the payment of a human services worker.

Required wage. The term "required wage" means the wage range paid by the city of New York to workers with comparable education and responsibilities as annually determined by the comptroller in consultation with the commissioners of citywide administrative services and labor relations.

b. Required wages for human services workers. 1. A covered employer must pay its human services workers no less than the required wage.

2. The contracting agency shall enumerate the human services worker titles and the corresponding civil service title designated by the comptroller in the human services contract.

3. Prior to awarding or renewing a human services contract, the contracting agency shall certify to the comptroller that (i) such agency prepared, or updated for a renewal, a contract budget template for such contract, (ii) such template, or updated template for a renewal, provided funding such that each human services worker paid under such contract will be paid no less than the required wage, (iii) such template, or updated template for a renewal, provides commensurate funding for the mandatory fringe associated with the required wages, and (iv) such template, or updated template for a renewal, was provided to each person who applied for the award or renewal of such contract, and (v) if the funding available for such contract has been reduced since the previous award or renewal, such agency shall detail the service reductions necessary as a result of such reduction in funding in such template or updated template. Before registering a human services contract, the comptroller shall affirm that the required wage and mandatory fringe is fully funded in the procurement.

4. Each covered employer shall maintain original payroll records for each of its human services workers reflecting the days and hours worked, and the wages paid provided for such hours worked, and shall retain such records for at least six years after the human services are performed. Failure to maintain such records as

required shall create a rebuttable presumption that the human services workers were not paid the wages required under this section. Upon the request of the comptroller, a covered employer shall provide a certified original payroll record. The comptroller may inspect such records to verify the certifications submitted pursuant to paragraph 3 of subdivision b of this section.

5. A covered employer shall post in a place accessible to workers at every human services site and provide each human services worker subject to paragraph 1 of subdivision b of this section a copy of a written notice, prepared by the comptroller, detailing the wages and other protections to which such human services workers are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising such human services workers that if they have been paid less than the required wage, they may notify the comptroller and request an investigation. Such notice shall be provided in English, Spanish and other languages spoken by 10 percent or more of a covered employer's human services workers. Such notice shall remain posted for the duration of the human services contract and shall be adjusted periodically to reflect the current required wages.

c. Implementation and reporting. 1. Every human services contract shall contain a provision obligating covered employers to comply with all applicable requirements of subdivision b of this section.

2. The mayor or the mayor's designee shall promulgate implementing rules and regulations, as appropriate and consistent with this section, and may delegate such authority to the comptroller, except that a failure to promulgate implementing rules within 60 days of the effective date of the local law that added this section shall be deemed a delegation of such authority to the comptroller.

d. Severability. In the event that any requirement or provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance.

e. Competing laws. This section shall be liberally construed in favor of its purposes. Nothing in this

section shall be construed as prohibiting or conflicting with any other obligation or law, including any collective bargaining agreement, that mandates the provision of higher or superior wages to human services workers subject to the provisions of this section. No requirement or provision of this section shall be construed as applying to any person or circumstance where such coverage would be preempted by federal or state law. However, in such circumstances, only those specific applications or provisions of this section for which coverage would be preempted shall be construed as not applying.

§ 2. This local law takes effect on July 1, 2025.

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