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Int. No. 522

By Council Members De La Rosa, Louis, Brewer, Hanif and Aldebol

A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties and prohibiting issuance of the food service establishment permit for outstanding penalties for violations of the fair work week law

Be it enacted by the Council as follows:

Section 1. Section 20-1209 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1209 Specific civil penalties payable to the city. a. For each violation of this chapter, an employer is liable for a penalty of $500 for the first violation and, for subsequent violations that occur within two years of any previous violation of this chapter, up to [$750] $1,500 for the second violation and up to [$1,000] $2,000 for each succeeding violation.

b. The penalties imposed pursuant to this section shall be imposed on a per employee and per instance basis for each violation.

§ 2. Subdivision c of section 20-1212 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

c. Civil penalty. In any civil action commenced pursuant to subdivision a of this section, the trier of fact may impose a civil penalty of not more than [$15,000] $30,000 for a finding that an employer has engaged in a pattern or practice of violations of this chapter. Any civil penalty so recovered shall be paid into the general fund of the city.

§ 3. Subchapter 1 of chapter 12 of title 20 of the administrative code of the city of New York, as

amended by local law number 107 for the year 2017, is amended by adding a new section 20-1213 to read as follows:

§ 20-1213 Effect of violations and penalties on the food service establishment permit. The commissioner may, after due notice and an opportunity to be heard, direct the commissioner of the department of health and mental hygiene to suspend, revoke, deny or refuse to renew the permit required by subdivision (a) of section 81.05 of the health code if the commissioner makes a determination that, with respect to violations of this chapter or chapter 8 of this title:

a. The applicant has failed to satisfy a fine or civil penalty ordered against such applicant in a judicial or administrative proceeding arising out of any such violation;

b. A court of competent jurisdiction has found that the applicant has engaged in a pattern or practice of such violations; or

c. The applicant has been ordered to pay an aggregate of $500,000 or more in civil penalties or monetary relief for such violations over a three-year period.

§ 4. Subchapter 1 of chapter 12 of title 20 of the administrative code of the city of New York, as amended by local law number 107 for the year 2017, is amended by adding a new section 20-1214 to read as follows:

§ 20-1214. Severance. Any employee of a fast food establishment affected by the suspension or revocation of a food service establishment permit pursuant to this subchapter shall be paid a severance by the employer for work lost during the first fourteen calendar days of any suspension, revocation, or denial of issuance or renewal.

§ 5. This local law takes effect 180 days after it becomes law.

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