



Legislation Details (With Text)

File #:	Int 0246-2014	Version:	*	Name:	Penalties pursuant to the earned sick time act, for businesses recovering from damage caused by Hurricane Sandy.
Type:	Introduction	Status:		In control:	Filed (End of Session) Committee on Civil Service and Labor
On agenda:	4/10/2014				
Enactment date:		Enactment #:			
Title:	A Local Law in relation to penalties pursuant to the earned sick time act, for businesses recovering from damage caused by Hurricane Sandy.				
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Indexes:					
Attachments:					

Date	Ver.	Action By	Action	Result
4/10/2014	*	City Council	Introduced by Council	
4/10/2014	*	City Council	Referred to Comm by Council	
12/31/2017	*	City Council	Filed (End of Session)	

Int. No. 246

By Council Members Cornegy, Constantinides, Deutsch, Eugene, Rose and Rosenthal

A Local Law in relation to penalties pursuant to the earned sick time act, for businesses recovering from damage caused by Hurricane Sandy.

Be it enacted by the Council as follows:

Section 1. Statement of intent. A severe storm, known as Hurricane Sandy, hit New York City on October 26, 2012, causing heavy flooding, power outages, and widespread damage and disrupting the operation of businesses offering services that are essential to the economic vitality of the City and to the health and well-being of its residents. The resumption of business in storm damaged areas will be encouraged and incentivized by waiving certain penalties that could otherwise be payable to the Department of Consumer Affairs pursuant to Local Law 46 of 2013, as amended by Local Laws 6 and 7 of 2014, the Earned Sick Time Act, or to any other agency designated to administer the Earned Sick Time Act.

§ 2. Section 13 of local law 7 of 2014 is amended to read as follows:

§ 13. Notwithstanding any other provision of law, an employer with fewer than twenty employees or an employer that is a business establishment classified in sector 31, 32 or 33 of the North American Industry Classification System shall not be subject to a civil penalty for any violation of chapter 8 of title 20 of the administrative code of the city of New York or any rule promulgated thereunder, if such violation occurs before October 1, 2014; provided, however, that the department may order any other remedy authorized pursuant to such chapter, including equitable relief, for such a violation. A first time violation of any provision of chapter 8 of title 20 of the administrative code of the city of New York, or any rule promulgated thereunder, by an employer with fewer than twenty employees or an employer that is a business establishment classified in sector 31, 32 or 33 of the North American Industry Classification System, that occurs before October 1, 2014, shall not serve as a predicate for the purposes of imposing penalties for subsequent violations occurring on or after October 1, 2014 pursuant to section 20-924 of the administrative code of the city of New York, but any second or subsequent violation of the same provision by such an employer that occurs before October 1, 2014, shall serve as a predicate for the purposes of imposing penalties for subsequent violations that occur on or after October 1, 2014.

Further, a business temporarily closed a result of damage due to Hurricane Sandy shall not be subject to a civil penalty for any violation of chapter 8 of title 20 of the administrative code of the city of New York or any rule promulgated thereunder, if such violation occurs within the first six months after such business has been reopened; provided, however, that the department may order any other remedy authorized pursuant to such chapter, including equitable relief, for such a violation. A first time violation of any provision of chapter 8 of title 20 of the administrative code of the city of New York, or any rule promulgated thereunder, by an employer with a business temporarily closed by Hurricane Sandy shall not serve as a predicate for the purposes of imposing penalties for subsequent violations occurring after such business has been reopened for six months pursuant to section 20-924 of the administrative code of the city of New York, but any second or subsequent violation of the same provision by an employer with such a business that occurs before such business has been

reopened for six months, shall serve as a predicate for the purposes of imposing penalties for subsequent violations that occur after such business has been reopened for six months.

For purposes of this section, “businesses temporarily closed as a result of damage due to Hurricane Sandy means any business that: a. was located prior to Hurricane Sandy in the area within hurricane evacuation zones A and B, as designated by the New York city office of emergency management on the New York city hurricane zone maps in effect as of October 26, 2012 or the area within any business recovery zone created by the department of small business services and delineated on maps published on such department’s web site; and b. closed as a result of damage resulting from Hurricane Sandy; and c. upon request of the department, provides proof, as prescribed by the commissioner, of the date that such business reopened.

§ 3. This local law shall take effect immediately.

MWC
LS #878
3/25/14