



Legislation Text

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Int. No. 859

By Council Members Abreu, Rivera, Hudson, Marte, Narcisse, Brewer, Krishnan, Restler, Cabán, Ayala, Gutiérrez and Hanif

A Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services and third-party courier services to provide food delivery workers with information underlying their pay calculations

Be it enacted by the Council as follows:

Section 1. Section 20-1501 of the administrative code of the city of New York is amended by adding new definitions of “on-call time,” “pay period,” and “trip time” in alphabetical order to read as follows:

“On-call time” means the time a food delivery worker is connected to a third-party food delivery service or third-party courier service's electronic system for arranging or monitoring trips in a status where the food delivery worker is available to receive or accept trip offers or assignments with a pickup or drop-off location in the city and excludes all trip time.

“Pay period” means a fixed and regularly recurring period of 168 hours or 7 consecutive 24-hour periods.

“Trip time” means the amount of time it takes to complete a trip, measured from the moment a food delivery worker accepts an offer from a third-party food delivery service or third-party courier service for a trip with a pickup or drop-off location in the city, or receives an assignment for such a trip, through the moment such trip is completed or cancelled.

§ 2. Section 20-1523 of the administrative code of the city of New York, as amended by local law number 118 for the year 2021, is amended to read as follows:

§ 20-1523 Payments and disclosures to workers. a. A third-party food delivery service or third-party courier service shall not charge or impose any fee on a food delivery worker for the use of any form of payment selected by such service to pay such worker for work performed.

b. A third-party food delivery service or third-party courier service shall pay a food delivery worker for work performed no less frequently than once a week.

c. A third-party food delivery service or third-party courier service shall notify a food delivery worker of the anticipated method of payment for the upcoming pay period at least 24 hours before the beginning of such upcoming pay period. Such notice shall be provided through the third-party food delivery service's or third-party courier service's website, mobile application, or other internet service through which trips are offered to such worker.

d. During each pay period, a third-party delivery service or third-party courier service shall display a running total of a food delivery worker's trip time, a running total of a food delivery worker's on-call time, and a running total of the sum of a food delivery worker's trip time and on-call time. Such information shall be displayed through the third-party food delivery service's or third-party courier service's website, mobile application, or other internet service through which trips are offered to a food delivery worker.

e. At the end of each pay period, a third-party delivery service or third-party courier service shall provide each food delivery worker with a statement through the third-party food delivery service's or third-party courier service's website, mobile application, or other internet service through which trips are offered to a food delivery worker that includes the following:

1. Such food delivery worker's total pay for the specified pay period;
2. The payment method used to calculate such food delivery worker's pay for the specified pay period;
3. Such food delivery worker's trip time for the specified pay period, the rate of pay for such trip time, and the amount of pay that corresponds to such trip time for the specified pay period;
4. Such food delivery worker's on-call time for the specified pay period;

5. The sum of such food delivery worker's trip time and on-call time for the specified pay period; and

6. A description and itemization of any additional payments made to such food delivery worker beyond the payments based on such delivery worker's trip time during the specified pay period.

§ 3. This local law takes effect 60 days after it becomes law.

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