



Legislation Text

File #: Int 0339-2018, **Version:** A

Proposed Int. No. 339-A

By Council Members Rose, Rosenthal, Ayala, Reynoso, Menchaca, Perkins, Rivera, Kallos, Powers, the Public Advocate (Mr. Williams), Van Bramer, Lander, Ampy-Samuel, Chin, Levine, Adams, Eugene, Moya, Barron, Cumbo, Cohen, Cornegy, Treyger, Dromm, Brannan, Holden, Grodenchik, Gibson, Miller, Louis, Rodriguez, Koo, Salamanca, Maisel and Koslowitz

A Local Law to amend the administrative code of the city of New York, in relation to expanding the definition of employer under the human rights law to provide protections for domestic workers

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York, as amended by local law number 172 for the year 2019, is amended to read as follows:

Employer. For purposes of subdivisions 1, 2, 3, 11-a, and 22, subparagraph 1 of paragraph a of subdivision 21, paragraph e of subdivision 21 and subdivision 23 of section 8-107, the term "employer" does not include any employer that has fewer than four persons in the employ of such employer at all times during the period beginning twelve months before the start of an unlawful discriminatory practice and continuing through the end of such unlawful discriminatory practice, provided however, that in an action for unlawful discriminatory practice based on a claim of gender-based harassment pursuant to subdivision one of section 8-107, the term "employer" shall include any employer, including those with fewer than four persons in their employ. For purposes of this definition, (i) natural persons working as independent contractors in furtherance of an employer's business enterprise shall be counted as persons in the employ of such employer and (ii) the employer's parent, spouse, domestic partner or child if employed by the employer are included as in the employ of such employer. For the purposes of this definition, the term "employer" does include any employer that has one or more domestic workers, as defined in section 2 of the labor law, in the employ of such employer.

§ 2. Section 1 of this local law takes effect on the same effective date as section 1 of local law number 172 for the year 2019.

ASB/JJD/BAM
LS 68/Int. 825-2015
LS 112
10/31/2019